

HOUSE No. 3959

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel R. Carey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act amending the charter of the city of Easthampton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>	<i>6/20/2023</i>
<i>John C. Velis</i>	<i>Hampden and Hampshire</i>	<i>6/21/2023</i>

HOUSE No. 3959

By Representative Carey of Easthampton, a petition (accompanied by bill, House, No. 3959) of Daniel R. Carey and John C. Velis (with the approval of the city council) for legislation to amend the charter of the city of Easthampton. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act amending the charter of the city of Easthampton.

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. The second paragraph of section 2-10 of article 1 of the charter of the city
2 of Easthampton, which is on file in the office of the archivist of the commonwealth, pursuant to
3 section 12 of chapter 43B of the General Laws, is hereby amended by striking out the first
4 sentence and inserting in place thereof the following:

5 Appointments made by the mayor shall become effective on the forty-fifth day following
6 the date on which notice of the proposed appointment was first received by the council at a
7 regularly scheduled meeting of the city council, unless the city council shall within the said 45-
8 day period vote to reject such appointment, or unless the city council has sooner voted to affirm
9 the appointment.

10 SECTION 2. The second paragraph of section 2-10 of said article 1 of said charter is
11 hereby amended by striking out the second sentence and inserting in place thereof the following:

12 For the appointment of a department head appointed by the mayor, the council shall act
13 upon said appointment at the next regularly scheduled meeting following the meeting at which
14 the appointment was first received by the full council or that appointment shall become effective.

15 SECTION 3. Section 3-9 of article 3 of said charter is hereby amended by striking out the
16 section in its entirety and inserting in place thereof the following:

17 a) Special Election – If a vacancy in the office of mayor occurs during the first or
18 third year of the term for which the mayor is elected whether by reason of death, resignation,
19 removal from office, incapacity or otherwise the city council shall forthwith order a special
20 mayoral election to be held within one hundred twenty (120) days following the date the vacancy
21 occurs to fill the vacancy for the balance of the then expired term pursuant to Article 7 of this
22 charter. If the vacancy occurs in the second or fourth year of the term for which the mayor is
23 elected a special mayoral election need not be held, the office of mayor shall be temporarily
24 filled under the provisions of Section 3-9(b) of the charter and the position shall be permanently
25 filled by the voters at the next regular municipal election.

26 If a vacancy occurs in the two (2) months immediately prior to a regular municipal
27 election, the city council shall forthwith order a special mayoral election to be held within one
28 hundred twenty (120) days following the date the vacancy occurs, to fill such vacancy for the
29 balance of the then unexpired term.

30 During the one hundred twenty (120) day period immediately prior to a special mayoral
31 election the city council president shall serve as acting mayor until the office of mayor is filled.
32 In the event the city council president is unable or unwilling to serve, a special meeting of the
33 city council shall be called by the city council president and the council shall elect, by majority

34 vote, one of its members to serve as acting mayor. The acting mayor shall remain as a member
35 of the council but shall only vote on council measures in the event of a tie. During the time the
36 president is serving as acting mayor under this subsection, the vice-president shall serve as acting
37 city council president. Any person serving as acting mayor under this subsection shall not be
38 subject to the restrictions contained in the third sentence of Article 3, Section 3-1(a).

39 b) Council Election – If a vacancy in the office of mayor occurs in the second or
40 fourth year of the term for which the mayor is elected, the president of the city council, or other
41 councilor elected by the council in accordance with subsection (a) above, shall serve as acting
42 mayor until the next regular municipal election at which time the person elected to fill the office
43 of mayor for the ensuing term of office shall be immediately sworn into office, and shall
44 thereafter serve, in addition to the term for which they were elected, the balance of the present
45 term. Unless the vacancy occurs in the last two (2) months prior to a regular municipal election,
46 upon the qualification of the president of the city council or other councilor elected to serve as
47 the acting mayor under this section, a vacancy shall exist in that council seat on the city council
48 which shall be filled as provided for in Article 2, Section 2-11.

49 In the event the acting mayor is a candidate for mayor in the ensuing election, such
50 person shall not be entitled to have the words “candidate for re-election” used in conjunction
51 with their name on the election ballot.

52 If a vacancy in the office of mayor occurs in the last two (2) months of the term for which
53 the mayor was elected, the mayor-elect shall be immediately sworn into office and shall
54 thereafter serve the remainder of the mayoral term in addition to the term of office for which
55 they were elected.

56 c) Compensation – Any councilor serving as acting mayor under subsections (a) or
57 (b) shall receive the compensation then in effect for the position of mayor and shall not receive
58 council compensation.