



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

February 23, 2024

City Council President Naomi Carney and Honorable Members of the City Council
133 William Street, Room 215
New Bedford, MA 02740

Re: Home Rule Petition Relating to Vacancies in the Office of Mayor

Dear President Carney and Members of the City Council:

I write to request your approval of the attached home rule petition concerning the filling of a vacancy in the office of Mayor. The proposal is a housekeeping measure whose specific purpose is to fix the special election provision in the charter which is still based on a two-year mayoral term.

The City Charter, which is based on G.L. c. 43, § 59A, provides that if a vacancy occurs in the office of mayor in the “first” year of the term, the city clerk shall order an election to fill such vacancy for the remainder of the unexpired term. It further provides that if a vacancy occurs in the “second” year of the term, the City Council shall elect one of its members to serve as mayor for the remainder of the expired term. These provisions assume that the term of the office of mayor is two years. It is silent as to how the vacancy is to be filled in the third or fourth years of the term.

When New Bedford voters approved in 2017 a referendum that lengthened the term of the office of Mayor from two years to four years, this provision was not updated. The purpose of the proposed home rule petition is to address how a vacancy should be filled in the middle of a four-year mayoral term. It provides that if a vacancy occurs before the last six months of the term, the City Clerk shall order an election to fill such vacancy for the remainder of the term. If a vacancy occurs during the last six months of a term, the City Council shall elect one of its members to serve as mayor. The new provision thus would not fundamentally change the existing provision; it would merely remove the ambiguity in its application to a four-year term.

Thank you for your consideration.

Sincerely,

Jon Mitchell
Mayor



CITY OF NEW BEDFORD

CITY COUNCIL

March 14, 2024

ORDERED, that the Mayor of the City of New Bedford is authorized to petition the General Court for a special act entitled, "An Act Relating to Vacancies in the Office of Mayor in the City of New Bedford"; provided, however, that the General Court may make clerical or editorial changes of form only to the bill.

The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND TWENTY-FOUR

AN ACT RELATING TO VACANCIES IN THE OFFICE OF MAYOR IN THE CITY OF NEW BEDFORD

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 section 59A of chapter 43 of the general laws or any general or special law to the contrary, if a vacancy occurs in the office of mayor before the last 6 months of the term of office, the city clerk shall forthwith order an election to fill such vacancy for the remainder of the unexpired term.

If a vacancy occurs in the office of the mayor during the last 6 months of the term of office, the city council shall forthwith hold a meeting and elect by majority vote one of its members as mayor for the remainder of the unexpired term. If the city council fails to so elect at said meeting or within 30 days thereafter, the president of the city council shall become acting mayor, shall exercise all the rights and powers of mayor and shall be sworn to the faithful discharge of the mayor's duties.

SECTION 2. This act shall take effect upon its passage.