



## City of Lowell - Law Department

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### MEMORANDUM

TO: Eileen Donoghue, City Manager *EMD*

FROM: Christine P. O'Connor, City Solicitor

DATE: February 24, 2022

SUBJECT: **MOTION RESPONSE: 2/15/2022 by C. Yem – Req. City Mgr. Have Proper Department Report on a Process to Change the Voting System to Elect the Mayor.**

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I write in response to C. Yem's motion for a report on the process to change the voting system to elect the Mayor. As a Plan E municipality, the City Council currently selects a mayor via majority vote among the councilors-elect on inauguration day pursuant to M.G.L. c. 43, §97. A survey of the City Charters of other Plan E municipalities in Massachusetts found that this method was the typical mayoral selection method. For example, the City Charter of Cambridge, which is a Plan E municipality, adopts M.G.L., c.43, §§93-109 verbatim. As a result, Cambridge's mayor is selected via majority vote by the elected members of its City Council. Similar selection procedures can be seen in other communities that are not Plan E but have city council/aldermen arraignments.

The City of Worcester, however, which is also a Plan E community, selects its mayor through a different procedure. Worcester's City Council consists of eleven members, six councilors who serve in districts and five who serve at large. In Section 2-2(b) of Worcester's City Charter, which was amended in 1985:

“All candidates nominated in the preliminary election for the office of councilor at large...shall appear on the ballot as candidates for councilor at large in the regular municipal election and shall also be listed on a separate portion of the ballot as candidates for the office of mayor. The candidate elected to the office of councilor at large and receiving the highest number of votes for the office of mayor shall be mayor. The candidate elected to the office of councilor at large and receiving the next highest number of votes for the office of mayor shall be vice-chair of the city council.”

As a result, the mayor in Worcester is selected by the popular vote of the electorate amongst only those candidates running for at-large seats. Candidate running for district seats are ineligible to be mayor. Other than the selection process, the powers of the mayor of Worcester remain the same as in other Plan E municipalities.

Should the City Council wish to modify the process for selecting a mayor, we would need to pursue modification to the Consent Decree. Following the results of this fall's non-binding ballot question (regarding election of the Mayor by voters), the Law Department conferred with Plaintiffs' counsel as to potential changes. At the time, Plaintiffs requested that the issue be tabled until this council was seated and could consider the question. Moreover, prior to implementing any change in the election of the Mayor, the Plaintiffs seek to obtain further community input regarding how best to implement such a change.