

SECTION 17I. *Power to Summons and Subpoena.* Witnesses may be summoned to attend and testify and to produce books and papers at a hearing before a city council, ... a licensing board or licensing authorities, as defined in section one of chapter one hundred and thirty-eight [of the General Laws], ... the police commissioner or election commissioners of Boston, ... as to matters within their authority; and such witnesses shall be summoned in the same manner, be paid the same fees and be subject to the same penalties for default, as witnesses in civil cases before the courts. The presiding officer of such council ... or a member of any such committee, board or commission, or any such commissioner, may administer oaths to witnesses who appear before such council, branch thereof, committee, board, commission or commissioner, respectively. [General Laws c. 233, s. 8]

CITY DISTRICTS

SECTION 18. *District Boundaries.* [T]he respective district lines shall be the same for the city council and the school committee. Each such district shall be compact and shall contain, as nearly as may be, an equal number of inhabitants as determined by the most recent state decennial census, shall be composed of contiguous existing precincts, and shall be drawn with a view toward preserving the integrity of existing neighborhoods. [Acts of 1982, c. 605, s. 3] [The ordinance containing the definition and boundaries of the districts is found at CBC 2-9.2 and the text of that ordinance is included as Appendix F. A map of the districts is included as Appendix G.]

Said districts shall continue in force until redrawn by the city council as provided herein. The council shall redraw the districts for the purpose of city council and school committee representation as specified in this section on or before (a) ninety days from the date that the nineteen hundred and eighty-five state census, including census figures for the city of Boston, is properly certified by the state secretary; and (b) on or before August first, nineteen hundred and ninety-six and on or before said August first every subsequent tenth year. [Acts of 1986, c. 343, s. 1]

SECTION 19. *District Requirements.* In the year nineteen hundred and eighty-five, and each subsequent year, the city of Boston shall not be required to make a new division of its territory into wards as required by section one of chapter fifty-four of the General Laws. [Acts of 1982, c. 605, s. 3]

SECTION 20. *Habitation Requirements for Representation.* Every city councillor ... who is elected to represent an individual district shall have been an inhabitant of a place within the district for which he is chosen for at least one year immediately preceding his election, and he shall cease to represent such district when he shall cease to be an inhabitant thereof. [Acts of 1982, c. 605, s. 6]

PROCEDURES RELATING TO ELECTIONS

SECTION 21. *Biennial Municipal Election.* Beginning in the year nineteen hundred and twenty-five, the municipal election in said city shall take place biennially in every odd numbered year on the Tuesday after the first Monday in November. [Acts of 1909, c. 486, s. 32, amended by Acts of 1914, c. 730, s. 1, amended by Acts of 1921, c. 288, s. 1, and further amended by Acts of 1924, c.479, s. 4] [See Appendix K]

SECTION 22. *Provisions for Different Types of Elections.* Every municipal officer required by sections twelve, thirteen, [and] fourteen ... to be elected at-large shall be elected at a biennial municipal election, or, in the case of a mayor for an unexpired term, at a special municipal election, after, in either case, nomination at a preliminary municipal election, except as otherwise provided in section [twenty-six C]. In sections [twenty-two] to [thirty-three], inclusive, the term “regular election” shall be construed to refer to the biennial municipal election or the special municipal election, as the case may be, and the term “preliminary election” to the preliminary municipal election held for the purpose of nominating candidates for election at such regular election. Every preliminary election shall, unless dispensed with under said section [twenty-six C], be held on the sixth Tuesday preceding the regular election. [Acts of 1948, c. 452, s. 53, amended by Acts of 1951, c. 376, s. 2.53]

SECTION 23. *Petition for Nomination.* Any person who is a registered voter of the city duly qualified to vote for a candidate for an elective municipal officer therein may be a candidate for nomination to such office, provided, that a petition for the nomination of such person is obtained, signed and filed as provided in sections [twenty-four], [twenty-four A], and [twenty-five], and signatures of petitioners thereon, to the number required by section [twenty-five], certified as provided in section [twenty-six] by the board of election commissioners, in sections [twenty-four] to [thirty-three], inclusive, called the election commission. [Acts of 1948, c. 452, s. 54, amended by Acts of 1951, c. 376, s. 2.54]

SECTION 24. *Statement of Candidacy.* A nomination petition shall be issued only to a person subscribing after the twenty-third Tuesday, and before the nineteenth Tuesday at 5:00 P.M., preceding the preliminary election, in a book kept for the purpose by the election commission, a statement of candidacy in substantially the following form: [See Appendix B] [Acts of 1948, c. 452, s. 55, amended by Acts of 1951, c. 376, s. 2.55, amended by Acts of 1983, c. 342, s. 3, and further amended by Acts of 2004, c.476, ss. 3, 4]

SECTION 24A. *Format of Nomination Petition.* A nomination petition shall be issued by the election commission not later than twelve o’clock noon on the second day (Saturdays, Sundays and legal holidays excluded) after the subscription of a statement of candidacy, except that no such petition shall be issued before the twenty-first Tuesday preceding the preliminary election nor after 5:00 P.M. on the nineteenth. A nomination petition shall not relate to more than one candidate nor to more than one office. A nomination petition may state the elective public offices which the candidate holds or has held under the government of the commonwealth, the county of Suffolk or the city of Boston or in congress as a representative or senator from the commonwealth; provided that such statement shall not exceed eight words and shall with respect to each such office, consist solely of the title, as hereinafter given, of such office, preceded, if the candidate is the then incumbent thereof, by the word “Present”, otherwise, but the word “Former”.

For the purposes of such statement, the titles of the elective public offices which may be stated shall be deemed to be as follows: city councillor-at-large, district city councillor, ... mayor, district attorney, sheriff, register of deeds, register of probate, county clerk of superior (criminal) court, county clerk of superior (civil) court, county clerk of supreme judicial court, state representative, state senator, governor’s councillor, attorney general, state auditor, state treasurer, state secretary, lieutenant governor, governor, congressman, and United States senator.

If the candidate is a veteran as defined in section twenty-one of chapter thirty-one of the General Laws, his nomination petition may contain the word “Veteran”, which, in the case of a candidate holding or having held elective public office as aforesaid, shall, for the purposes of this section and sections [twenty-four], [twenty-seven] and [thirty-one], be counted as part of the statement concerning the elective public offices held by him, and, in the case of a candidate who does not hold and has never held elective public office as aforesaid, shall, for the purposes of said sections, be deemed to be a statement concerning the elective public offices held by him.

A nomination petition may consist of one or more sheets; but each sheet shall be in substantially the following form: [See Appendix C]. Every nomination petition sheet shall, before issuance, be prepared by the election commission by printing or inserting thereon the matter required by the first two paragraphs of the foregoing form. Not more than three hundred nomination petition sheets shall be issued to any candidate for nomination to the office of mayor under Plan A and not more than one hundred and fifty such sheets shall be issued to any candidate for nomination to the office of city councillor-at-large Not more than twenty nomination sheets shall be issued to any candidate for nomination to the office of district city councillor No nomination petition sheet shall be received or be valid unless prepared and issued by the election commission; nor shall any such sheet be received to be valid unless the written acceptance of the candidate thereby nominated is endorsed thereon, anything in section three A of chapter fifty of the General Laws to the contrary notwithstanding. [Acts of 1948, c. 452, s. 55A, amended by Acts of 1951, c. 376, s. 2.55A, amended by Acts of 1983, c. 342, s. 4, and further amended by Acts of 2004, c. 476, ss. 5, 6]

SECTION 25. *Signature Requirements for Nomination Papers.* The city council shall adopt an ordinance providing for signature requirements for nomination papers for candidates for city council or school committee but in no event shall these requirements exceed two percent of the vote cast in the preceding mayoral election in the respective district. [Acts of 1982, c. 605, s. 3] [The ordinance containing the signature requirements is found at CBC 2-9.1³.]

The nomination petition shall be signed, in the case of a candidate for mayor, by at least three thousand registered voters of the city qualified to vote for such candidate; in the case of a candidate for city councillor-at-large ... by at least five hundred registered voters; and in the case of a candidate for district city councillor, ... by at least the number of voters residing in the district as shall be set in ordinance by the city council and mayor, in accordance with the last paragraph of section three of chapter six hundred and five of the acts of nineteen hundred and eighty-two.

Every voter signing a nomination petition shall sign in person, with his name as registered, and shall state his residence on January first preceding, or his residence when registered if subsequent thereto, and the place where he is then living, with the street and number, if any; but any voter who is prevented by physical disability from writing may authorize some person to write his name and residence in his

³ CBC 2-9.1 Signature Requirements for Candidates for District Elective Positions in Municipal Elections. Nomination petitions as provided for in St. 1948, c. 452, s. 55A, as inserted by St. 1951, c. 376, s. 2, shall be signed in the case of candidates for City Councillor elected from a District, and School Committee member elected from a District, by at least two hundred (200) registered voters of the City, qualified by their residence and otherwise, to vote for such candidate; provided however, if in any district, two hundred (200) exceeds two (2%) percent of the vote cast for Mayor in the preceding mayoral election, then the petition shall be required to contain signatures in a number equal to two (2%) percent of said vote cast. (Ord. 1983 c. 5)

presence. No voter may sign as a petitioner more than one nomination petition for the office of mayor or district city councillor ... nor more than four nomination petitions of the office of city councillor-at-large If the name of any voter appears as petitioner on more nomination petitions for an office than prescribed in this section, his name shall, in determining the number of petitioners, be counted, in the case of the office of mayor, district city councillor ... only on the nomination petition sheet bearing his name first filed with the election commission, and in the case of the office of city councillor-at-large ... only on the four nomination petition sheets bearing his name first filed with the commission. If the name of any voter appears as petitioner on the same nomination petition more than once, it shall be deemed to appear but once. The signature of any petitioner which is not certified by the circulator of the sheet as provided in the form set forth in section fifty-five A shall not be counted in determining the number of petitioners.

The separate sheets of a nomination petition may be filed all at one time or in lots of one or more from time to time, but shall all be filed with the election commission at or before five o'clock in the afternoon on the eighteenth Tuesday preceding the preliminary election. Every nomination petition sheet shall be filed by a responsible person, who shall sign such sheet and, if he is other than the candidate, add to his signature his place of residence, giving street and number, if any; and the election commission shall require satisfactory identification of such person.

The names of candidates appearing on nomination petitions shall, when filed, be a matter of public record but no nomination petition shall be open to public inspection until the signatures on all nomination petitions for the same office have been certified. [Acts of 1948, c. 452, s. 56, amended by Acts of 1951, c. 376, s. 2.56, amended by Acts of 1983, c. 342, s. 5, and further amended by Acts of 2004, c. 476, s. 7]

SECTION 26. *Certification of Signatures.* Upon the filing of each nomination petition sheet the election commission shall check each name to be certified by it on such sheet and shall certify thereon the number of signatures so checked which are the names of registered voters of the city qualified to sign the same; provided, however, that said commission shall not certify, in connection with a single nomination petition, a greater number of names than required by section [twenty-five] with twenty per cent of such number added thereto. Names not certified in the first instance shall not thereafter be certified on the same nomination petition. All nomination petitions not containing names certified pursuant to this section, to the number required by said section [twenty-five], shall be invalid. The election commission shall complete the certification required by this section at or before five o'clock in the afternoon on the thirteenth Tuesday preceding the preliminary election. [Acts of 1948, c. 452, s. 57, amended by Acts of 1951, c. 376, s. 2.57, amended by Acts of 1983, c. 342, s. 6, and further amended by Acts of 2004, c. 476, s. 8]

SECTION 26A. *Objections to the Validity of a Nomination Petition.* A nomination petition which has been filed and is in apparent conformity with law shall be valid unless written objection thereto is made by a registered voter of the city. Such objection shall be filed with the election commission at or before five o'clock in the afternoon of the twelfth Tuesday preceding the preliminary election. Objections filed with the election commission shall forthwith be transmitted by it to the Boston ballot law commission. Certification pursuant to [section twenty-six] shall not preclude a voter from filing

objections to the validity of a nomination petition. [Acts of 1948, c. 452, s. 57A, amended by Acts of 1951, c. 376, s. 2.57A, and further amended by Acts of 2004, c. 476, s. 9]

SECTION 26B. *Withdrawing or Substituting a Name for Nomination.* Any candidate may withdraw his name from nomination by a request signed and duly acknowledged by him; provided, however, that all withdrawals shall be filed with the election commission at or before five o'clock in the afternoon on the twelfth Tuesday preceding the preliminary election. If a candidate so withdraws his name from nomination before five o'clock in the afternoon of the twelfth Tuesday preceding the preliminary election, or is found to be ineligible or dies, the vacancy may be filled by a committee of not less than five persons or a majority thereof, if such committee be named and so authorized in the nomination petition; provided, however, that all certificates of substitution, except any certificate of substitution for a deceased candidate for mayor under Plan A, shall be filed with the election commission at or before five o'clock in the afternoon on the day following the twelfth Tuesday.

The certificate of substitution for a deceased candidate for mayor under Plan A shall be filed with the election commission (a) at or before five o'clock in the afternoon on the first Tuesday preceding the preliminary election if he dies on or before the second Friday preceding the preliminary election (b) at or before five o'clock in the afternoon on the first Friday following the preliminary election if he dies after the second Friday preceding such election and before the closing of the polls at such election (c) at or before five o'clock in the afternoon on the Tuesday preceding the regular election if he dies after the closing of the polls at the preliminary election and on or before the second Friday preceding the regular election, and (d) at or before five o'clock in the afternoon on the first Friday following the regular election if he dies after the second Friday preceding such election and before the closing of the polls at such election; provided, however, that no certificate of substitution for such a deceased candidate shall be filed after the closing of the polls at the preliminary election unless such a candidate, if living, would be deemed under either section [twenty-six C] or [thirty] to have been nominated for the office of mayor under Plan A.

If a certificate of substitution for a deceased candidate for mayor under Plan A is filed at or before five o'clock in the afternoon on the first Tuesday preceding the preliminary election, the ballots for use at such election shall be printed with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased; and the voting machine ballot labels for use at such election, if not previously printed, shall be printed with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased; and the voting machine ballot labels for use at such election, if not previously printed, shall be printed with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased, and, if previously printed shall have a slip containing the name, residence and ward of the substitute pasted over the name, residence and ward of the deceased. If such a certificate is filed after five o'clock in the afternoon on the first Tuesday preceding the preliminary election, all ballots and voting machine ballot labels for use as such election shall bear the name, residence and ward of the deceased but shall be deemed as a matter of law to bear the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased, and a vote for the deceased at such election shall be counted as a vote for the substitute. If such a certificate is filed at or before five o'clock in the afternoon on the first Tuesday preceding the regular election, the ballots for use at such election other than absent voting ballots shall be printed with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased; and the absent voting ballots for use at such election, if not previously printed, shall be printed

with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased and, if previously printed, shall be deemed as a matter of law to bear the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased so that a vote thereon for the deceased shall be counted as a vote for the substitute; and the voting machine ballot labels for use at such election, if not previously printed, shall be printed with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased, and, if previously printed, shall have a slip containing the name, residence and ward of the substitute pasted over the name, residence and ward of the deceased. If a candidate for mayor under Plan A in whose nomination petition a committee of not less than five persons or a majority thereof is authorized to fill a vacancy dies after the second Friday preceding the regular election and a certificate of substitution is not filed at or before five o'clock in the afternoon on the first Tuesday preceding such election, so far, but only so far, as it is for the purpose of electing a person for the office of mayor shall be postponed for four weeks and no vote cast for any candidate for mayor at the originally scheduled election shall be counted.

Every certificate of substitution shall state: (1) the name of the substitute, (2) his residence, with street and number, if any, and ward, (3) the office for which he is to be a candidate, (4) the name of the original candidate, (5) the fact of his death, withdrawal or ineligibility, and (6) the proceedings had for making the substitution. The chairman and secretary of the committee shall sign and make oath to the truth of the certificate; and it shall be accompanied by the written acceptance of the candidate substituted. A certificate of substitution shall be open to objection in the same manner, so far as practicable, as a nomination petition. [Acts of 1948, c. 452, s. 57B, amended by Acts of 1951, c. 376, s. 2.57B, and further amended by Acts of 2004, c. 476, ss. 10,11,12]

SECTION 26C. *Public Posting of Candidates for Nomination.* On the first day, other than a legal holiday or Saturday or Sunday, following the expiration of the time for filing withdrawals and the final disposition of any objections filed, the election commission shall post in a conspicuous place in city hall the names, residences and districts of the candidates for nomination for mayor and for city councillor-at-large ... who have duly qualified as such candidates, as they are to appear on the official ballots to be used in the preliminary election or special preliminary election for filling an unexpired term of mayor, except to the order of the names. The election commission shall also post in city hall the names, addresses and districts of all candidates for nomination as district city councillors, ... the lists grouped by numerical identifying district and showing names of candidates duly qualified to appear on the official ballots to be used at the preliminary election to fill a district vacancy. In at least one place in a public building in each of the districts the election commission shall cause to be posted the names and addresses of all candidates for district office in the respective district office in the respective district and the names, addresses and districts of at-large candidates. If there are so posted the names of not more than two candidates for the office of mayor or district city councillor, ... the candidates whose names are so posted shall be deemed to have been nominated for said office and the preliminary election for the purpose of nominating candidates thereof shall be dispensed with; if there are posted the names of not more than eight candidates for the office of city councillor-at-large, ... the candidates whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election to nominate candidates therefor shall be dispensed with. [Acts of 1948, c. 452, s. 57C, amended by Acts of 1951, c. 376, s. 2.57C, and further amended by Acts of 1983, c. 342, s. 7]

SECTION 27. *Printing of Election Ballots.* On the day of the posting provided for by section [twenty-six C], or as soon thereafter as conveniently may be, the election commission shall draw by lot

the position of the candidates on the ballot. Each candidate shall have an opportunity to be present at such drawing in person or by one representative. As soon as conveniently may be after such drawing, the election commission shall cause the ballots to be printed. Said ballots shall, in addition to the directions and numbers provided for by section [twenty-eight], contain, in the order drawn by the election commission, the names posted as aforesaid (except those of candidates deemed under section [twenty-six C] to have been nominated), and no others, with a designation of residence and district and the title and term of the office for which the person named is a candidate, and the statement, if any, contained in his nomination petition concerning the elective public officers held by him. Said ballots shall be official and no others shall be used at the preliminary election. Said ballots shall be headed as follows: [See Appendix D]. [Acts of 1948, c. 452, s. 58, amended by Acts of 1951, c.376, s. 2.58, and further amended by Acts of 1983, c. 342, s. 8]

SECTION 28. *Drawing of Names for Position on Ballot.* At every preliminary election, and every regular election under Plan A, each voter shall be entitled to vote for not more than one candidate for the office of mayor, district city councillor ... and not more than four candidates for the office of city councillor-at-large On the ballots and voting machine ballot labels for use at each of said elections, there shall, as a direction to the voter, be printed in capital letters, near the title of each office to be voted for, the words “VOTE FOR UP TO (*here insert in words the number of candidates specified in this section with respect to such office*).” The election commission, when drawing under section [twenty-seven] the position on the ballot of the candidates for nomination at every preliminary election, shall draw the positions of all candidates for mayor, if any are to be drawn, before drawing the position of any candidate for city councillor ... and shall draw the positions of all candidates for city councillor, if any are to be drawn The election commission immediately prior to drawing positions for mayor, if such office is to be contested, shall announce and deposit in alphabetical order in the receptacle from which names are to be drawn cards bearing the names and addresses of candidates for nomination or for election for the office. Names then drawn shall determine the order of appearance on the ballot. After the drawing for mayor has been completed, the election commission shall announce and deposit in alphabetical order in the receptacle from which names are to be drawn, cards bearing the names and addresses of all candidates for election to the city council, whether for at-large or district seats. Cards for candidates for city councillor-at-large shall have no other marking; provided, however, that each card for a candidate for district city councillor shall bear the number of the district in which the candidate is running. After all cards have been deposited, the election commission shall proceed to draw names, the order of drawing to determine the sequence each name will have on its respective at-large or district ballot. [Acts of 1948, c. 452, s. 59, amended by Acts of 1951, c. 376, s. 2.59, amended by Acts of 1983, c. 342, s. 9, and further amended by Acts of 2004, c. 476, s. 13]

SECTION 29. *Counting of Ballots.* The election officers shall, immediately upon the closing of the polls at preliminary elections, count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon the total vote sheets or, if voting machines are used, the general or precinct record sheets, as the case may be, to the election commission which shall forthwith canvass said returns and, subject to the provisions of the first sentence of section one hundred and thirty-seven of chapter fifty-four of the General Laws, determine and declare the result thereof, publish said result in one or more newspapers in the city, and post the same in a conspicuous place in the city hall. [Acts of 1948, c. 452, s. 60, amended by Acts of 1951, c. 376, s. 2.60]

SECTION 30. *Votes Needed for Nomination.* The two persons receiving at a preliminary election under Plan A the highest number of votes for nomination for the office of the mayor [or] district city councillor ... shall be deemed to have been nominated for said office; and the eight persons receiving at such election under Plan A the highest number of votes for nomination for the office of city councillor-at-large ... shall be deemed to have been nominated for such office. If a preliminary election under Plan A or D results in a tie vote among candidates for nomination receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to be deemed to have been nominated, all persons participating in said tie vote shall be deemed to have been nominated, although in consequence there be printed on the official ballot to be used at the regular election names to a number exceeding twice the number to be elected. [Acts of 1948, c. 452, s. 61, amended by Acts of 1951, c. 376, s. 2.61, and further amended by Acts of 1983, c.342, s. 10]

SECTION 31. *Printing of Names on Ballots.* The name of every person deemed under section [twenty-six C] or section [thirty] to have been nominated, together with his residence and district and the title and term of the office for which he is a candidate, and the statement, if any, contained in his nomination petition concerning the elective public offices held by him, shall, in addition to the directions provided for by section [twenty-eight], be printed on the official ballots to be used at the regular election; and said persons shall be the sole candidates whose names may be printed on such ballots. As soon as conveniently may be after the sixth Tuesday preceding every regular election, the election commission shall draw by lot the position of said names on said ballots; and said names shall be printed on such ballots in the order so drawn. Each candidate shall have an opportunity to be present at such drawing in person or by one representative. [Acts of 1948, c. 452, s. 62, amended by Acts of 1951, s. 376, s. 2.62, and further amended by Acts of 1983, c. 342, s. 11]

SECTION 32. *Ballots Must Be Free of References to Political Parties.* No ballot used at any preliminary or regular election shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark or anything showing how he was nominated or indicating his views or opinions. [Acts of 1948, c. 452, s. 63, amended by Acts of 1951, s. 376, s. 2.63]

SECTION 33. *Blank Spaces for Write-in Votes.* On every ballot to be used at a preliminary or regular election, there shall be left, at the end of the list of candidates for each office, blank spaces equal to the number for which a voter may vote for such office, in which blank spaces the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office. [Acts of 1948, c. 452, s. 64, amended by Acts of 1951, c. 376, s. 2.64]

ORGANIZATION OF CITY DEPARTMENTS

SECTION 34. *Organization of Departments and Agencies.* The city council with the approval of the mayor may from time to time make by-laws or ordinances for any or all of the following purposes: (a) to create a new department or agency; (b) to abolish, in whole or in part, any department or agency; (c) to reorganize, in whole or in part, any department or department head or any agency or agency head; (d) to confer or impose on any department or agency any power or duty of the city not appertaining at the time of the making of the by-law or ordinance to any department or agency; (e) to transfer any or all of the powers, duties and appropriations of any division of any department or agency to another division