

OFFERED BY COUNCILORS RUTHZEE LOUIJEUNE AND LIZ BREADON



## CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY FIVE

### HOME RULE PETITION

**WHEREAS,** Pursuant to the City Charter, the City Council shall call for a special election to fill a vacancy in the office of district city councillor should a vacancy arise more than 180 days prior to a regular municipal election. Before the City Council can call for a special election, the Council **must be notified of such vacancy by the City Clerk**, after which the city council adopts an order calling for a special preliminary election at the first council meeting after such notification has been read. The council must set a date for a special preliminary election on a Tuesday, no less than 62 and no more than 76 days after the adoption of the order. The two candidates that receive the most votes at the special preliminary are then on the ballot for a special municipal election, which takes place 28 days following the special preliminary; *and*

**WHEREAS,** As of the date of this filing, despite public statements made on April 8, 2025 by the District 7 City Councilor of her intent to resign, the City Clerk has yet to receive notice of any vacancy;

**WHEREAS,** Notwithstanding statements made by some councilors months ago regarding resignation, the Supreme Judicial Court has made clear that the Boston City Council does “not have the authority, under the Charter of the City of Boston (city charter) or under any provision of State law” to remove a councilor from office before the councilor is sentenced (*Turner v. City of Boston*, 462 Mass. 511, 512 (2012));

**WHEREAS,** Pursuant to Chapter 279, Section 30 of Massachusetts General Laws, the office of a public officer is made vacant at the time of sentencing to state or federal prison;

**WHEREAS,** At the time of this filing, 23 days within the window of the requirement for a special election in the event of a vacancy, no sentencing has occurred and no notice of vacancy has been received by the City Clerk. Therefore, uncertainty persists as to the timeline for any potential special election;

**WHEREAS,** Contemplating by way of example even the most expedient possible timeline, should a resignation be given to the clerk by the Wednesday, April 16 Council

meeting, the process for a special preliminary and municipal election would be as follows pursuant to the City Charter:

*Potential Special Election Calendar*

EARLIEST POSSIBLE DATE	ACTION
Wednesday, April 16	City Clerk reads notice of vacancy for a vacancy date prior to the 180-day requirement (May 8) for a special election;
Friday, April 18	A special emergency meeting of the Council for the Council to vote on an order for a special election after being called by the City Council President at her discretion
Friday, April 25	Earliest possible date to begin distribution of Nomination Petition Forms
Monday, April 28	Deadline for submission of Statements of Candidacy
Monday, May 5	Deadline to submit Nomination Petition Forms
Tuesday, June 24	Special Preliminary Election (must be held on a Tuesday between 62 to 76 days after Council calls for election)
Tuesday, July 22	Special Municipal Election (28 days after the Preliminary Election)
Monday, August 4	Election Results Certified

**WHEREAS,** The process for a special election would significantly overlap with the regular preliminary and municipal election process, and candidates would be required to adhere to both schedules. Pursuant to the example expedited calendar above, the candidate winning the special election would be seated sometime in August, only to have another preliminary election a month later on September 9. The full regular election calendar is as follows:

*Municipal Election Calendar, as published by the Elections Department:*

DATE	ACTION
Wednesday, April 16	Begin Accepting Statements of Candidacy
Wednesday, April 30	Distribution of Nomination Petition Forms
Tuesday, May 13	Deadline for Statement of Candidacy
Tuesday, May 20	Deadline to Submit Nomination Petition Forms
Tuesday, September 9	Preliminary Election
Tuesday, November 4	General Municipal Election
Monday, November 17 ( <i>not on published calendar</i> )	Election Results Certified

**WHEREAS,** Overlapping timelines for a special and regular election could cause voter and candidate confusion, strain candidate and city resources, and place a complicated additional burden on the Election Department while they are in the process of reviewing and refining systems and processes to ensure election integrity and voter accessibility; *and*

**WHEREAS,** The Secretary of State has declared his opposition to the city of Boston holding a special election in the year 2025; *and*

**WHEREAS,** Organizing and executing multiple municipal elections in a single year would place financial burden on the City of Boston during a time of federal uncertainty; *and*

**WHEREAS,** Holding multiple elections within such a short timeframe creates barriers to accessibility, may lower voter turnout, and places disproportionate burdens on traditionally disenfranchised communities; ***NOW, THEREFORE BE IT***

**ORDERED:** That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this Order be, and hereby is, approved under Clause One (1) of Section Eight (8) of Article Two (2), as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

**PETITION FOR A SPECIAL LAW RE: AN ACT RELATIVE TO THE OFFICE OF DISTRICT COUNCILOR IN THE CITY OF BOSTON**

### SECTION 1.

Notwithstanding any general or special law to the contrary, if a vacancy in an office of district councilor in the city of Boston occurs at any time in the year two thousand and twenty-five, the vacancy shall not be filled by a special municipal election and shall instead be filled by the person elected to the office of district city councillor for said district at the regular municipal election to be held on November 4, 2025.

Such person shall take and subscribe the oaths required by Acts of 1951, c. 376, s. 1.11A, as amended, as soon as conveniently may be after the issuance of the certificate of election and shall hold office from the time of taking and subscribing such oaths until the expiration of their elected term.

### SECTION 2.

The provisions of this act are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which remain in full force and effect.

### SECTION 3.

This act shall take effect upon its passage.

Filed on: April 14, 2025