

SENATE No. 2762

The Commonwealth of Massachusetts

PRESENTED BY:

Edward J. Kennedy

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 relative to vacancies on the city of Lowell city council and school committee.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>

SENATE No. 2762

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 2762) of Edward J. Kennedy, Vanna Howard, Rodney M. Elliott and Rady Mom (with the approval of the mayor and city council) relative to vacancies on the city of Lowell city council and school committee. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act relative to vacancies on the city of Lowell city council and school committee.

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. Notwithstanding any general, session, or special law or rule or regulation to
2 the contrary, the filling of vacancies on the Lowell City Council and the Lowell School
3 Committee shall be subject to the following provisions:

4 (a) If a vacancy occurs in the office of any city councilor or school committee member
5 during the first twelve months of the term for which city councilors or school committee
6 members are elected, the vacancy shall be filled by a special election held not less than sixty
7 days, but not more than one hundred twenty days, after the date the special election is called. If
8 said special election is held to fill a district-based seat, the person elected to serve as city
9 councilor or school committee member must have been a resident of the district for at least one
10 year immediately preceding the special election.

11 (b) If a vacancy occurs in the office of any city councilor during the second twelve
12 months of the term for which city councilors are elected, the city council may, by a vote of not
13 less than six (6) councilors: (i) fill the vacancy through a special election held not less than sixty
14 days, but not more than one hundred twenty days, after the date the special election is called. If
15 said special election is held to fill a district-based seat, the person elected to serve as city
16 councilor must have been a resident of the district for at least one year immediately preceding the
17 special election; (ii) appoint an eligible voter to fill the vacancy. If the council votes to appoint
18 an eligible voter to fill the vacancy, the council shall appoint said eligible voter within thirty days
19 after the seat became vacant. Provided, however, any eligible voter appointed to fill a district
20 based seat must have been a resident of the district for at least one year immediately preceding
21 their appointment; or (iii) leave the seat vacant for the remainder of the term.

22 (c) If a vacancy occurs in the office of any school committee member during the second
23 twelve months of the term for which school committee members are elected, the school
24 committee may, by a vote of not less than four (4) members: (i) fill the vacancy through a special
25 election held not less than sixty days, but not more than one hundred twenty days, after the date
26 the special election is called. If said special election is held to fill a district-based seat, the person
27 elected to serve as school committee member must have been a resident of the district for at least
28 one year immediately preceding the special election; (ii) appoint an eligible voter to fill the
29 vacancy. If the school committee votes to appoint an eligible voter to fill the vacancy, the school
30 committee shall appoint said eligible voter within thirty days after the seat became vacant.
31 Provided, however, any eligible voter appointed to fill a district-based seat must have been a
32 resident of the district for at least one year immediately preceding their appointment; or (iii)
33 leave the seat vacant for the remainder of the term.

34 (d) A city councilor or school committee member elected by special election pursuant to
35 the provisions of paragraphs (a), (b), or (c) shall be entitled to have the words “candidate for
36 reelection” printed against that person’s name on the ballot at the next regular municipal
37 election.

38 (e) A city councilor or school committee member appointed by the city council or school
39 committee pursuant to the provisions of paragraphs (b) or (c) shall not be entitled to have the
40 words “candidate for reelection” printed against that person’s name on the ballot at the next
41 election; provided, however, said councilor shall be entitled to have the word “incumbent”
42 printed against that person’s name on the ballot at the next regular municipal election.

43 SECTION 2. This act shall become effective upon its passage.