

# Local Charter Procedures

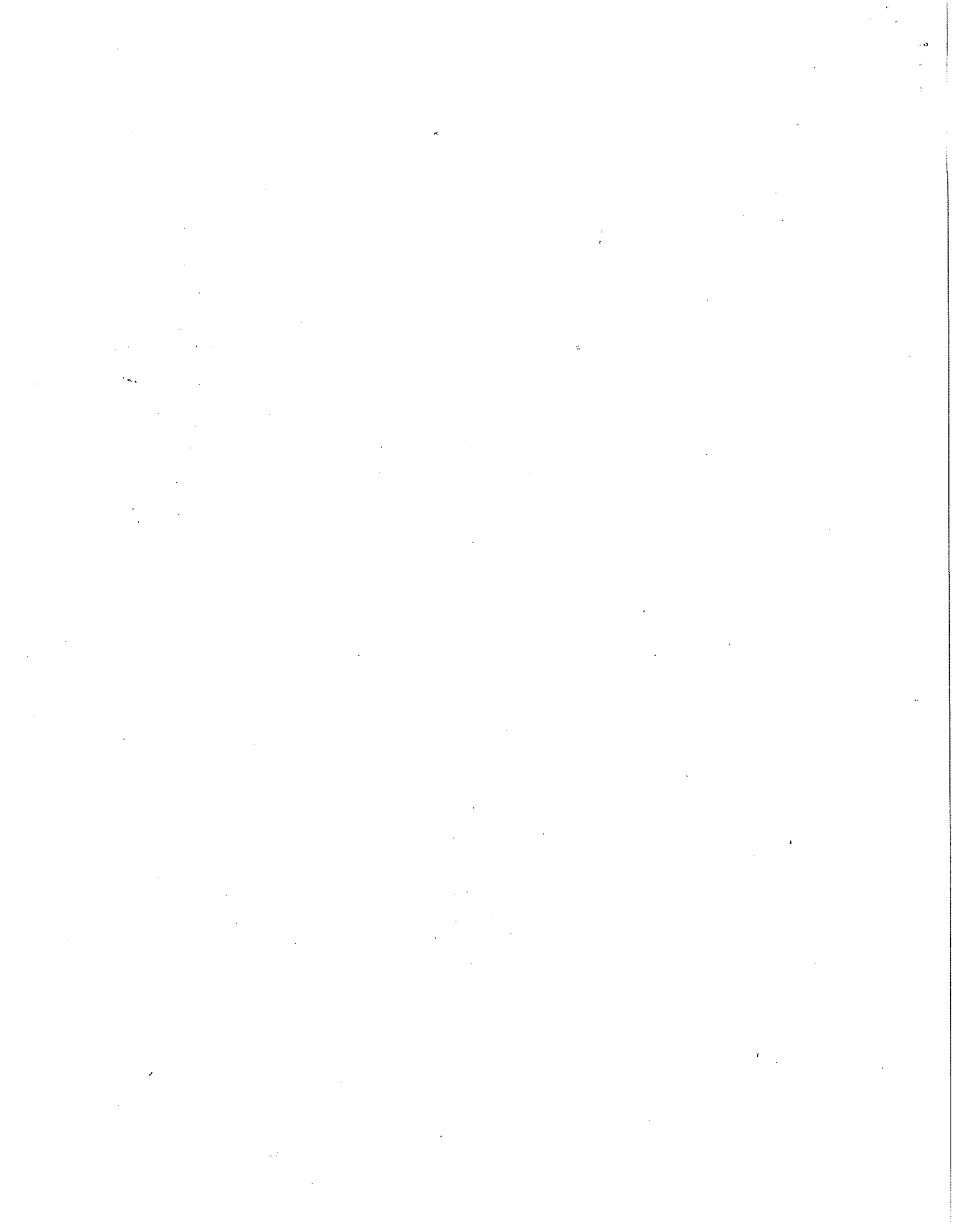


**William Francis Galvin**  
**Secretary of the Commonwealth**

Elections Division  
One Ashburton Place, Room 1705  
Boston, MA 02108-1512  
617-727-2828 or 800-462-8683

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## Part One

### Introduction

#### Local Charter Procedures for Organizing Local Government in Massachusetts Cities and Towns

This booklet may be of help to citizens who want to change the form, structure and organization of their local government. It is not a detailed legal treatise, although it may be useful to lawyers. Legal citations have been included after each section for easy reference.

The booklet explains the procedures which may be used to adopt or change local charters. For information and advice about the content of a charter, contact the Office of Planning & Management, Executive Office of Communities and Development, 100 Cambridge Street, Boston 02202, phone (617) 727-3253.

The Elections Division of the Office of the Secretary of the Commonwealth offers information and informal assistance to any citizen about the procedures in this booklet, at One Ashburton Place, Boston 02108, phone (617) 727-2828 or 800-462-8683.

#### What is a Local Charter ?

In this booklet, the term "charter" refers to the basic provisions which set up the form, structure, and organization, including the powers and duties of the important officials, of a city or town government in Massachusetts. The charter is the "constitution" of the city or town.

Any ordinances or bylaws which are passed by the local legislative body must be consistent with the charter.

- **Ordinances or bylaws cannot be used to change the composition, mode of election or appointment, or terms of office of the local legislative body, the mayor, the selectmen, or the city or town manager. These changes can only be accomplished by modifying the charter using certain procedures discussed in this booklet.**

Legal references:

- *Mass. Const. amend. art. 2, as appearing in amend. art. 89 (the Home Rule Amendment, which will be referred to as "HRA"), § 6;*
- *M. G.L. ch. 4, § 7(5); ch. 43B, § 13.*

#### What Kinds of Charters Are There ?

There are four different kinds of charters. They differ mostly in the way they are or have been obtained by the cities and towns.

##### **1. Home Rule Procedures**

Since the Home Rule Amendment to the state constitution was adopted in 1966, cities and towns have been able to adopt home rule charters through the method outlined in Part Two of this booklet.

##### **2. Special Act Charters**

Traditionally, the state Legislature has passed special laws for a city or town which wants to obtain a charter. This method is still available, and is described

in Part Three of this booklet. (Note, however, that if special laws governing a city or town were passed after 1966 they are not always considered "charters".)

### 3. "Plan" City Charters

Before 1966, some cities accepted one of the "plan" city charters which the state Legislature made available (Plans A, B, C, D, E, or F). These plan charters may now be adopted or changed only by the methods in Parts Two and Three of this booklet.

### 4. Standard Representative Town Meeting

Similarly, between 1931 and 1966, the state Legislature made available for local acceptance the standard form of representative town meeting government. Like plan charters, this can now be adopted or changed only by using the methods in Parts Two and Three of this booklet.

Cities and towns may change their charters by using the methods in Part Two or Part Three of this booklet, regardless of which method was originally used in adopting their charter.

#### Legal references:

- Home rule charters: HRA §§ 2, 3, 4; G.L. ch. 43B.
- Special act charters: HRA § 9; G.L. ch. 4, § 7 (5); ch. 43B, § 19.  
*See Opinion of the Justices*, 356 Mass. 761, 250 N.E. 2d 428 (1969).
- "Plan" city charters: G.L. ch. 43; ch. 43B, § 18.
- Standard form of representative town meeting government:  
M. G.L. ch. 43A; ch. 43B, § 18.

### Non-Charter Forms of Local Government

The following two forms of local government function like charters in some ways, but they are not considered "charters" in this booklet:

#### General Laws

Some towns which have no "charter" as the term is used here, are allowed to govern simply by using the Massachusetts General Laws which pertain to local government, together with various acceptance statutes and the town bylaws. However, every city must have a charter.

#### Optional Plans

The state Legislature can establish optional plans of local organization and government for adoption by the voters of a city or town. Boston voters have accepted one such plan—for district representation on their city council and school committee.

#### Legal References:

- General laws on local government: G.L. ch. 39, 41, etc.
- Optional plans: HRA § 8; G.L. ch. 43, §§ 128-134, G. L. ch. 43C §§ 1-15.
- Definition of "charter": G.L. ch. 43B, §§ 18, 19; Special Commission on Implementation of the Municipal Home Rule Amendment, Eighth Report, S. Doc. 1547, at 13-15 (1967). See Board of Selectmen v. Town Clerk, 370 Mass. 114, 345 N.E. 2d 699 (1976).

## How Can A Local Charter be Changed ?

In general, the four kinds of charters can now be adopted or changed only by the two methods described in this booklet: Each method has advantages and disadvantages.

### **The Home Rule Charter Method**

The home rule charter method permits greater local autonomy, but it can take more time.

There are some limitations on the contents of a home rule charter, which do not apply to the special act charter.

### **The Special Act Charter Method**

The special act charter method can be faster, but it requires approval by the state Legislature.

Using either method, towns must have a population of at least 12,000 in order to adopt a "city" form of government; and must have at least 6,000 to adopt a "representative" town meeting. Consult the full descriptions of these methods in Parts Two and Three.

#### *Legal References:*

- Two methods: *Board of Selectmen v. Town Clerk*, 370 Mass 114, 345 N.E. 2d 699 (1976); *Marino v. Town Council*, 7 Mass. App. Ct. 461, 388 N.E. 2d 334 (1979).
- City and town limitations: HRA, § 2, 8. See *Chadwick v. Scarth*, 6 Mass. App. Ct. 725, 383 N.E. 2d 847 (1978).

#### Part Two

### **The Home Rule Charter Method**

A city or town may adopt or change a charter without action by the state Legislature by using one of the two, home-rule charter procedures:

- adoption or revision, or
- amendment.

However, with either of these procedures there are content limitations which are not encountered using the Special-Act method described in Part Two.

#### **Content Limitations**

Provisions adopted or changed must be consistent with laws passed by the state Legislature. However, most provisions concerning local government structure, officers, terms, and method of selection are automatically consistent with state law.

Unless the state Legislature expressly approves, no charter provision adopted or changed using the home rule charter method may:

- regulate elections (other than those involving these home rule charter procedures, themselves)
- levy, assess, or collect taxes

- borrow money or pledge the credit of the city or town
- dispose of park land
- govern civil relationships (such as those between landlords and tenants) except incidentally to an independent local power
- define and punish a felony, or impose imprisonment as a punishment

Within these limitations the adoption or revision procedure may be used either to adopt a new charter or to change a current charter or "special act" (unless the special act specifically provides otherwise), while the amendment procedure may be used to change a current charter or "special act" (unless the special act specifically provides otherwise).

Further, the amendment procedure may not be used to change the composition, mode of election or appointment, or terms of office of the local legislative body, the mayor, the selectmen or the city or town manager. A provision prohibiting dual office holding does not constitute a change in the mode of election of a town officer.

#### **A charter adopted by home rule may provide:**

- that any particular local office be elected or appointed (except a board of selectmen, school committee, moderator, or members of legislative body who must be elected);
- for the term of office to be served by any local elected officer, provided that no term shall be more than five years;
- for the merger of two or more local offices; or
- for the powers and duties of one office to be divided and exercised by two or more offices.

If a town wishes to elect a new board or officer, increase/decrease the number of members of a board, or fix the term of office of town officers, it can do so in accordance with chapter 41, §2, without using these procedures to amend its charter.

#### **Legal References:**

- Home rule charter method generally: HRA § 2; G.L.ch. 43B, §2.
- Consistent with state law: HRA § 2; G.L. ch. 41, § 1; ch. 43B, § 20.  
See Anderson v. City of Boston, 376 Mass. 178, 380 N.E. 2d 628 (1978).  
appeal dismissed, 439 U.S. 1060 (1979); DelDuca v. Town Administrator, 368 Mass. 1, 329 N.E. 2d 748 (1975);  
Bloom v. City of Worcester, 363 Mass. 136, 293 N.E. 2d 268 (1973).  
See also Brown, Home Rule in Massachusetts: Municipal Freedom and Legislative Control, 58 Mass. L.O. 29 (1973).
- Express state approval required: HRA § 7.
- "Adoption or revision" procedure: HRA § 3.
- "Amendment" procedure: HRA § 4. Charter consistent with other laws: G.L. ch. 43 B, § 20
- Amending charter by general law: Hauden v. Town of West Springfield, 22 Mass. App. Ct. 902 (1986) Harrington v Board of Selectmen, 379 Mass. 652 342 N.E. 2nd 703 (1976) Medeiros v. Board of Election Commissioners, 376 Mass. 286, 291, 325 N.E. 2d 579 (1975)

#### **Adoption or Revision Procedure**

This is a rather complex, lengthy procedure. It can take two years to implement in a city and at least a year in most towns. It requires

- petitioning for a question to local voters,

- election of a charter commission to propose a charter or revision, and then
- approval of the proposal by local voters.

The steps outlined on the following pages are summarized in a chart on page 10 in the section titled “**Adoption or Revision Procedure**”.

### Step One

Petition to place the question on the ballot by collecting signatures, having the registrars certify them and file their report with the correct official.

To ensure that the question will appear on the ballot in a particular local election, it is advisable to file an adoption or revision petition with the local registrars of voters at least 100 days before that election. (Because of the flexibility in the amount of time needed for various official actions on the petition, the question might appear on the ballot if the petition is filed as late as 68 days before the election.) The petition must contain the signatures of 15% of the number of registered voters in that city or town at the time of the last state election.

Blank petition forms should be obtained in ample time from the city or town clerk or election commission to allow for adequate circulation before the filing deadline. Explicit signing instructions accompany the blank forms. Blank petitions may be photocopied if additional petitions are needed.

After collecting their signatures, the petitioners file the completed petition with the registrars. All the sheets of the petition need not be filed at the same time, but the petitioners must notify the registrars in writing when their filing is complete. The registrars, within ten days after the completed petition is filed, must certify the signatures and report the results to the city council or the board of selectmen by filing their report with the city or town clerk. Within two working days after the registrars make this report, any local registered voter may challenge the petition by filing a written objection. This objection procedure is fully described in Appendix I.

Within thirty days after the registrars have filed their certification report, showing that the petition is in proper form, the city council or board of selectmen must order the question to be submitted to the voters. This order is not subject to a referendum and, in a city, does not require the mayor’s approval. The question will then appear on the ballot at the next regular (not special) local election which occurs at least 60 days after the order of the local body. Should the council or selectmen fail to act, then the question will automatically appear at the next regular election which occurs at least 90 days after the report was filed.

The question to be asked for a community which has never adopted a home rule charter is:

“ Shall a commission be elected to frame a charter for  
 \_\_\_\_\_ ? ”  
 (Name of community)

For the community which already has a home rule charter, the question is:

“ **Shall a commission be elected to revise the charter of**  
 \_\_\_\_\_ ? ”  
 (Name of community)

If the question passes, the city or town clerk notifies the state Department of Community Affairs. That department will then inform the newly elected charter

commission of the dates for submitting its reports and for placing its final report on the ballot (see steps two and three).

The candidates for charter commissioner, who will take office if the question passes, appear on the same ballot (see step two below).

*Legal References:*

- *Form of petition and signatures:* G.L. ch. 43B, § 15.
- *Filing procedure:* HRA § 3; G.L. ch. 43B, § 3.
- *Objections:* HRA § 3; G.L. ch. 43B, § 3; ch. 53, § 11; ch. 55B, § 7.
- *Ballot question:* HRA § 3; G.L. ch. 43B, §§ 4, 6.

### AGENDA OF EVENTS

#### ADOPTION OR REVISION PROCEDURE BEFORE THE ELECTION OF A CHARTER COMMISSION

TIME	EVENT	EXTRA PROCEDURE
ample time	obtain & circulate charter petitions	
	obtain & circulate nomination papers	
100 days before election	file charter petitions with registrars for certification	Notify registrars in writing when filing is complete
by ten days after petition is filed	registrars file certifi- cation report with officials	
within 2 working days after certi- fication report dead- line	local registered voter may file written objection	
within 30 days after certification report filed	officials order question submitted to voters*	
42 days before election by 5:00 p.m.	submit commission nomination papers for certification	
next regular elec- tion occurring at least 60 days after order by local officials	charter question and charter commission candidates submitted to voters	

\* If community officials fail to order question submitted to the voters then the question and commission candidates will automatically appear on the ballot at the next regular election which occurs at least 90 days after the charter certification report was filed.

**Step Two**

Nominate, elect and organize a commission to prepare the text of the charter or revision for submission to the local council or selectmen.

At the same local election in which they vote on the ballot question, the voters also elect nine candidates to the charter commission which will prepare the charter or revision if it is mandated.

Since these candidates must go through the normal process of filing nomination papers by deadlines which precede the election, they should begin circulating their papers almost as soon as the charter petitions are being circulated.

For a charter commission candidate's name to appear on the ballot, the nomination papers must be submitted to the registrars for certification by 5:00 p.m., 42 days before the election. Most of the other procedures and requirements for filing nomination papers are the same as those for any local office. Further instructions and deadlines are printed on the official nomination paper forms which are available only from the clerk or election commission.

The number of registered voter signatures required on a charter commission nomination paper is directly related to the total population of a community:

<u>POPULATION</u>	<u>REQUIRED SIGNATURES</u>
less than 6,000	10
6,000—11,999	25
12,000—49,999	50
50,000—99,999	100
100,000 or more	200

On election day, each voter may vote for nine candidates. Even a voter who votes against establishing the charter commission may vote for candidates. The nine who receive the highest numbers of votes become charter commissioners if the ballot question wins.

The commission's funding, administrative support, duties and even its calendar of action are detailed in the General Laws. Commissioners serve without pay, but are reimbursed for expenses. Once elected, they must promptly elect a chairman, vice-chairman and clerk and notify the city or town clerk. Whenever a vacancy occurs, by death, resignation, a member's ceasing to be a registered voter, or if there is a failure to elect, or any other vacancy, the commission must fill it by majority vote.

The commission must hold a series of public hearings and prepare both preliminary and final reports on the proposed charter or revision, all within specified times (see Calendar of Action below); both reports must include the text of any proposed charter or charter revision and any explanatory information. Both reports must be furnished to the Department of Community Affairs and the Attorney General. The Attorney General must furnish the commission a written opinion setting forth any conflict between the proposed charter and the constitution and laws of the Commonwealth. In addition, the opinion is also sent to the Department of Community Affairs. The final report includes any comments, a comparison between the proposal and the current charter, and any

minority report which has been furnished to the commission chairman within two days after the final report has been approved.

*Legal References:*

- *Nomination and election:* HRA § 3; G.L. ch. 43B, § 6; ch. 53, § 7.
- *Organization, vacancies, pay:* G.L. ch. 43B, § 7.
- *Funding and administration:* G.L. ch. 43B, § 8.
- *Hearings and reports:* HRA § 3; G.L. ch. 43B, §§ 9, 10.

### Charter Commission Calendar of Action

#### Time Elapsed

#### Required Action

- |  |   |
|--|---|
| 1. within 45 days after election   | <ul style="list-style-type: none"> <li>• hold a public hearing</li> </ul>   |
| 2. within sixteen months after election<br>(may be accomplished within eight months in most towns) | <ul style="list-style-type: none"> <li>• publish a preliminary report in a local newspaper</li> <li>• make the report available to any registered voter who requests it</li> <li>• Send two copies each to the state Attorney General and state Executive Office of Communities and Development.</li> </ul> |
| 3. within four weeks after publication of preliminary report                                       | <ul style="list-style-type: none"> <li>• The Attorney General shall furnish the commission with a written opinion which sets forth any constitutional conflict</li> <li>• hold a second public hearing</li> </ul>   |
| 4. within four weeks after having received the preliminary report                                  | <ul style="list-style-type: none"> <li>• Attorney General provides legal opinion of the proposal</li> </ul>   |
| 5. within eighteen months after the election (may be accomplished within ten months in most towns) | <ul style="list-style-type: none"> <li>• submit final report to city council or board of selectmen</li> <li>• send copies to state Attorney General and Executive Office of Communities and Development</li> </ul>  |

**Step Three:**

**Submit commission's plan to local voters for approval; supply required copies for records and for the public.**

If the final report of the charter commission recommends a new charter or charter revision, it must then be approved by the local voters. This would occur at the first regular (not special) local election two months or more after the report is submitted. This election is usually one year (in most towns) or two years (in cities) after the one in which the commission was elected.

The question to be asked is:

“ Shall this (city or town) approve the (new charter or charter revision) recommended by the charter commission summarized below? ”

A brief summary of the significant provisions, prepared by the charter commission, follows on the ballot.

By at least two weeks before the election, the city council or board of selectmen must distribute a copy of the charter commission's final report to each residence where registered voters live. Copies must also be made available in the office of the city or town clerk or election commission.

**The city council or board of selectmen may not use public funds to solicit a “yes” or “no” vote on the new charter or charter revision.**

If at the election the question receives more “yes” votes than “no” votes, it will take effect on the day specified in the charter. (If two or more alternative plans are submitted, and both receive a majority of “yes” votes, only the one with the higher number of “yes” votes takes effect.)

Copies of the new charter or charter revision and the clerk's certification of its approval must be sent to the local archives, the Secretary of the Commonwealth (Archives Division), the Attorney General, and the Secretary of Communities and Development. At least every ten years, the city council or board of selectmen must reprint the city or town's current charter and make it available to the public, at cost.

*Legal References:*

- HRA § 3; G.L. ch. 43B, §§ 10, 11, 12

**Step Four:**

Resubmitting a defeated plan or the “optional” charter procedure.\*

\* There is some doubt about the constitutionality of this procedure since it is not provided in the state constitution.

If a new charter is defeated at the election, but at least 35 percent of the voters voting on it voted “yes”, then ten percent of the registered voters may petition to resubmit it at another regular local election in two years. The statute is not specific about when this petition must be filed, but at least two months before the election would allow a reasonable time for petition certification and ballot preparation. The city or town council or board of selectmen must make the appropriate changes in the dates which were mentioned in the original proposal.

*Legal Reference:*

- M.G.L. ch. 43B, § 12A.

### **Amendment Procedure**

The amendment procedure, unlike the charter adoption or revision procedure just described, can be used to change an existing charter or special act. It is subject to the same content limitations as the adoption or revision procedure (See page 10 ) and further, it cannot be used to change the composition, mode of election or appointment, or terms of office of the local legislative body, the mayor, the selectmen or the city or town manager.

#### **Step One.**

The amendment must be proposed by a two-thirds vote of the local legislative body (the city council or board of aldermen of a city, and the town meeting or town council of a town).

In a city which has a popularly elected mayor as its chief executive, the mayor must also approve of any proposed amendment.

Note that although the amendment must be proposed by the local legislative body, the law also allows it to be suggested to that body by certain local officials or through a petition process. The local body must go through extra steps before it can vote to approve such a suggested amendment. (See page 15.)

#### **Step Two.**

The next step is to file copies of the proposed amendment with the state Department of Community Affairs and to submit copies to the Attorney General, who must render a legal opinion about the proposed amendment within four weeks. If this opinion is unfavorable, the amendment cannot be proposed to the voters unless the local legislative body approves a proposal again by a two-thirds vote. ( The Department of the Attorney General takes the position that this second approval must incorporate the changes required by the unfavorable opinion.)

#### **Step Three.**

The final step in the charter amendment procedure is to submit the proposed amendment to the voters of the city or town. This is done at the first regular (not special) local election at least two months after the proposed amendment becomes final (either four weeks after the initial vote of the local legislative body if the Attorney General's report was favorable, or after the second approval vote, if the report was unfavorable.)

The question which appears on the ballot is:

"Shall this (city)(town) approve the charter amendment proposed by the (name of local legislative body) summarized below?"

A brief summary, prepared by the city solicitor or town counsel, follows on the ballot.

#### **Step Four.**

The requirements for publication and distribution to voters' households (of the full text of charter amendments), and for sending certified copies of approved amendments, apply to these charter amendments just as they do to new charters or charter revisions, as described on page 10.

#### *Legal references:*

- HRA § 4; G.L. ch. 43B, §§ 10, 11, 12.

### **Special Steps for Suggested Amendments**

A suggested amendment may be filed in writing by the mayor, the city or town manager, any city councillor, or any selectman. Or, it may be made by petition filed with the city or town clerk or election commission, in the same form as the petition for the adoption or revision of a charter as described on page 9.

A petition for a suggested amendment must be signed by ten registered voters in a town, and by the number required to sign a charter commission nomination paper (page 11) in a city. The suggested amendment cannot have already been considered by the local legislative body within the last twelve months.

Within three months after the suggested amendment is filed, the city council or board of selectmen must order a public hearing to be held before it or its committee. The hearing must occur within four months after the filing, and the public must be given at least seven days' prior notice in a newspaper.

Finally, the local legislative body must vote in the usual way whether or not to approve the proposed amendment. In a city, this action must take place within six months after the suggestion was filed; in a town, it must occur either by the first annual town meeting held at least six months after the filing date of the petition, or earlier in a special town meeting called for that purpose through the usual petitioning procedure.

If the amendment is approved by the local legislative body, it must go through the normal steps (2-4) to be submitted to the voters as described above.

#### *Legal Reference:*

- M.G.L. ch. 43B, § 10(b).

### Part Three

### **The Special Act Charter Method**

A city or town may adopt or change a charter or special act by requesting the state Legislature to pass a special law. To do so, at least two steps are required:

- local approval and
- state legislative action

By tradition, a third step is usually added:

- Acceptance by the voters of the city or town

### **Local Approval**

With a few narrow exceptions, the state legislature must obtain local approval before it can pass a special law relating to a single city or town. The local approval may be general, but it should be specific if the city or town wishes to limit the legislature's freedom of action.

Ordinarily, local approval simply means that the local legislative body votes to request the state Legislature to pass the special act. In a city, the local legislative body is the city council or board of aldermen (with approval of the mayor if ordinarily required) and, in a town, it is the town meeting or town council.

If the local body does not approve the request, in certain cities and towns it is possible to go directly to the voters for the local approval. The question can be placed before the voters by the local initiative petition process, where this process is available under the local charter. Petition requirements and proce-

dures vary with the form of local government. The Elections Division can explain the initiative process for specific situations.

*Legal References:*

- Local approval required: HRA § 8 (1). See *Board of Selectmen v. Town Clerk*, 370 Mass. 114, 345 N.E. 2d 699 (1976); *Belin v. Secretary of the Commonwealth*, 362 Mass. 530, 288 N.E. 2d 287 (1972); Brown, *Home Rule in Massachusetts: Municipal Freedom and Legislative Control*, 58 Mass. L.Q. 29 (1973).
- Nature of local approval: *Newell v. Rent Board*, 378 Mass. 443, 446-48, 392 N.E. 2d 837, 839-40 (1979); *Nugent v. Town of Wellesley*, 9 Mass. App. Ct. 202, 205, 400 N.E. 2d 279, 281 (1980). Local legislative body: *Opinion of the Justices*, 375 Mass. 843, 378 N.E. 2d 43 (1978); *Opinion of the Justices*, 365 Mass. 655, 311 N.E. 2d 44 (1974).
- Local initiative: *Marino v. Town Council*, 7 Mass. App. Ct. 461, 388 N.E. 2d 334 (1979). See G.L. ch. 43, §§ 37-41, 43-44. See also *Opinion of the Justices*, 370 Mass. 879, 352 N.E. 2d 678 (1976).

### **Legislative Action**

Once a special act charter or charter change has received local approval, it can be filed as a bill by a member of the state legislature.

When filed, the bill will be assigned to a legislative committee for review—usually the Joint Committee on Local Affairs. After a public hearing and a period of study, the committee will report its recommendation on the bill to the legislative body whose member filed it, either the Senate or House of Representatives. If that body approves the bill, it is sent to the other body for consideration. If both houses pass it and it is signed by the Governor (or is passed over his veto by a two-thirds vote of each house), it becomes law.

### **Final Acceptance by Local Voters**

The special act sometimes provides that it will not go into effect until the local voters, in response to a question on an election ballot, have voted to accept it. (This local acceptance is not constitutionally required.)

The city solicitor or town counsel must prepare a fair, concise summary of the act. This summary appears on the ballot unless the special act provides otherwise.

If the local acceptance step is not done, then the charter or special act or amendment will take effect either on the thirtieth day after it is signed or on an effective date specified in the legislation.

*Legal References:*

- Legislative procedure: Joint Rule 7B.
- Effective date: G.L. ch. 4, § 1.
- Acceptance not required: *Newell v. Rent Board*, 378 Mass. 443, 447 n.6, 392 N.E. 2d 837, 839 n.6 (1979); *Nugent v. Town of Wellesley*, 9 Mass. App. Ct. 202, 204, 400 N.E. 2d 279, 280 (1980).
- Summary of Special Act: M.G.L. ch. 54 section 58A

<b>SYNOPSIS OF LOCAL CHARTER METHODS</b>		
<b>METHOD</b>	<b>LIMITATIONS</b>	<b>STEPS</b>
Home rule charter method (in general) See page 7.	<ol style="list-style-type: none"> <li>1. Must be consistent with state laws.</li> <li>2. May not address a number of important subjects.</li> </ol>	
Adoption or Revision Procedure, See page 9.	<ol style="list-style-type: none"> <li>1. Requires at least one or two years in most cases.</li> </ol>	<ol style="list-style-type: none"> <li>1. Petition.</li> <li>2. Decision to elect and election of charter commission by voters.</li> <li>3. Charter commission proceedings and reports.</li> <li>4. Approval of proposed charter by voters.</li> </ol>
Amendment Procedure, See page 14.	<ol style="list-style-type: none"> <li>1. Can be used only if city or town already has some charter.</li> <li>2. Cannot change composition, mode of election appointment or term, of major local offices.</li> </ol>	<ol style="list-style-type: none"> <li>1. (Optional) "Suggestion" by officials or by petition.</li> <li>2. Proposal by legislative body.</li> <li>3. Approval by local voters.</li> </ol>
Special Act Charter Method,	<ol style="list-style-type: none"> <li>1. Requires approval by state Legislature.</li> </ol>	<ol style="list-style-type: none"> <li>1. Local approval.</li> <li>2. Action by the</li> </ol>

## Part Five

**PROCEDURE FOR CHALLENGING ADOPTION OR REVISION PETITIONS AS DEFECTIVE**

Registrars must certify the signatures on an adoption or revision petition and report the results to the city council or board of selectmen by filing their report within ten days after the completed petitions were filed.

Within two working days after the deadline by which the Board of Registrars must have completed the certification of names on charter petitions, ( ten days after the petition is filed), any local registered voter may challenge the petition by filing a written objection which states the reasons for the challenge. This objection is filed with the city or town clerk or the election commission.

The registrars must then hold a hearing on the objection. They must send notice of the hearing to both the objector and the petitioners, and both sides will have the opportunity to present evidence and arguments at the hearing. In a city, the city solicitor will sit as a member of the board at such hearings.

The board must reach a decision within four days after the deadline for filing objections or within fourteen days after the last day fixed for filing objections, if the timing of the decision will not prevent the question from qualifying for the ballot no later than thirty days before any previously scheduled election at which the question could appear. After the decision, the losing side may seek judicial review in court.

*Legal references:*

- HRA § 3; G.L. ch. 43B, § 3; ch. 53, § 11; ch. 55B, § 7.



