

The Charter Commission Process

As laid out in Mass General Law Chapter 43B

The Filing of a Petition

Completed

The process is initiated by filing a petition signed by at least 15% of the registered voters residing in the city at the preceding state election. The petition may consist of separate sheets, and the sheets do not need to be filed at the same time. The petition is deemed filed when the persons responsible for the filing notifies the election commission in writing that the filing is complete.

The number of registered voters at the last state election totaled 55,687 voters. Fifteen percent of that number is 8,353.

Beginning in 2008, petition forms were delivered to and held by the City Clerk's Office. In June 2015, the League of Women Voters notified the Clerk's Office in writing that they had completed their submission of petitions. Over the course of seven years a total of 402 petition forms containing 12,850 signatures were submitted.

The Certification of the Signatures

Completed

Within ten days of the filing with the Election Commission, the signatures contained in the petition shall be certified and the number of certified signatures shall be reported to the Board of Aldermen by filing a report with the City Clerk.

On July 6, the Clerk's Office completed the certification of signatures certifying 8,481 signatures - 128 signatures more than the minimum number required. The Clerk filed notice of the sufficiency of signatures with the Board of Aldermen by the docket deadline for the July 13th Docket.

The Board of Aldermen orders the submittal of the question to voters

Completed

Within thirty days of the filing with the Board of Aldermen, the board shall by order provide for submitting the question of revising the charter to the voters of the city, and for the election of a Charter Commission, at the first regular city election, held on or after the sixtieth day following the adoption of the order. The order shall also provide for the nomination of Charter Commission members. The order shall not require the concurrence of the mayor and shall not be subject to referendum. If an order of the Board of Aldermen has not been adopted within thirty days, the question of revising the charter shall be submitted to the voters and Charter Commission members shall be elected at the first regular city election, held on or after the ninetieth day after receipt of the certification by the Board of Aldermen.

On August 10, the Board of Aldermen approved the submittal of the question to voters at the November 3, 2015 municipal election.

Nominating Charter Commission members

Completed

Potential candidates must collect the signatures of 100 registered Newton voters to be placed on the ballot. The City Clerk shall supply forms only to candidates or to persons authorized in writing by a candidate to obtain said forms on their behalf. Individuals running for a seat on the Charter Commission must file campaign finance forms with the City Clerk.

Nomination papers had to be returned by September 22, 2015.

Composition and Election of Charter Commission Members

Completed

The Charter Commission will consist of nine registered Newton voters elected at large. The names of the candidates shall be placed in alphabetical order on the ballot preceded by instructions to the voter that they may vote for no more than nine candidates.

If the question of forming a Charter Commission is approved, the nine top vote getting candidates will be declared elected, and the City Clerk will notify the Massachusetts Director of Housing and Community Development of the affirmative vote. The Director will notify the elected commission members of the dates for submission of their reports and the date that the report can be placed on the city ballot.

Initial meeting of the Charter Commission members

Notification complete – meeting will be held November 23, 2015

Within 10 days of the election the City Clerk shall notify the nine candidates elected to the Charter Commission of the initial Charter Commission meeting. At that meeting, the Charter Commission members shall promptly organize by electing from its members a chairman, vice chairman, and a clerk, and shall file notice of such organization with the City Clerk.

Commission Rules and Staffing

The Charter Commission may adopt rules governing the conduct of its meetings and proceedings and may employ such legal, research, clerical or other employees, and consultants as its account may permit.

Compensation and Office Space

Charter commission members shall serve without compensation, but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties. The city shall provide its Charter Commission, free of charge, with suitable office space and with reasonable access to other facilities for holding public hearings, may contribute clerical and other assistance to such commission, and shall permit it to consult with and obtain advice and information from city or town officers and employees during ordinary working hours.

Charter Commission Budget

By November 23, 2015

Within twenty days after the election of the Charter Commission, the City Treasurer shall credit to the account of the Charter Commission, with or without appropriation, the sum of \$7,500. The city may also appropriate such additional funds for the Charter Commission as is deemed necessary.

In addition to funds made available by the city, the Charter Commission account may receive funds from any other source, public or private, provided, however, that no contribution of more than five dollars shall be accepted from any source other than the city or town unless the name and address of the person or agency making the contribution, the amount of the contribution and the conditions or stipulations as to its receipt or use, if any, are disclosed in a writing filed with the City Clerk. The consent of a Charter Commission to any such condition or stipulation shall not be binding upon the city.

Initial Public Hearing

by December 18, 2015

Within forty-five days after its election, the Charter Commission shall hold a public hearing. All public hearings before the Charter Commission shall be held within the city at such time and place as may be specified in a notice published at least ten days prior to the hearing in a newspaper having general circulation in the city, but hearings may be adjourned from time to time without further published notice.

Preliminary Report

By March 2017

Within sixteen months after its election, the Charter Commission shall prepare a preliminary report including the text of the charter or charter revision which the Commission intends shall be submitted to the voters and any explanatory information the Commission deems desirable, shall cause such report to be published in a newspaper having general circulation in the city, shall provide sufficient copies of the preliminary report to the City Clerk to permit its distribution to each registered voter requesting the same, and shall furnish two copies to the attorney general and two copies to the department of housing and community development.

Public Hearing on Preliminary Report

By April 2017

Within four weeks after such publication, the commission shall hold one or more public hearings upon the report. Within four weeks after receipt of the report, the attorney general shall furnish the commission with a written opinion setting forth any conflict between the proposed charter or charter revision and the constitution and laws of the commonwealth. A copy of the opinion shall at the same time be furnished to the department of housing and community development.

Final Report

By May 2017

Within eighteen months after its election, the Charter Commission shall submit to the Board of Aldermen its final report, which shall include the full text and an explanation of the proposed

new charter or charter revision, such comments as the commission deems desirable, an indication of the major differences between the current and proposed charters, and a statement of not more than one thousand words by the commission minority, if any, provided such statement is filed with the chairman of the commission within forty-eight hours after the commission's vote approving such report. A copy of said final report shall also be submitted to the department of housing and community development and to the attorney general.

Submitting the Recommendation to the Voters

June 2017

Upon submission of the final report of the Charter Commission, the Board of Aldermen shall order the proposed charter or charter revision to be submitted to the voters of the city for their approval at the first regular city election, held at least two months after such submission, but a Charter Commission report which does not recommend the adoption or revision of a charter shall not be submitted to the voters. Such an order shall not require the concurrence of the mayor in cities and shall not be subject to referendum.

The question of adopting a charter or revising a charter as recommended by a Charter Commission shall be submitted to the voters as a single question unless the report of the Charter Commission provides for the separate submission of proposed revisions.

The question of approving the adoption of or any revision of a charter shall be placed on a ballot and shall be prepared by public authority and at public expense. A copy of the ballot question and summary prepared in accordance with the following instructions shall be filed with the City Clerk no later than thirty-five days before the election, and the form of the question shall be substantially as follows:

“Shall this city approve the (insert ‘new charter recommended by the Charter Commission’ or ‘charter revision recommended by the Charter Commission , as appropriate) summarized below?”

YES.	
NO.	

(Where a new charter or single charter revision is being submitted at an election, set forth here a brief summary of its basic provisions (composition and mode of selection of the legislative and executive branches and school committee or, if a change of none of these is involved, the most significant proposed change). The Charter Commission shall prepare the summaries of its own proposals and the city solicitor shall prepare the description of proposed amendments.

Distributing the Final Report of the Charter Commission

No later than October 24, 2017

The Board of Aldermen shall cause the final report of a Charter Commission to be printed and a copy to be distributed to each residence of one or more registered voters. Such distribution shall occur not later than two weeks before the election at which the question of adopting, revising or amending the charter is to be submitted to the voters. Additional copies of such final

report or proposed amendment shall be filed with the City Clerk for distribution to registered voters requesting the same and one such copy shall be posted in his office.

Time of Taking effect if a New Charter is Approved

A new charter or charter revision approved by a majority of the voters shall take effect on the day specified in such charter or revision, and any proposed amendment so approved shall take effect upon the date specified therein or in the city council order or town meeting vote proposing the same. If two or more charter adoption, revision or amendment proposals are submitted to the voters in the alternative and are approved, only the alternative proposal receiving the highest number of affirmative votes shall take effect. If two or more charter adoption, revision or amendment proposals containing conflicting provisions are submitted to the voters, but not as alternatives, and are approved, all such proposals shall take effect, but the proposal receiving the highest number of affirmative votes shall be construed to prevent all conflicting provisions contained in other proposals from taking effect.

The end of the term of the Charter Commission

by December 7, 2017

The Charter Commission shall continue to exist until thirty days after the election at which its charter proposal, if any, is required to be submitted to the voters.

Within thirty days after submission of its final report the Charter Commission shall file with the city or town clerk a complete account of all its receipts and expenditures for public inspection. Any balance remaining in its account shall be credited to the city's or town's surplus revenue account.

Chapter 43B

Section 1: Short title; definitions

Section 1. This chapter may be cited as the “Home Rule Procedures Act.” As used in this chapter, the terms “board of registrars of voters”, “city council”, and “board of selectmen” shall include any local authority of different designation performing like duties.

Section 2: Adoption, revision or amendment of existing charter

Section 2. Every city and town shall have the power to adopt or revise its charter or to amend its existing charter in accordance with procedures prescribed by this chapter.

Section 3: Petition for adoption and revision of charter; filing; objections

Section 3. The adoption of a charter for any city or town under sections two and three of Article LXXXIX of the Amendments to the Constitution and the revision of any charter so adopted shall be initiated by filing with the board of registrars of voters of the city or town a petition signed by at least fifteen per cent of the number of registered voters residing in said city or town at the preceding state election. Such petition may consist of a number of separate sheets, but each sheet shall be in substantially the form prescribed therefor in section fifteen and shall be signed and completed in accordance with the instructions contained therein. The city or town clerk shall furnish forms for such petition to any registered voter of the city or town requesting the same. Within ten days from such filing, the board shall check each name to be certified by it on the petition, shall certify thereon the number of signatures so checked which are names of registered voters in the city or town, and shall report the results to the city council or board of selectmen, as the case may be, by filing its report with the city or town clerk. Only names so checked shall be deemed to be names of registered voters for purposes of such petition. The board need not certify more than one hundred and forty per cent of the number of names required to file a petition, and names not certified in the first instance shall not thereafter be certified on the same petition.

The sheets constituting a petition need not be filed at the same time. For the purposes of this section and of section three of said Article LXXXIX, such a petition shall be deemed to be filed whenever the persons responsible for its filing notify the board in writing that the filing is complete. Before receiving such notice, the board may, but shall not be required to, certify signatures on the sheets of the petition already filed.

Objections to the sufficiency and validity of the signatures on any such petition as certified by the board of registrars of voters shall be made in the same manner as provided by section seven of chapter fifty-five B, within two working days after the filing of the aforementioned certification report by the board.

Section 4: Order of governing body for submission of question of adoption or revision of charter; nomination and election of Charter Commission

Section 4. Within thirty days of receipt of certification by the board of registrars of voters that a petition contains sufficient valid signatures, the city council or board of selectmen shall by order provide for submitting the question of adopting or revising a charter to the voters of the city or town, and for the election of a Charter Commission, at the first regular city election, or at the first annual or biennial town meeting for the election of town officers, held on or after the sixtieth day following the adoption of the order. Said order shall also provide for the nomination

of Charter Commission members, who shall be nominated in accordance with this chapter. Said order shall not require the concurrence of the mayor in a city and shall not be subject to referendum. If an order of the city council or board of selectmen under this section has not been adopted within the thirty days specified above, the question of adopting or revising a charter shall be submitted to the voters and Charter Commission members shall be elected at the first regular city election, or at the first annual or biennial town meeting for the election of town officers, held on or after the ninetieth day after receipt by the city council or board of selectmen of certification provided for in the first sentence of this section.

Section 5: Charter Commission; procedures for nomination and election of members

Section 5. The signatures of the following number of registered voters shall be required to nominate Charter Commission members in cities or towns having the following number of inhabitants: two hundred such signatures if one hundred thousand or more inhabitants, one hundred such signatures if fifty thousand or more but less than one hundred thousand inhabitants, fifty such signatures if twelve thousand or more but less than fifty thousand inhabitants, twenty-five such signatures if six thousand or more but less than twelve thousand inhabitants and ten such signatures if less than six thousand inhabitants.

The last day for filing certified nomination papers for members of a Charter Commission with the city or town clerk shall be the thirty-fifth day preceding the date for their election. The manner of signing and the time for presenting nomination papers for certification to the board of registrars of voters, and the manner of and time for certifying the same, shall be governed by section seven of chapter fifty-three. Such nomination papers shall contain information with respect to candidates, except that no party or political designation shall be used, and shall be filed with the city or town clerk by a responsible person and accompanied by the candidate's acceptance, all as provided by and subject to the provisions of sections eight and nine of chapter fifty-three applicable to the nomination of officers for such city or town. Objections to the sufficiency and validity of the signatures on any nomination paper as certified by the board of registrars of voters shall be made and disposed of in the manner provided by sections eleven and twelve of chapter fifty-three, or by special law applicable to the city or town.

Upon application made by any city or town clerk, the state secretary shall provide him with blank forms for the nomination of Charter Commission members in such city or town. The city and town clerks shall supply such forms only to candidates or to persons authorized in writing by a candidate to obtain said forms in his behalf. One copy of a voting list shall be furnished to each candidate by the city or town clerk upon request. Except as provided in this section, the provisions of sections one to twelve, inclusive, and section seventeen of chapter fifty-three shall not apply to the nomination of Charter Commission members.

Section 6: Charter Commission; number of members; election

Section 6. A Charter Commission shall consist of nine registered voters of the city or town elected at large and by official ballot, without party or political designation, at an election held in accordance with this chapter. The names of the candidates nominated in accordance with section five shall be placed on such ballot in alphabetical order, preceded by an instruction to the effect that a voter may vote for not more than nine persons as Charter Commission members whether or not he favors the election of a Charter Commission. The question of electing a commission to

adopt or revise the charter shall be placed on such ballot in the form prescribed by the constitution.

If a majority of the votes cast upon the question of adopting or revising the charter is in the affirmative, the nine candidates receiving the highest number of votes shall be declared elected.

If a majority of the votes cast upon the question is in the affirmative, the city or town clerk shall notify the director of housing and community development of such affirmative vote and said director shall notify such commission of the dates for submission of their reports and the available date or dates that such report can be placed on its ballots.

Section 7: Charter Commission; organization; compensation and expenses of members

Section 7. The city or town clerk within ten days of the election shall notify the nine candidates elected to the Charter Commission of the initial Charter Commission meeting. At such initial meeting a Charter Commission shall promptly organize by the election from any of its members a chairman, a vice chairman and a clerk and shall file a notice of such organization with the city or town clerk. A Charter Commission shall continue to exist until thirty days after the election at which its charter adoption or revisions proposal, if any, is required to be submitted to the voters under this chapter or until thirty days after submission to the city council or town meeting of a final report recommending no new charter or revision. If any member dies, resigns or ceases to be a registered voter of the city or town, or if a failure to elect or any other vacancy occurs, it shall be filled by the election of any registered voter of the city or town by vote of a majority of the remaining members. The commission may continue to act notwithstanding the existence of any vacancy. Members shall serve without compensation but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.

Section 8: Charter commission; rules and regulations; personnel; funds; receipts and expenditures; office space and facilities; taxation and borrowing

Section 8. (a) A Charter Commission may adopt rules governing the conduct of its meetings and proceedings and may employ such legal, research, clerical or other employees, who shall not be subject to the provisions of chapter thirty-one, or consultants as its account may permit. In addition to funds made available by a city or town the Charter Commission account may receive funds from any other source, public or private, provided, however, that no contribution of more than five dollars shall be accepted from any source other than the city or town unless the name and address of the person or agency making the contribution, the amount of the contribution and the conditions or stipulations as to its receipt or use, if any, are disclosed in a writing filed with the city or town clerk. The consent of a Charter Commission to any such condition or stipulation shall not be binding upon a city or town. Within thirty days after submission of its final report the Charter Commission shall file with the city or town clerk a complete account of all its receipts and expenditures for public inspection. Any balance remaining in its account shall be credited to the city's or town's surplus revenue account.

(b) Each city or town shall provide its Charter Commission, free of charge, with suitable office space and with reasonable access to other facilities for holding public hearings, may contribute clerical and other assistance to such commission, and shall permit it to consult with and obtain advice and information from city or town officers and employees during ordinary working hours.

Within twenty days after the election of a Charter Commission, the city or town treasurer shall credit to the account of the Charter Commission, with or without appropriation, the sum of two thousand dollars in a town of less than twelve thousand inhabitants, the sum of five thousand dollars in a city or town of twelve thousand or more but less than fifty thousand inhabitants, the sum of seven thousand five hundred dollars in a city or town of fifty thousand or more but less than one hundred thousand inhabitants and the sum of ten thousand dollars in any other city or town. Such sum shall be provided by taxation in the manner set forth in section twenty-three of chapter fifty-nine if payment is made prior to the fixing of the annual tax rate, and otherwise shall be provided by transfer by the treasurer from available funds or by borrowing in the manner and for the period provided in the case of final judgments under clause (11) of section seven of chapter forty-four, and subject to all other applicable provisions of said chapter forty-four except that such borrowing may be authorized by the city treasurer and city manager, if any, otherwise the mayor of the city and by the town treasurer and board of selectmen of a town. A city or town may appropriate such additional funds for its Charter Commission as is deemed necessary.

Section 9: Hearings before Charter Commission; reports of commission

Section 9. (a) Within forty-five days after its election, the Charter Commission shall hold a public hearing.

(b) Within sixteen months after its election, the Charter Commission shall prepare a preliminary report including the text of the charter or charter revision which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, shall cause such report to be published in a newspaper having general circulation in the city or town, shall provide sufficient copies of the preliminary report to the city or town clerk to permit its distribution to each registered voter requesting the same, and shall furnish two copies to the attorney general and two copies to the department of housing and community development. Within four weeks after such publication, the commission shall hold one or more public hearings upon the report. Within four weeks after his receipt of the report, the attorney general shall furnish the commission with a written opinion setting forth any conflict between the proposed charter or charter revision and the constitution and laws of the commonwealth. A copy of the opinion shall at the same time be furnished to the department of housing and community development.

(c) Within eighteen months after its election, the Charter Commission shall submit to the city council or board of selectmen its final report, which shall include the full text and an explanation of the proposed new charter or charter revision, such comments as the commission deems desirable, an indication of the major differences between the current and proposed charters, and a statement of not more than one thousand words by the commission minority, if any, provided such statement is filed with the chairman of the commission within forty-eight hours after the commission's vote approving such report. A copy of said final report shall also be submitted to the department of housing and community development and to the attorney general.

(d) All public hearings before a Charter Commission shall be held within the city or town at such time and place as may be specified in a notice published at least ten days prior to the hearing in a newspaper having general circulation in the city or town, but hearings may be adjourned from time to time without further published notice.

Section 10: Amendments to charter previously adopted or revised under this chapter; procedure

Section 10. (a) Amendments to a city or town charter previously adopted or revised under this chapter may be proposed by the city council of a city or the town meeting of a town by a two thirds vote in the manner provided by this section; provided, that amendments of a city charter may be proposed only with the concurrence of the mayor in every city that has a mayor, and that only a Charter Commission elected under this chapter may propose any change in a charter relating in any way to the composition, mode of election or appointment, or terms of office of the legislative body, the mayor or city manager, or the board of selectmen or town manager. In this section, the word “mayor” shall mean an officer elected by the voters as the chief executive officer of a city or an officer lawfully acting as such, and the term “two thirds vote” shall mean, in cities, a vote, taken by yeas and nays, of two thirds of the members of a city council present and voting thereon, and shall mean, in towns, the vote of two thirds of the voters present and voting at a duly called meeting.

(b) In addition to any amendment proposed by a city council or town meeting under subsection (a) the city council or town meeting shall consider and vote upon any suggested charter amendment which it would have the power to propose under subsection (a), and which is not substantially the same as an amendment already considered and voted upon by it within the last twelve months, and which is suggested to it in a written request signed by the mayor or city manager or any member of the city council in a city or by the town manager or any selectman of a town, or is suggested to it by a petition in substantially the form set forth in section fifteen, signed and completed in accordance with the instructions contained therein by at least ten registered voters in the case of a town and by as many registered voters, in the case of a city, as would be required to nominate a Charter Commission member in such city under section five, which written request or petition shall be filed with the city or town clerk.

At the earliest convenient time not later than three months after the date any suggested amendment is filed with the city or town clerk, the city council or board of selectmen shall order a public hearing to be held thereon before it or before a committee selected or established by it for the purpose, provided that any number of suggested amendments may be considered at the same hearing. Such a hearing shall be held not later than four months after the filing date of any suggested amendment to be considered, and at least seven days notice of such public hearing shall be published in a newspaper of general circulation in the city or town. Except where the hearing is held by a city council, the board or committee holding the public hearing shall report its recommendations to the city council or town meeting, as the case may be. Final action on such a suggested amendment shall be taken not later than six months after such filing date in the case of a city and, in the case of a town, not later than the first annual town meeting held at least six months after such filing date, provided that at any time after the public hearing two hundred registered voters of a town or twenty per cent of the total number of registered voters of such town, whichever is less, may in writing request the selectmen to call a special town meeting to consider the suggested amendment, and the selectmen shall thereupon call such meeting which shall be held not more than forty-five days after the receipt of the request.

(c) Whenever an order proposing a charter amendment to the voters is approved by the mayor and city council or town meeting, a copy of the proposed amendment shall be immediately submitted to the attorney general and to the department of housing and community development and such order shall not take effect for four weeks after the date of such submission. Within such four weeks the attorney general shall furnish the city council or board of selectmen with a written opinion setting forth any conflict between the proposed amendment and the constitution and laws of the commonwealth. A copy of the opinion shall at the time be furnished to the department of housing and community development. If the attorney general reports that the proposed amendment conflicts with the constitution of laws of the commonwealth, the order proposing such amendment shall not take effect except as may be specified by further proceedings of the mayor and city council or town meeting under subsection (a). If the attorney general reports no such conflict, such order shall become effective four weeks after its submission to the attorney general.

(d) No order or vote under subsection (a), (b) or (c) shall be subject to referendum or shall, except as provided in subsection (a), require the concurrence of the mayor.

(e) The provisions of subsections (a), (b), (c) and (d) shall apply to amendments of laws having the force of a city or town charter by virtue of section nine of Article LXXXIX of the Amendments to the Constitution as well as to amendments of a charter previously adopted or revised under this chapter.

Section 11: Proposed charter or charter revision; submission to voters; ballot; copies of final report or proposed amendment; adoption of alternative or conflicting provisions

Section 11. Upon submission of the final report of a Charter Commission under section nine, the city council or board of selectmen shall order the proposed charter or charter revision to be submitted to the voters of the city or town for their approval at the first regular city election, or at the first annual or biennial town meeting for the election of town officers, held at least two months after such submission, but a Charter Commission report which does not recommend the adoption or revision of a charter shall not be submitted to the voters. Such an order shall not require the concurrence of the mayor in cities and shall not be subject to referendum. A proposed charter amendment shall be similarly submitted to the voters at the first such election or meeting held at least two months after the order proposing such charter amendment becomes effective under section ten. The question of adopting a charter or revising a charter as recommended by a Charter Commission shall be submitted to the voters as a single question unless the report of the Charter Commission provides for the separate submission of proposed revisions. Unrelated charter amendments proposed by a city council or town meeting shall be submitted to the voters as separate questions.

The question of approving the adoption of or any revision of or amendment to a charter shall be placed on a written or printed ballot, which ballot, including ballot labels where voting machines are used, shall be prepared by public authority and at public expense. A copy of the ballot question and summary prepared in accordance with the following instructions shall be filed with the city or town clerk no later than thirty-five days before the election, and the form of the question shall be substantially as follows:

“Shall this (city) (town) approve the (insert ‘new charter recommended by the Charter Commission’ or ‘charter revision recommended by the Charter Commission’ or ‘charter amendment proposed by the (city council) (town meeting)’, as appropriate) summarized below?”

YES.	
NO.	

(Where a new charter or single charter revision is being submitted at an election, set forth here a brief summary of its basic provisions (composition and mode of selection of the legislative and executive branches and school committee or, if a change of none of these is involved, the most significant proposed change). Where separate revisions or any amendments are being so submitted, set forth here the substance thereof in a manner also sufficient to distinguish each from any other amendments or revisions to be considered at the same election. The Charter Commission shall prepare the summaries of its own proposals and the city solicitor or town counsel shall prepare the description of proposed amendments.)

The city council or board of selectmen shall cause the final report of a Charter Commission, or a charter amendment proposed in an order which has become effective under section ten, to be printed and a copy to be distributed to each residence of one or more registered voters. Such distribution shall occur not later than two weeks before the election at which the question of adopting, revising or amending the charter is to be submitted to the voters. Additional copies of such final report or proposed amendment shall be filed with the city or town clerk for distribution to registered voters requesting the same and one such copy shall be posted in his office.

A new charter or charter revision approved by a majority of the voters of the city or town voting thereon shall take effect on the day specified in such charter or revision, and any proposed amendment so approved shall take effect upon the date specified therein or in the city council order or town meeting vote proposing the same. If two or more charter adoption, revision or amendment proposals are submitted to the voters in the alternative and are approved, only the alternative proposal receiving the highest number of affirmative votes shall take effect. If two or more charter adoption, revision or amendment proposals containing conflicting provisions are submitted to the voters, but not as alternatives, and are approved, all such proposals shall take effect, but the proposal receiving the highest number of affirmative votes shall be construed to prevent all conflicting provisions contained in other proposals from taking effect.

Section 12: Charter and charter amendments and revisions; deposit of certificates; judicial notice; reprints for distribution

Section 12. Certificates in quadruplicate shall be prepared setting forth any charter that has been adopted or revised and any charter amendments approved and shall be signed by the city or town clerk. One such certificate shall be deposited in the office of the state secretary and shall be kept under the custody of the archivist of the commonwealth, one shall be deposited in the office of the director of housing and community development, one shall be deposited in the office of the attorney general and the other shall be recorded in the records of the city or town and deposited in its archives. All courts may take judicial notice of charters and charter amendments of cities and towns.

The city council of each city, and the board of selectmen of each town, shall, at intervals of not greater than ten years, cause the charter of said city or town as revised or amended to be reprinted for distribution to such registered voters of said city or town as may apply therefor at the office of the city or town clerk. Acts of the general court which are included in such charter may be referred to by appropriate subject headings and statutory citations instead of being set forth at length. Copies of said document may be sold at a price not to exceed the cost of paper, printing and binding thereof, plus mailing charges if any, as determined by said clerk.

Section 12A: Resubmission of charter which failed of approval

Section 12A. A charter submitted to the voters in accordance with the provisions of this chapter which has failed of approval at a city or town election, but which has received the affirmative votes of not less than thirty-five per cent of those voting on the question, shall be considered an optional charter for such city or town. Upon the petition of ten per cent of the registered voters of such city or town, said optional charter shall be once resubmitted to the voters at a regular city or town election held no later than the second year following the original submission of such charter to the voters. The city council in a city, the town council in a town having a town council, and in every other town the board of selectmen, shall cause any changes to be made in dates in the charter as originally submitted to the voters which are necessary to ensure the orderly implementation of the optional charter.

Section 13: Exercise of powers and functions by municipalities

Section 13. Any city or town may, by the adoption, amendment or repeal of local ordinances or by-laws, exercise any power or function which the general court has power to confer upon it, which is not inconsistent with the constitution or laws enacted by the general court in conformity with powers reserved to the general court by section 8 of Article LXXXIX of the Amendments to the Constitution and which is not denied, either expressly or by clear implication, to the city or town by its charter. Whenever appropriations, appointments, orders, regulations or other legislative or executive actions within the scope of any such ordinance or by-law are necessary in the exercise of any power or function authorized by such ordinance or by-law, any such actions which are to be taken by a city council or town meeting may be taken by ordinance, by-law, resolution, order or vote, and any such actions which are to be taken by executive officers may be taken in any appropriate manner, subject, however, as to both such categories, to all provisions of the ordinance or by-law in question, the city or town charter, and other applicable law. Any requirement that an ordinance or by-law be entitled as such, or that it contain the word "ordained," "enacted" or words of similar import shall not affect the validity of any action which is required to be taken by ordinance or by-law. Nothing in this section shall be construed to permit any city or town, by ordinance or by-law, to exercise any power or function which is inconsistent with any general law enacted by the general court before November eighth, nineteen hundred and sixty-six which applies alike to all cities, or to all towns, or to all cities and towns, or to a class of not fewer than two. No exercise of a power or function denied to the city or town, expressly or by clear implication, by special laws having the force of a charter under section nine of said Article, and no change in the composition, mode of election or appointment, or terms of office of the legislative body, the mayor or city manager or the board of selectmen or town manager, may be accomplished by by-law or ordinance. Such special laws may be made inapplicable, and such changes may be accomplished, only under procedures for the adoption, revision or amendment of a charter under this chapter.

Section 14: Enforcement of this chapter; declaratory relief; judicial review

Section 14. (1) The superior court shall, upon petition of ten or more registered voters or of the attorney general, have jurisdiction in equity to enforce the provisions of this chapter.

(2) The provisions of chapter two hundred and thirty-one A applicable to municipal by-laws or ordinances shall apply to charters, charter revisions, charter amendments, by-laws and ordinances of a city or town adopted under this chapter. In addition, a petition for declaratory relief under chapter two hundred and thirty-one A may be brought on behalf of the public by the attorney general or, by leave of the court, by ten or more registered voters of the city or town. In the case of a petition brought by ten registered voters, the attorney general shall be served with notice of the preliminary petition for leave, and may intervene as a party at any stage of the proceedings; and the petitioners shall be liable for, but may in the court's discretion also be awarded, costs, which may include reasonable counsel fees.

(3) Judicial review to determine the validity of the procedures whereby any charter is adopted, revised or amended may be had by petition of ten or more registered voters of the city or town brought within thirty days after the election at which such charter, revision, or amendment is approved. If no such petition is filed within such period, compliance with all the procedures required by this act and the validity of the manner in which such charter, revision or amendment was approved shall be conclusively presumed. No charter adoption, revision or amendment shall be deemed invalid on account of any procedural error or omission unless it is shown that the error or omission materially and substantially affected such adoption, revision or amendment.