

ROUTES TO CHARTER CHANGE

“Home Rule Petition”/Special Act of the Legislature

1. Passage by local legislative body/concurrence of mayor
2. Becomes state legislative bill – acted on by appropriate legislative committee, passed by House of Representatives and State Senate (“passed to be enacted”)
3. Sent to Governor for signing – if approved -
4. a) Local approval – usually optional; can be required at either state or local level.
b) take effect according to provisions in the act
c) effective within 30 days of signing if no other provision of the act applies

Amendment Procedures of “The Home Rule Procedures Act” MGL, c. 43B, section 10.

1. Passage by 2/3 vote of the local legislative body
2. Attorney General must determine “consistency” with state law/constitution within 28 days; provide opinion to the city/town. If found consistent,
3. Proposed amendment(s) appears of municipal election ballot for voter approval (majority vote.)

NOTE: CANNOT be used for change to size, term., composition of local legislative body or term of mayor or city manager. MUST USE CHARTER COMMISSION OR SPECIAL ACT PROCEDURES.

Election of Charter Commission/Charter Proposal see Home Rule Amendment to the State’s Constitution (Article LXXXIX [89]), and MGL, c. 43B

1. Petition drive (15% of voters must sign)
2. Nomination of charter commission members
3. Election order by city council
4. At municipal election, vote on question and vote for 9 members of commission
5. If question of “framing a charter” is approved, the 9 candidates receiving the highest number of votes serve as charter commission.
6. Commission holds public hearing within 45 days of its election.
7. Commission receives stipend for its work; **may request additional appropriation.**
8. Commission has maximum of 16 months to issue preliminary report – report must appear in a newspaper of general circulation in the city/town.
9. Commission holds public hearing on preliminary report.
10. Attorney general reviews charter for consistency with State Constitution and state law; issues letter to commission within 4 weeks.
11. Commission produces final report (also known as proposed charter) within 18 months of its election.
12. City council places question of charter adoption on municipal election ballot.
13. City publishes/distributes proposed charter to every household with at least one registered voter at least two weeks before the election.
14. Voters approve/disapprove charter.
15. If approved, charter takes effect according to schedule provided in the charter.

Gubernatorial/Legislative Action without Local Action Home Rule Amendment Section 8 (2)

Governor may propose structural change for a city or town; requires 2/3 approval of state legislature prior to taking effect.