

Ilene Simons  
City Clerk



Room 1  
City Hall

November 15, 2022

**NOTICE AND AGENDA**  
**SPECIAL MEETING OF THE SALEM CITY COUNCIL**

**PUBLIC COMMENT WILL BE ALLOWED IN PERSON OR REMOTE - NO SIGN UP REQUIRED**

Notice is hereby given that a Special Meeting of the City Council will be held on Thursday, November 17, 2022, at 6:10 P.M. in person in the City Council Chambers, 93 Washington Street, 2<sup>nd</sup> floor and via remote participation in accordance with Chapter 107 of the Act of 2022 for the purpose of taking the following:

**AN ACT RELATIVE TO PRELIMINARY ELECTION DATES AND FILLING VACANCIES IN THE OFFICES OF MAYOR AND COUNCILLOR IN THE CITY OF SALEM**

Members of the public may attend in person or remotely via Zoom by going to the website link noted below:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87189305473?pwd=VmdYVnhTcmIpdkJoYlVaRm5DZ3BJQT09>

Password: 504202

Go to the website link <https://zoom.us/join>. Enter Webinar ID: 871 8930 5473 followed by the meeting password noted above in necessary.

Or Telephone by dialing toll free 877-853-5257 or 888-475-4499 and enter Webinar ID: 871 8930 5473. For those dialing in, you may press \*9 to raise your hand to speak.

For those present in the Council Chambers, the Council President will allow you to make comment.

The public may also watch the meeting live on SATV on Channel 22.

Very truly yours,

ATTEST:

ILENE SIMONS  
CITY CLERK

**“Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25, and City Ordinance Sections 2-2028 through 2-2033.”**

“Persons requiring auxiliary aids and services for effective communication such as sign language interpreter, an assistive listening device, or print material in digital format or a reasonable modification in programs, services, policies, or activities, may contact the City of Salem ADA Coordinator at (978-619-5630) as soon as possible and no less than 2 business days before the meeting, program, or event.”

**AGENDA**

A Special Meeting of the City Council was held in the City Council Chambers on Thursday, November 17, 2022, at 6:10 P.M. for the purpose of taking action on the following Home Rule Petition:

**AN ACT RELATIVE TO PRELIMINARY ELECTION DATES AND FILLING VACANCIES IN THE OFFICE OF MAYOR**

Notice of this meeting was posted on November 15, 2022 at 2:07 P.M.

Absent were:

Council President Patricia Morsillo presided.

The following Home Rule Petition was submitted by the City Solicitor.

Ordered: That a petition to the General Court, accompanied by a bill relative to preliminary election dates and the filling of vacancies in the office of mayor and councillor in the city of Salem, as set forth below, be filed with an attested copy of this Order be, and hereby is approved to the end that the following legislation be adopted, except for amendments by the Senate or House of Representatives which conform to the intent of this home rule petition:

**AN ACT RELATIVE TO PRELIMINARY ELECTION DATES AND FILLING VACANCIES IN THE OFFICES OF MAYOR AND COUNCILLOR IN THE CITY OF SALEM**

SECTION 1. Notwithstanding the provisions of chapter 43 of the general laws or of any general or special law to the contrary, section 1 of chapter 445 of the acts of 1960 is hereby amended by deleting the phrase “On the third Tuesday” and inserting in place thereof the following phrase:- On a Tuesday no less than six weeks but no more than eight weeks.

SECTION 2. Section 2 of chapter 445 of the acts of 1960 is hereby amended by deleting, in subsection 2 the word “unless he shall” and inserting in place thereof the words:- unless they shall.

SECTION 3. Section 3 of said chapter 445 is hereby amended by deleting the first paragraph thereof and inserting in its place the following:- Any person who is qualified to vote at any regular or special municipal election in said city for a candidate for any elective municipal office in said city, and who is a candidate for nomination thereto, shall be entitled to have their name as such candidate printed on the official ballot to be used at a preliminary election for nomination therefor; provided, that if they are a candidate to be voted for in a single ward they shall be a registered voter in the ward wherein they are a candidate, and provided, further, that on or before five o'clock in the afternoon of the sixth Tuesday preceding such preliminary municipal election there shall be submitted to the board of registrars of voters a nomination paper prepared and issued by the city clerk, wherein the candidate sets forth in writing their candidacy, and wherein the petition is signed in person by at least twenty-five, or, in case of a candidate for the office of mayor and other offices, by at least one hundred, voters of the city qualified to vote for a candidate for the said office, whose signatures are certified as hereinafter provided.

SECTION 4. Said Section 3 of said chapter 445 is hereby further amended by deleting the words "nineteen hundred" in each of the three instances in which they appear.

SECTION 5. Said section 3 of said chapter 445 is hereby further amended by deleting in the second paragraph of the text entitled "Petition of Accompanying Statement of Candidate" the words "we believe him to" and inserting in place thereof the following:- we believe they are.

SECTION 6. Section 4 of said chapter 445 of the acts of 1960 shall be amended by deleting in the third sentence the words "regular or special municipal election" and inserting in place thereof the words:- preliminary election.

SECTION 7. Section 5 of said chapter 445 shall be amended by deleting the words "he shall post in a conspicuous place in his office" and inserting in place thereof the following words:- the city clerk shall post in a conspicuous place in their office.

SECTION 8. Section 5 of said chapter 445 shall be further amended by deleting in the first sentence the words beginning with "which shall be drawn by lot" and ending with "in their order as drawn by him" by inserting in place thereof the following:- which shall be drawn by lot by the city clerk within seventy-two hours succeeding five o'clock in the afternoon of the last day fixed for filing the nomination papers with the city clerk, and the city clerk shall cause the ballots, which shall contain said names in their order as drawn by the clerk,

SECTION 9. Said section 5 of chapter 445 is hereby further amended by deleting, in the third sentence, the words "he desires" and inserting in place thereof the following:- they desire.

SECTION 10. Said section 5 of chapter 445 is hereby further amended by deleting, in the second paragraph, the words "in the year nineteen hundred and" and inserting in place thereof the following:- they year.

SECTION 11. Said section 5 of chapter 445 is hereby further amended by deleting, in the last paragraph, the words "On the back and outside of each ballot when folded" and inserting in place thereof the following:- At the top of each ballot

SECTION 12. Section 6 of said chapter 445 is hereby amended by deleting the last clause and inserting in place thereof the following clause:- or anything showing how they were nominated or indicating their views or opinions.

SECTION 13. Section 7 of chapter 445 shall be amended by deleting the words “in his office” in the last sentence and inserting in place thereof the following words:- in their office.

SECTION 14. Section 8 of chapter 445 shall be amended by deleting in its entirety the phrase “If any person receives at a preliminary election a majority of all the votes cast for the office for nomination to which he was were a candidate, he shall be deemed and declared elected thereto; provided, that at said election at least eighty per cent of the total registered vote of the city, or, in the case of a ward councilor, of the ward, shall be cast; otherwise” and capitalizing the word “the” immediately following.

SECTION 15. Section 8 of said chapter 445 shall be further amended by deleting, in the last sentence, the words “his name printed” and inserting in place thereof the following words:- their name printed.

SECTION 16. Section 9 of chapter 445 shall be amended by deleting in the first sentence the words “filed with him” and inserting in place thereof the following words:- filed with the city clerk.

SECTION 17. Notwithstanding the provisions of section 59A of chapter 43 of the general laws, or any other general or special law to the contrary, the charter of the city of Salem, on file in the office of the archivist of the commonwealth, as provided by section 12 of chapter 43B of the General Laws, is hereby amended by inserting the following heading before the first paragraph of section 59A :- A. Mayor – Vacancies in the office of Mayor.

SECTION 18. Section 59A of the charter of the city of Salem is further amended by deleting, in the third sentence of the first paragraph , the words “Until the time of the election” and capitalizing the word “the” immediately following.

SECTION 19. Section 59A of the charter of the city of Salem is hereby further amended by inserting the following new sentence at the end of the first paragraph:- Unless a councillor serving as acting mayor under this section formally resigns, the councillor shall, upon the election and qualification of a successor mayor, resume their service as a councillor in the capacity to which they were elected and shall serve for the remainder of the unexpired term.

SECTION 20. Section 59A of the charter of the city of Salem is hereby amended by inserting the following sentence at the end of the second paragraph:- Provided, however, that a councillor serving as mayor under this section shall be considered an incumbent councillor for election-related purposes.

SECTION 21. Section 59A of the charter of the city of Salem is hereby amended by inserting the following heading before the third paragraph:- B. Councillor – Vacancy arising in the office of City Councillor.

SECTION 22. Section 59A of the charter of the city of Salem is hereby further amended by inserting the following two new paragraphs at the end of section 59A:-

A councillor selected to fill an unexpired term under the provisions of this section shall not be considered an elected incumbent for election-related purposes.

When a councillor is serving as acting mayor under subsections A of this section, so as to facilitate the continued orderly administration and operations of the city, the required quantum of vote for council action shall be calculated based upon a ten-member body.

SECTION 23. This act shall take effect upon its passage.

Action Contemplated

Councillor Riccardi

Moved adopted by RCV

Yeas

Nays

Abs

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On the motion of Councillor McCarthy the meeting adjourned at

P.M.