



SPECIAL COMMITTEE OF THE WHOLE

SPECIAL COMMITTEE OF THE WHOLE

~ MINUTES ~

Friday, March 28, 2025 **9:30 AM** **Sullivan Chamber**

The Special Committee of the Whole will hold a public meeting on Friday, March 28, 2025 to review the communication from the City Solicitor with updates in the Charter review process that was referred from the March 17, 2025 City Council meeting.

Attendee Name	Present	Absent	Late	Arrived
Burhan Azeem	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Patricia Nolan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sumbul Siddiqui	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Jivan Sobrinho-Wheeler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Paul F. Toner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ayesha M. Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Catherine Zusy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9:41 AM
E. Denise Simmons	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10:00 AM

A public meeting of the Cambridge City Council’s Special Committee of the Whole/Charter Review was held on Friday, March 28, 2025. The Call of the Meeting was to review the communication from the City Solicitor with updates in the Charter review process that was referred from the March 17, 2025 City Council meeting. The meeting was Called to Order at 9:31 a.m.by Co-Chair, Councillor Siddiqui. Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, the City is authorized to use remote participation. This public meeting was hybrid, allowing participation in person, in the Sullivan Chamber, 2nd Floor, City Hall, 795 Massachusetts Avenue, Cambridge, MA and by remote participation via Zoom.

At the request of Co-Chair Councillor Siddiqui, Deputy City Clerk Crane called the roll.

- Councillor Azeem – Absent
- Vice Mayor McGovern – Present/In Sullivan Chamber
- Councillor Nolan – Present/In Sullivan Chamber
- Councillor Siddiqui – Present/In Sullivan Chamber
- Councillor Sobrinho-Wheeler – Present/In Sullivan Chamber
- Councillor Toner – Present/In Sullivan Chamber
- Councillor Wilson – Absent*
- Councillor Zusy – Present/In Sullivan Chamber
- Mayor Simmons – Absent*

Present – 6, Absent – 3. Quorum established.

- *Councillor Wilson was present in the Sullivan Chamber at 9:41 a.m.
- *Mayor Simmons was present in the Sullivan Chamber at approximately 10:00 a.m.

The Chair, Councillor Siddiqui noted that there were no speakers signed up for Public Comment.

At the request of Co-Chair Chair Siddiqui, Ethridge King called the roll of Election Commissioners.

- Commissioner Stohlman – Present/In Sullivan Chamber
- Commissioner Marquardt – Present/In Sullivan Chamber
- Commissioner Ward – Present/In Sullivan Chamber
- Commissioner King – Present/In Sullivan Chamber

Present – 4. Quorum established.

Minutes Acceptance: Minutes of Mar 28, 2025 9:30 AM (Committee Reports)

Also present at the meeting were Yi-An Huang, City Manager, Megan Bayer, City Solicitor, Elliott Veloso, Deputy City Solicitor, Tanya Ford, Executive Director, and Lesley Waxman, Assistant Director, Cambridge Election Commission.

Co-Chair Councillor Siddiqui invited Magen Bayer, City Solicitor, to give a brief presentation on the options for selection of a Mayor. City Solicitor Bayer gave a summary of her memo dated March 28, 2025 regarding Charter Updates and the Mayoral Selection process. The presentation was provided in advance of the meeting and included in the Agenda Packet. City Solicitor Bayer reminded the Committee that it last voted to have language that said that the Mayor would be selected either through the current process, which is an election amongst the members, or another process that would be determined later. City Solicitor Bayer stated that Tanya Ford, Executive Director, Lesley Waxman, Assistant Director, Election Commission, and Elliott Veloso, Deputy City Solicitor, met with the Secretary of the Commonwealth's Election Division to talk through some of the proposals in the Charter and to receive input. The Election Division was concerned with that language in that there cannot be an open process that does not have specific requirements, process and criteria. She said that if the process is established, it must also be tested to ensure that election technology is equipped to calculate the vote however the City Council has decided. She explained that when the City Council sends the new Charter to the Legislature, the Legislature will ask the Secretary of the Commonwealth Election Division for their feedback and they will not be able to endorse unless changes were made. She explained the three proposals outlined in the March 17th correspondence. Attorney Bayer then provided an outline of the timing moving forward with each of the three proposals of the draft Charter.

Co-Chair Siddiqui opened the floor for discussion by the members. Councillors Sobrinho-Wheeler, Councillor Toner, Councillor Nolan, Vice Mayor McGovern, Councillor Zusy and Councillor Wilson stated that they support option two, changing the process of selection of Mayor via special legislation. City Solicitor Bayer responded to questions from the body.

Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council refer the discussion on Mayoral selection to the Government, Operations and Rules Committee as it relates to changing the process of the selection of Mayor via special legislation.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent

Vice Mayor McGovern – Yes

Councillor Nolan – Yes

Councillor Siddiqui – Yes

Councillor Sobrinho-Wheeler – Yes

Councillor Toner – Yes

Councillor Wilson – Yes

Councillor Zusy – Yes

Mayor Simmons – Absent

Present – 7, Absent – 2. Motion Passed.

Co-Chair Siddiqui moved to the Outstanding Questions from the City Solicitor on Packet Page 2. She invited Solicitor Bayer to walk the Committee through the draft Charter and outstanding questions. City Solicitor Bayer stated that her office has been working on the draft Charter with many comments and dates that other changes were made. She stated that the Law Department has pulled out the remaining questions for which additional feedback is needed. Co-Chair Siddiqui recommended that each question be voted on separately. City Solicitor Bayer and Deputy City Solicitor Veloso responded to questions from the City Council.

Regarding Section 1-5, Comment Number A-3, of the draft Charter, Solicitor Bayer noted that the language was amended slightly to make sure that where there is prior special legislation, it is not invalidated and will be read harmoniously with the Charter.

Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council adopt the suggested language by the City Solicitor in Section 1-5, Comment Number A3, of the draft Charter.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Absent
 Present – 7, Absent – 2. Motion Passed.

Regarding Section 2-1(c), Comment Number A-5, of the draft Charter, Solicitor Bayer noted that the Law Department recommended language and after discussion with the Election Division, she requests that the language be changed back.

Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council adopt the suggested language by the City Solicitor in Section 2-1(c), Comment Number A5, of the draft Charter.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Absent
 Present – 7, Absent – 2. Motion Passed.

Regarding Section 2-3(a), Comment Number A-9, of the draft Charter, Solicitor Bayer recommended that the City Council revert back to the Mayoral selection process in the Plan E Charter

Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council adopt the suggested language by the City Solicitor in Section 2-3(a), Comment Number A9, of the draft Charter.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Absent
 Present – 7, Absent – 2. Motion Passed.

Regarding Section 2-3(d), Comment Number A14, of the draft Charter, Solicitor Bayer recommended no changes to this section.

Regarding Section 2-6(c), Comment Number A18, of the draft Charter, Solicitor Bayer recommended a minor change to make it consistent with what is in the City Council Rules.

Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council adopt the suggested language by the City Solicitor in Section 2-6(c), Comment Number A18, of the draft Charter.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Yes
 Present – 8, Absent – 1. Motion Passed.

Regarding Section 2-7(e), Comment Number A20, of the draft Charter, Solicitor Bayer stated at the last meeting of the Special Committee, the Committee put this on hold for further discussion. She said that she would like to circle back to see if there are any changes. She said that the way this was drafted, makes the Mayor responsible for the supervision and discipline of the two employees that the City Council appoints, the City Clerk and City Auditor. She asked if there are changes that the Committee would like to add. **Councillor Nolan asked that language be added to state that the Mayor shall conduct annual reviews and be able to impose discipline for the City Clerk and City Auditor.**

On the amendment, at the request of Chair Siddiqui, Deputy City Clerk call the roll.

Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Yes
 Present – 8, Absent – 1. Motion Passed.

Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council adopt the suggested language by the City Solicitor as amended in Section 2-7(e), Comment Number A20, of the draft Charter.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Yes

Present – 8, Absent – 1. Motion Passed.

Regarding Section 2-8(b), City Solicitor Bayer stated that Councillor Nolan reached out asking about multi-member bodies and wanting to ensure that the language was clear and she shared language that was used in Somerville. She stated that in Somerville, they fully define multi-member body and their definition is that multi-member body is any Council Commission Committee, subcommittee, or other body consisting of two or more persons, whether elected, appointed or otherwise constituted, but not including the City Council or its committees, the School Committee or its subcommittees or an advisory committee or task force established by the Mayor or City Council. City Solicitor Bayer recommended that definition as it adds clarity. She noted that Somerville does exclude advisory committees appointed by the Mayor (in Somerville's case) but in the City of Cambridge it would be by the City Manager. She said that if it is something that the City Council is interested in, an amendment could be made to reflect that definition.

City Solicitor Bayer stated that this definition would be added in Section 1-7 which is Definitions.

Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council adopt the suggested language by the City Solicitor in Section 2-8(b), of the draft Charter and be added in Section 1-7 under Definitions.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent

Vice Mayor McGovern – Yes

Councillor Nolan – Yes

Councillor Siddiqui – Yes

Councillor Sobrinho-Wheeler – Yes

Councillor Toner – Yes

Councillor Wilson – Yes

Councillor Zusy – Yes

Mayor Simmons – Yes

Present – 8, Absent – 1. Motion Passed.

Regarding Section 2-9(b)(iii), Comment Number A26, of the draft Charter, Solicitor Bayer stated that the City Council asked the City Solicitor to revise this section to be consistent with the current Council Policy Order authority so this is a change to the language to do that.

Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council adopt the suggested language by the City Solicitor in Section 2-9(iii), Comment A26, of the draft Charter and be added in Section 1-7 under Definitions.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent

Vice Mayor McGovern – Yes

Councillor Nolan – Yes

Councillor Siddiqui – Yes

Councillor Sobrinho-Wheeler – Yes

Councillor Toner – Yes

Councillor Wilson – Yes

Councillor Zusy – Yes

Mayor Simmons – Yes

Present – 8, Absent – 1. Motion Passed.

Regarding Section 3-2(h), Comment Number A37, of the draft Charter, Solicitor Bayer stated that this was based on the last meeting wherein the City Solicitor added some language to ensure that when there are appointments to multi-member bodies that have a Special Act that says that an appointment has to be in a certain way that this is consistent with those prior adopted Special Acts.

Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council adopt the suggested language by the City Solicitor in Section 3-2(h), Comment Number A37, of the draft Charter.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Yes
 Present – 8, Absent – 1. Motion Passed.

Regarding Section 3-2(w), Comment Number A41, of the draft Charter, Solicitor Bayer stated that this also relates to 3-2(u). She explained that these changes are to make the language consistent with the Powers of the Executive and State Law and the language that is in the current City Charter about the Powers of the Executive.

Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council adopt the suggested language by the City Solicitor in Section 3-2(u and h) Comment Number A41, of the draft Charter.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Yes
 Present – 8, Absent – 1. Motion Passed.

Regarding Section 3-3(c), Comment Number A45, of the draft Charter, Solicitor Bayer stated that this is a clarifying sentence regarding multi-member bodies that have a Special Act that says that an appointment has to be in a certain way that this is consistent with those prior adopted Special Acts.

Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council adopt the suggested language by the City Solicitor in Section 3-3(c) Comment Number A45, of the draft Charter.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Yes
 Present – 8, Absent – 1. Motion Passed.

Regarding Section 4-1(c), Comment Number A49, of the draft Charter, Solicitor Bayer stated that the comment here is the same as was had with the City Council where they talked to the Election Division and they said it should not be the Board of Election Commissioners, it should be the body that determines eligibility.

Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council adopt the suggested language by the City Solicitor in Section 4-1(c) Comment Number A49, of the draft Charter.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Yes
 Present – 8, Absent – 1. Motion Passed.

Regarding Section 4-5(d), Comment Number A54, of the draft Charter. Solicitor Bayer noted that the language was changed slightly from what was there before. The purpose is to reserve the power of the School Committee under State law.

Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council adopt the suggested language by the City Solicitor in Section 4-5(d) Comment Number A54, of the draft Charter.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Yes
 Present – 8, Absent – 1. Motion Passed.

Regarding Section 8-3, Comment Number A69, of the draft Charter, Solicitor Bayer stated that the Law Department reinserted the resident initiative measure which was something that was discussed at the last meeting. She noted that this is a way that residents can put something before the City Council. There is also a referendum process that allows residents to essentially undo something that the City Council has done that is not included in the draft Charter. She asked for City Council guidance. Attorneys Bayer and Veloso answered questions by the Committee.

Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council adopt the suggested language by the City Solicitor in Section 8-3, Comment Number A49, and incorporate the resident initiative measure to the draft Charter.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes

Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Yes
 Present – 8, Absent – 1. Motion Passed.

Regarding Section 8-3, Comment Number A71, of the draft Charter. Solicitor Bayer noted that the Charter Review Committee had proposed this Resident Initiative Measures section but did not put in the thresholds that are needed for petition signatures. The Law Department proposed that the initial voter threshold be 5% of all registered voters in the city. Attorneys Bayer and Veloso answered questions by the Committee.

Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council adopt the suggested language related to thresholds in Section 8-3, Comment Number A71, of the draft Charter.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.
 Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Yes
 Present – 8, Absent – 1. Motion Passed.

Attorney Veloso stated that under the prior motion that was taken regarding Referendum Petitions adopting State law, the City Solicitor would recommend that, similar to Initiative Petitions, the Committee would allow the City Solicitor to modify the language somewhat to account for in person early voting, absentee ballots, the scheduling deadlines, and our own requirements for posting.

The Special Committee of the Whole made the following motion: That in the Referendum language that the City Solicitor will prepare will deviate from State law to allow additional time for the ballot question and other State law requirements.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.
 Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Yes
 Present – 8, Absent – 1. Motion Passed.

Councillor Toner made a motion to extend the meeting until 12:00 p.m.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.
 Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes

Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Yes
 Present – 8, Absent – 1. Motion Passed.

As it relates to Article 7, Chair Siddiqui Tanya Ford, Executive Director of the Cambridge Election Commission. Ms. Ford read from the following prepared statement (not verbatim).

I would like to request the opportunity to present some history or background regarding the structure of the Cambridge Election Commission department and the evolution of the roles of the Board of Election Commissioners and the Director of Elections.

Special Act of 1921 Chapter 239 – ESTABLISHED A BOARD OF ELECTION COMMISSIONERS IN THE CITY OF CAMBRIDGE. Cambridge board of registrars of voters abolished and board of election commissioners established.

Election administration has changed substantially since 1921 and will continue to evolve. Elections in earlier years were not as time-consuming, complex and demanding. The job of Director of Election for the City of Cambridge involves managing and overseeing all aspects of the electoral process. The role requires a highly organized individual with prior election and managerial experience, knowledge and education. The role is complex and very important. Candidates for the appointed position of Election Commissioner are not required to have election administration and managerial experience, knowledge or education so a commissioner may or may not have either.

From 1921-1976 the Board of Election Commissioners supervised the small office staff and elections with one of them playing a limited role in the day-to-day operations referred to as the “executive secretary”. In the 1980’s the executive director’s position was created by the board of election commissioners with the intent that the director would be the one to supervise the small election staff and supervise ALL elections and not be a board member. This was done partially in response to mismanagement of the election department and an investigation by the Cambridge Police Department and the state district attorney regarding allegations of absentee ballot fraud and tallying problems. During that time the City Council also suggested that the election office be restructured, and the title of executive director be established.

The separate roles of board and director have not always operated smoothly. In the 1990’s, the board attempted to fire the executive director, the director was reinstated by the city manager. Outside counsel was hired to determine who had the authority to hire and fire the director, the city manager or the board. As per the legal opinion the Plan E city charter superseded the special act of 1921 and gave all appointing authority to the city manager. The director is appointed by and under the authority of the city manager and not the board. The election administration prescribed by the special act of 1921 has evolved over the past 100 years into something that didn’t exist in 1921. The evolution of the appointed positions and responsibilities of the Board and the director should be documented in the charter. By adding the section to the revised charter, it would clarify, solidify and codify the appointed position and duties of the Director of Elections, the chief election official in Cambridge.

The suggested section of the charter is not an attempt to take the evolved authority away from the Board, it is to clarify the roles as they are today. The board currently performs a necessary function. The election process is a collaboration of the Board and the director of elections in Cambridge.

ADDITIONAL INFORMATION

What are other municipalities doing?

Some Massachusetts municipalities the Town/City Clerk is the chair of the board of election commissioners. The Town/City Clerk is the Chief Election Official and there is no question about the assigned duties because they are spelled out in Mass General Laws, Town/City Charter or general laws of the town or city. The title and duties of the City Clerk for Cambridge are in the Cambridge charter, but the clerk is not assigned the duty of election administration in this city.

Some of the duties of the Director

The director supervises voter registration, oversees polling places, the hiring and supervision of election officers, and the general conduct of all elections. The director handles the preparation of ballots, polling places, voting equipment, voting lists, campaign finance laws, certification of nomination papers and petitions, conducting the annual city census and the preparation of the street list of residents. When policies regarding any of these tasks are needed, the director brings them to the attention of the board, who discusses them, listens to

public comment, and votes. If anything goes wrong in an election, the City Manager, the Secretary of the State's office, the City Council, or the media will call the director, and it is the director who is held responsible.

Some of the duties of the Board

There are election related items which require discussion, public input and a vote by the board members such as policies, designating early voting hours and locations, they oversee and judge recounts, they select and provide a list of poll workers and their assigned work schedules and locations as well as other duties.

Mayor Siddiqui stated that the City Solicitor's Memo mentions that this is the first time that the Special Committee is discussing Article 7, Elections, because the Law Department staff were still working on drafting that section during the prior Special City Council meetings.

Mayor Simmons invited Councillors for comments.

Councillor Nolan stated that she did send questions in advance of the meeting. She said that most of the changes are taking the existing election protocols and practices and putting them into the Charter. She stated that the City Council wants to keep Proportional Representation and the ability to use a different method of the transfer votes. She said that is incorporated into this Charter. She said that she reached out to the Collins Center who indicated that this section of the Director of Elections does not belong in a Charter. There are no other department head or responsibilities in the Charter. She said that she is uncomfortable with how prescriptive this is. She asked if the Massachusetts Secretary of State was consulted and how does that fit into what we are doing. Director Ford is not sure that it must be in the Charter but it was a suggested recommendation. She stated that she spoke with Michelle Tassinari with the Secretary of State who said that the State would not have an objection to codifying the position of Director of Elections in the Charter. Ms. Ford stated that is necessary to have their responsibilities spelled out in the law. Lesley Waxman responded that the guide from the Secretary of State regarding duties of Registrars does mention that duties vary by city and town. Attorney Veloso stated that it also reflects the fact that every community is different relative to election procedures.

In response to a question from Councillor Wilson, Chair Siddiqui explained that the Committee will vote on the language in Article 7. She stated that new language was added and the Committee needs to adopt that language or not.

Councillor Toner stated that he did not have a problem with more clarifying language in the Charter. He noted that this language does not usurp or change the balance of power between the Election Commissioners and the Director.

Vice Mayor McGovern asked if the Committee needs to go as far as to add the job description in the Charter. Mayor Siddiqui stated that this does not have to be in the Charter. Vice Mayor McGovern stated that if the recommendation is that it should be made clearer in the Charter to reflect the current situation he is fine with that but he said that if it is too prescriptive, it could be problematic. Director Ford recommended potential changes.

Mayor Simmons stated that she supports the codification in 7-5. She said that it is important that the Executive Director has the ability to do the work in all iterations that are called upon. She said that that she has always seen the Election Commissioners as advisory and support to the work of the Election Commission. She supports the amendments but she sees the job of the Director of the Election Commission different than she sees other positions across the city. She said that it is important that there is a codification and the Charter is a good place for that.

Chair Siddiqui recognized Tom Stohlman, Election Commissioner. Mr. Stohlman read from the following prepared statement (not verbatim).

A City Charter is hard to change. It is a foundational and fundamental document. It should provide the answer to the basic questions of governance, while being flexible in the details. Needless to say, elections are the most fundamental and foundational part of government in the City of Cambridge. Here is my understanding of the

current structure of running elections in Cambridge. The City Council is elected by the voters. The Board of Election Commissioners is responsible for running the local, state and federal elections. The Board is appointed by the City Manager after being nominated by the Democratic or Republican City Committees. The City Manager has the power to appoint City staff to help the Board perform its duties. The City Manager is appointed by the City Council, which is elected by the voters. It's the circle of civic life. I think the proposed March 17, 2025 Charter language changes that circle. It introduces a new position called the "Director of Elections" and gives that person the responsibility of running local, state, and federal elections. And unlike most administrative offices in the City, like say, the Police Commissioner, or the Assistant City Manager of Community Development, or the Chief of Equity & Inclusion, it puts that new position in the Charter. Right now, as far as elections go, the buck stops with the Board of Election Commissioners, as it does in most cities and towns in Massachusetts. I do not understand the need to change that. Most City administrative positions are flexible under Plan E, I do not understand why an administrative position is being set in the new Charter. If these changes are what you want, so be it. You get to decide what to put before the voters. But remember, it is hard to change a City Charter, please be careful and keep it as simple and fundamental as you can. Thank You. I have attached written comments for the record. **Written Comments to the Cambridge City Council Committee of the Whole on the City Charter Draft submitted at the March 17, 2025 Meeting Tom Stohlman, March 28, 2025** The Board of Election Commissioners has discussed selected versions of a new Charter at their March 5 and March 12, 2025 Meetings. The City Solicitor indicates that the March 17, 2025 draft includes "changes as a result of discussion with the Board of Election Commissioners". To be clear, the changes were not made by the Board of Election Commissioners, but by the Office of the Election Commission and the City Solicitor. To my knowledge, the Board of Election Commissioners has taken no votes on this or any other version of the City Charter while I have been an Election Commissioner. The addition of new definitions (Section 1-7 (i)) and an section (Section 7-4) regarding election personnel in the proposed Charter are more than a simple exercise in reformatting the Plan E Charter for clarity. The current Plan E Charter contains several references to election procedures and no more than passing references to the structure of the city organization or personnel responsible for elections. Sections 3 of the proposed Charter confers to the City Manager the power to appoint or remove in "...departments, multi-member bodies, and offices of the city...". Section 5 of the proposed Charter give the City Council the power to approve the organization of city departments. There is a very good reason that the Plan E Charter does not describe the structure or name specific departments and titles. It reduces the flexibility of the City Manager and the City Council to do their job and adapt to future conditions. It is easier to appoint and approve than to change a city charter. Except for the "Director of Elections", no other city position appointed by the City Manager nor their job descriptions are in the March 17 Charter. The Charter is very hard to change. Unless there is a very compelling reason to do so, such positions should not be cemented into the Charter. Adding definitions that use the term "Election Commission" will only confuse the distinction between the Election Office, which contains city staff who help the Board of Election Commissioners meet their responsibilities and the Board of Election Commissioners themselves. The "head of the Election Commission" will be confused with the "head of the Board of Election Commissioners". Section 1-7 (i) should be removed and Section 1-7 (h) should read: "Section 1-7 (h) Board of Election Commissioners – The words "Board of Election Commissioners" and "Election Commission" shall mean the Board of Election Commissioners of the City of Cambridge. " Massachusetts Acts of 1921 Chapter 239 as amended makes it clear the Board of Election Commissioners are responsible for performing for most of the duties listed in Section 7-4 under the new city position of "Director of Elections". The inclusion of this position in the Charter will muddy the duties and responsibilities of Board of Election Commissioners and the city staff who help them do their job. The election buck stops with the Board of Election Commissioners. Section 7-4 should be removed and all references to the position of "Director of Elections" in subsequent sections should be removed and replaced, if necessary by "Board of Election Commissioners".

Chair Siddiqui recognized Charles Marquardt, Election Commissioner. Mr. Marquardt stated that this is a collaborative process but things have changed since Covid. He noted that changes include mail-in voting, early voting, early voting by mail, and the ability for voting online for the disabled. He stated that having professional staff that run the office and oversees the rapid changes is critical. He noted that this sets Cambridge aside from other communities such as Boston which has not been able to do that. He said that everything that was recommended to the City of Boston is already being done by Cambridge under the direction of the Executive Director and Assistant Director. He stated that all we are talking about is how to define that role and make it simple.

Chair Siddiqui recognized Councillor Nolan who made the following amendment.

SECTION 7-4: DIRECTOR OF ELECTIONS

The Director of Elections shall be the Chief Election Official for the City of Cambridge. The Director of Elections shall be the head of the Election Commission, appointed by the City Manager. The Director of Elections shall be the head of the Election Department and supervise elections per authority granted by state law and City Manage direction. ~~supervise voter registration, oversee polling places, the hiring and supervision of election officers, and the general conduct of all elections. The Director of Elections shall direct the department in the preparation of ballots, polling places, voting equipment, voting lists, the administration of campaign finance laws, the certification of nomination papers and petitions, the conducting of the annual city census, and the preparation of the street list of residents.~~ The Director of Elections need not be a registered voter of the city, a resident of the city, or a registered member of any political party. The Director of Elections shall advise and assist the Board of Election Commissioners in carrying out its duties.

Councillor Toner stated that he fully supports Councillor Nolan’s amendment as it includes the reference without getting too detailed.

Attorney Veloso suggested that the third sentence end after the word elections. He suggested ending it there because the Director of Elections is appointed by the City Manager, they are already under the City Manager’s direction. He said that part of the problem is that our elections are more that State law, it is Special legislation and other procedures so you want to make sure that the language isn’t so limiting that it could impact things such as Special legislation relative to posting notice to voters.

Commissioner Stohlman stated that the second sentence is a repeat of the third sentence. He said that one would want the third sentence to be the one that rules, not the second sentence. He said that otherwise, this is what the Election Commission does. Attorney Velosa said that the sentences could be changed to read:

SECTION 7-4: DIRECTOR OF ELECTIONS

The Director of Elections shall be the Chief Election Official for the City of Cambridge, appointed by the City Manager. The Director of Elections shall be the head of the Election Department and supervise elections. ~~supervise voter registration, oversee polling places, the hiring and supervision of election officers, and the general conduct of all elections. The Director of Elections shall direct the department in the preparation of ballots, polling places, voting equipment, voting lists, the administration of campaign finance laws, the certification of nomination papers and petitions, the conducting of the annual city census, and the preparation of the street list of residents.~~ The Director of Elections need not be a registered voter of the city, a resident of the city, or a registered member of any political party. The Director of Elections shall advise and assist the Board of Election Commissioners in carrying out its duties.

Commissioner Stohlman noted that there are references in the new Charter language that the Committee is posing, such as in the Definition section. He said that in order for the rest of this, such at 7-4, to comport, it threw in some definitions that are no longer needed. For example, the definition of Election Commission is still in the Definitions and it probably should be removed. There are other sections where the Board of Election Commissioners has been eliminated from the section and the work Election Commission has been put in its place. Director Ford stated that in the previous Charter, the words the Board of Election Commissioners and the Commission. In Definitions 1-7 (h) says the Board of Election Commissioners shall be the Board of Elections Commissioners of the City of Cambridge. In Section (i) the words Election Commission shall mean the Election Department for the City of Cambridge. She said that they are defined separately and the distinction is needed.

Mayor Siddiqui recognized Councillor Nolan who made the motion to strike the language in Section 7-4 in the draft and replace with the following language:

SECTION 7-4: DIRECTOR OF ELECTIONS

The Director of Elections shall be the Chief Election Official for the City of Cambridge, appointed by the City Manager. The Director of Elections shall be the head of the Election Department and supervise

~~elections, supervise voter registration, oversee polling places, the hiring and supervision of election officers, and the general conduct of all elections. The Director of Elections shall direct the department in the preparation of ballots, polling places, voting equipment, voting lists, the administration of campaign finance laws, the certification of nomination papers and petitions, the conducting of the annual city census, and the preparation of the street list of residents. The Director of Elections need not be a registered voter of the city, a resident of the city, or a registered member of any political party. The Director of Elections shall advise and assist the Board of Election Commissioners in carrying out its duties.~~

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent

Vice Mayor McGovern – Yes

Councillor Nolan – Yes

Councillor Siddiqui – Yes

Councillor Sobrinho-Wheeler – Yes

Councillor Toner – Yes

Councillor Wilson – Yes

Councillor Zusy – Yes

Mayor Simmons – Yes

Present – 8, Absent – 1. Motion Passed.

Chair Siddiqui recognized Attorney Veloso who noted that the Charter Review Committee proposed two sections which were 7-1 and 7-2 which were City Election and Eligibility of Voters. The remainder of the Election section was blank so it required City staff and the Law Department to draft language in keeping with the City Council's prior votes regarding keeping Proportional Representation. Section 7-3 is City Offices. Section 7-5 is the Election calendar which was added to address a situation that took place. He said that what they have done is given the Election Commission the authority to set calendar dates. It allows the City more time to vote by mail, in-person early voting and to accept nomination papers and ballot questions. These sections were reviewed by Michelle Tassinari and the Elections Division. Section 7-6 regards Proportional Representation. He noted that the changes are that it was originally drafted that it would go into formulas regarding how one would calculate Proportional Representation. The Elections Division recommended that that language be removed as it is overly codifying how the Proportional Representation process goes. They recommended reduction of language. Attorney Veloso explained that the City will no longer be bound by the old special legislation in the 1920's. Section 7-7 regards Nomination Papers. The language is designed to clarify when one needs to submit nomination papers, the format in which the Nomination Papers have to be and that the Nomination Papers have to be approved by the Board of Election Commissioners and the Election Department. Section 7-8 deals with invalid Nomination Papers. It ensures that the authority to reject a Nomination Paper that does not follow procedure is within the authority of the Election Commissioners and Election Department. Section 7-9 is a change that was done so that it provides additional time for ballot questions compared to State law. Section 7-10 deals with the ballot form and contents. The Elections Division recommended reduction of language while keeping with the essential parts and it has a ballot approved by Election Commissioners. Section 7-11 provides continuity with prior language under Section 54-A. Section 7-12 is codifying a central counting place for ballots. This codifies it in the new Charter. Section 7-13 updates the language in 54A regarding use of ballot boxes and procedure. This change should make transporting ballots much easier in the future. Section 7-14 deals with the recount of ballots. Recount procedure will be in keeping with State law except that deadlines have been added as to when one has to submit a recount petition by. Section 7-15 deals with what happens when there is vacancy. This is codifying how the City currently does this without relying on 54A. Section 7-16 is continuity preserving the ballots. E preserve the ballots until the next City Council is voted at the end of the cycle in the event of a recount or vacancy. Section 7-17 is in keeping with the current practice of when the City publicizes the results of an election and when precinct information is available and when data is available for those that want to view it from the Elections Department. The final results of an election are not calculated at the end of election night because you have to account for oversea ballots, military ballots and provisional ballots. Section 7-18 and 7-19 show that anything that is not addressed in the Charter defaults to State law. Also, under Section 7-10 it states that any Special Act relating to elections that the city follows is carried through in the new Charter.

Regarding Article 8, Attorney Veloso explained that they went over the Initiative Petition and they will be adding a Referendum section. The voter thresholds were designed to try to hue as closely to State law as possible while reflecting the changes in modern election administration and timelines of voter thresholds under the new procedure.

Attorney Veloso, Executive Director Ford and Assistant Director Waxman responded to clarifying questions by the Committee members.

Chair Siddiqui recognized Councillor Toner who made a motion to extend the meeting until 12:15 p.m.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Yes
 Councillor Zusy – Yes
 Mayor Simmons – Yes
 Present – 8, Absent – 1. Motion Passed.

Chair Siddiqui recognized Councillor Toner Chair Siddiqui recognized Councillor Toner who made the following motion: That the City Council adopt the recommendations as amended related to Article 7 of the draft Charter.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent
 Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Absent
 Councillor Toner – Yes
 Councillor Wilson – Absent
 Councillor Zusy – Yes
 Mayor Simmons – Yes
 Present – 6, Absent – 3. Motion Passed.

Councillor Nolan noted that there were a couple of issues that she flagged that may be discussed next week. She explained that this is based on speaking with the Collins Center. She said that the City Charter has no capital plan requirements, operating budget section and it removed the independent audit section which seems unusual. She said that she will meet with the City Solicitor later in the week to discuss these issues. Solicitor Bayer said that she would be happy to have a conversation with Councillor Nolan and the Collins Center offline.

Attorney Bayer stated that she sees the next steps being that the Law Department will work on the language of the draft to incorporate today's changes and then put into a Home Rule Petition format and then present it to the City Council as a Home Rule Petition to send to the legislature to adopt this Charter.

Councillor Toner thanked all those present for their dedicated work.

Councillor Nolan thanked the Charter Review Committee for their work.

Chair Siddiqui recognized Councillor Toner who made a motion to adjourn at 12:09 p.m.

At the request of Co-Chair Siddiqui, Deputy City Clerk Crane called the roll.

Councillor Azeem – Absent

Vice Mayor McGovern – Yes
 Councillor Nolan – Yes
 Councillor Siddiqui – Yes
 Councillor Sobrinho-Wheeler – Yes
 Councillor Toner – Yes
 Councillor Wilson – Absent
 Councillor Zusy – Yes
 Mayor Simmons – Yes
 Present – 7, Absent – 2. Motion Passed.

At the request of Co-Chair Chair Siddiqui, Commissioner Marquardt made the motion to adjourn:

Commissioner Marquardt called the roll of Election Commissioners.

Commissioner Stohlman – Present/In Sullivan Chamber

Commissioner Marquardt – Present/In Sullivan Chamber

Commissioner Ward – Present/In Sullivan Chamber

Commissioner King – Absent

Present – 3, Absent - 1. Motion passed.

A communication was received from City Solicitor Megan Bayer, transmitting a letter related to Charter Updates.

A communication was received from City Solicitor Megan B. Bayer, transmitting City Charter - Update Regarding Alternative Mayoral Selection Proposals and Other Updates. REFERRED TO THE SPECIAL COMMITTEE OF THE WHOLE/CHARTER REVIEW IN COUNCIL MARCH 17, 2025