

COMMONWEALTH OF MASSACHUSETTS  
CITY OF LOWELL

In City Council

VOTE

An Act relative to vacancies on the City of Lowell City Council and School Committee.

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BE IT VOTED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

Voted, to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the City Manager approves amendments to the bill before enactment by the General Court. The City Manager is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

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:

SECTION 1. Notwithstanding any general, session, or special law or rule or regulation to the contrary, the filling of vacancies on the Lowell City Council and the Lowell School Committee shall be subject to the following provisions:

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

(b) If a vacancy occurs in the office of any city councilor during the second twelve months of the term for which city councilors are elected, the city council may, by a vote of not less than six (6) councilors:

(i) fill the vacancy through a special election held not less than sixty days, but not more than one hundred twenty days, after the date the special election is called. If said special election is held to fill a district-based seat, the person elected to serve as city councilor must have been a resident of the district for at least one year immediately preceding the special election;

(ii) appoint an eligible voter to fill the vacancy. If the council votes to appoint an eligible voter to fill the vacancy, the council shall appoint said eligible voter within thirty days after

the seat became vacant. Provided, however, any eligible voter appointed to fill a district-based seat must have been a resident of the district for at least one year immediately preceding their appointment; or

(iii) leave the seat vacant for the remainder of the term.

(c) If a vacancy occurs in the office of any school committee member during the second twelve months of the term for which school committee members are elected, the school committee may, by a vote of not less than four (4) members:

(i) fill the vacancy through a special election held not less than sixty days, but not more than one hundred twenty days, after the date the special election is called. If said special election is held to fill a district-based seat, the person elected to serve as school committee member must have been a resident of the district for at least one year immediately preceding the special election;

(ii) appoint an eligible voter to fill the vacancy. If the school committee votes to appoint an eligible voter to fill the vacancy, the school committee shall appoint said eligible voter within thirty days after the seat became vacant. Provided, however, any eligible voter appointed to fill a district-based seat must have been a resident of the district for at least one year immediately preceding their appointment; or

(iii) leave the seat vacant for the remainder of the term.

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

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

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



Thomas A. Golden, Jr.  
*City Manager*

Shawn Machado  
*Assistant City Manager*

April 4, 2024

Mayor Daniel Rourke  
And  
Members of the Lowell City Council

Dear Mayor Rourke and Members of the Lowell City Council,

Please see attached: (1) a proposed Home Rule Petition relative to filling vacancies on the City Council and School Committee; (2) a proposed amendment to the City Council Rules relative to censure of a member; and (3) a proposed ordinance establishing a Code of Conduct for elected and appointed City Officials.

Based on discussions that transpired at the Rules and Election Law Subcommittee, the goal of these proposals are twofold; First, they will clarify, and make more democratic, the process for filling vacancies on the City's elected bodies. Second, they will make our City's government more accountable.

These proposals are based on recommendations from the Rules and Election Law Subcommittee, and I would recommend that they be placed on next week's Agenda for a formal vote of the Council.

Please let me know if there are any questions.

Sincerely,

Thomas A. Golden, Jr.  
City Manager

Cc: Corey Williams, City Solicitor