

January 25, 2017

Kevin J. Murphy
City Manager
Michael McGovern
Assistant City Manager

Mayor Edward J. Kennedy
and
Members of the City Council

REFERENCE: Motion: 7.6 2016/788 C. Belanger - City Mgr. discuss the possibility for non-binding referendum question re: Lowell High School project in November 2017 City Council Election

Dear Mayor Kennedy and Member of the City Council:

Pursuant to MGL c.53, §18A, the City Council may vote to include a nonbinding public opinion advisory question on the biannual City Election ballot scheduled for Tuesday, November 7, 2017. The City Council would need to approve a petition signed by at least ten registered voters of the City the Lowell by Wednesday, August 9, 2017, ninety days prior to the City Election.

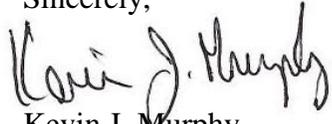
In the event that the City Council does not vote, or votes not to include a nonbinding public opinion advisory question on the biannual City Election ballot by Wednesday, August 9, 2017, the voters of the City of Lowell will have an opportunity to petition inclusion of the question. To petition for the inclusion of the question, ten percent or approximately 6,520 registered voter signatures must be gathered and certified by the Election and Census Office. Upon certification of the signatures, the question would then be included on the ballot for the next election held more than thirty-five days after such certification. Inclusion of a nonbinding public opinion advisory question would not increase the cost of the regular biannual City Election in November.

Currently, State law does not allow for special elections for non-binding questions. A special election for a non-binding question would only be permissible with approval of special legislation by the state legislature.

In the event that special legislation is sought for the purpose of a nonbinding public opinion advisory question, the City would be responsible for the total cost of the election including printing ballots, voting system programming, fully staffing the election with election workers and police pursuant to 950 CMR 54.01, as well as DPW support and supply acquisition. However, pursuant to MGL c.54, §64, polls are only required to be open for ten hours (10 AM to 8 PM) during a City Election, opposed to the 7 AM start time for State Elections. Although the reduction of hours is not substantial, personnel cost could be reduced. Seeking special legislation of the purpose of a nonbinding public opinion advisory question could also give the City of Lowell an opportunity to host an election on a Saturday if wanted. In accordance with MGL

c.54, §24, the City would have the opportunity to assign polling locations for the election and pilot new voting locations and procedures similar to early voting.

Sincerely,



Kevin J. Murphy

City Manager