CAMBRIDGE MATTERS – March 2023

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While few people have come to City Council to talk about it, a major topic of discussion around town is the upcoming Special Election(s) for the Wards 1 and 5 Commissioner seats. There are multiple points of view that have been shared with me about when the election(s) should be held and whether the current Ward 5 Commissioner should be allowed to remain on council until that Special Election is held and results confirmed for the new Commissioner for Ward 5. With regard to the latter issue, the City Attorney has provided City Council his opinion that the City Manager has shared with the public in part, and that is that the law allows the incumbent Commissioner to remain in his position until the voters elect a new Commissioner. That is the case both for Ward 5 and Ward 1.

After looking at the law and the caselaw regarding this issue, I agree with the City Attorney’s opinion. While other matters regarding when the Special Election will take place can still be in dispute and part of the discussion, the law is clear on the right of the incumbent to remain in office, despite the fact that he no longer lives in Ward 5 and has been absent from that Ward for over the year.

When the prior City Council tried to address the residency of a Commissioner as a result of an earlier disagreement about that issue that included a hearing before City Council, it was clear that some changes needed to be made to the Charter. As a result, the Charter was amended to allow for a Commissioner to live outside of his or her ward for a year, and a Special Election was determined to be the solution for choosing a new Commissioner to replace the former one who did not return to the Ward from which s/he was elected within the required 12 months. Unfortunately, the prior City Council did not imagine that the situation that now presents itself would happen with two Commissioners moving out of their wards and not returning.

As the prior City Council and the amended Charter did not anticipate the current situation, the language of the Charter was not written tightly enough to address the issues that now present themselves to the City Manager, the City Council and the voters. They include the timeliness for calling a Special Election, when it should take place, what the costs will or might be depending on when the election(s) would occur, and what, if any, conflicts of interest exist for the two Commissioners involved to vote on any of these matters.

At least two important considerations exist. The first is the desire of the voters to have an early election to replace the outgoing Commissioner. The second is the cost of holding one election that would address the two Wards or holding separate elections first for Ward 5 and then early next year for Ward 1. Another consideration is what has been expressed to be the appearance of favoritism that some feel exists by delaying the election until one of the Commissioners would be able to qualify to run for election in Ward 5.

With considerations 1 and 2, while they are different, they are both important. With the delay in the Mayoral election taking several months from resignation of the former Mayor to the August/September election, voters are reasonably concerned about the potential delay for the Ward 5 election. At the same time, the cost for each election that is paid by the taxpayers is also a reasonable concern for the City Manager, the elected officials, and the voters. The Mayoral election with a runoff cost the city about $25,000. Were that to occur separately for the Ward 5 seat and the Ward 1 seat that would be an issue about which voters and taxpayers should also have a concern. Trying to address these issues with the added perception of favoritism makes it a challenge for those having to make the decision on how to proceed.

The alleged favoritism issue, however, needs to be taken into consideration with the fact situation that presents itself. Under our Charter, the Ward 1 Commissioner has until next December to return to Ward 1. While that will not happen based on his having purchased a home in Ward 5, no action is required of him until this coming December, when his year is up. So he does not have to resign his seat now.

If he takes no action now, there is only an opening in Ward 5 for a Special Election. That means without his agreement to participate in an earlier Special Election, we will need to have two elections at a cost of up to $25,000 each. He, however, has indicated a willingness to resign early but only if he would be able to run for the Ward 5 seat for which he will become qualified by a 6-month residency (including through the date of election) in April.

A point that I have yet to hear raised about when to have the election(s) deals with both Wards and the desire to have representation by someone who lives in the Ward he represents. By waiting, for instance, for one election in June for both positions, the city and the voters are waiting 3 months for the current problem to be solved. If, however, an early election for Ward 5 were to happen in April or May, the Ward 1 election would have to wait until January or February so that the Ward 1 voters would have the current problem languish until then. By holding the vote for both wards in June, the voters of Ward 1 will benefit in being able to elect a representative who resides in their Ward 7-8 months earlier.

Do we need to fix the Charter to avoid this situation and cost in the future? Certainly, and that is what the work session later this month will be about. In the meantime, whether there will be one or two Special Elections really falls to the Ward 1 Commissioner and his willingness to sign a statement of his intentions that would allow the City Manager to arrange for one Special Election for both Wards. Without the written commitment, there is no way to solve the matter with one Special Election for both Wards. If the Ward 1 Commissioner provides a written agreement regarding his resignation, the first time that the Special Election would be able to be called is in April with an early June election date and an early July runoff date, if needed.

While the delay is unfortunate, balancing the equities, I think that saving $25,000 is a good reason not to hold the election as is providing time to allow the City Manager to focus on running the city, finding qualified staff for vacant positions, and working on a very important process, our budget for the coming year, to help continue to move the City of Cambridge forward. Also allowing Ward 1 to have an earlier election is a benefit for those voters.

In mid-March, City Council will have a work session on how to amend the Charter to improve on our election and Special Election processes. As the City Manager and others have pointed out, our current Charter does not provide us with the most efficient, effective, and cost-effective process for elections. Given our current technology, we may not be able to fix all of the challenges, but we can fix many of them.

This would be the time for the citizens of Cambridge to become involved in this process both with your ideas and your advocacy for them. To give you some ideas of what I think would help make the process work better, more quickly, and less costly, I offer the following to start the discussion:

1. We need to go back to having the Dorchester County Board of Elections run our elections. To do that, they must do our elections in odd years when there are no Presidential, Congressional, or State elections. That means that the Charter would need to be changed to have elections in those odd years which means that the next council would serve a different term than has been the normal 4-year term. That is not unheard of since the last Council served a 4 ½ year term.
2. I would like to see a new elected position of Vice-Mayor. This person would be one of the Commissioners and would be the person whose ward cast the most votes for all Commissioner candidates for that Ward. I believe that this would help to increase the number of voters, which needs to happen here. To do this, the positions of Council President and Chair Pro Tem that are elected by the Commissioners would need to be eliminated. The Vice Mayor would have a salary higher than the Commissioners but lower than the Mayor. The reasons for this position are to help the Mayor with the many city functions that occur where there are conflicts and to reduce the need for an election for Mayor if the Mayor were to leave office. In that case, the Vice Mayor would become the Mayor automatically.
3. When a vacancy in the Mayor or Commissioner position occurred, there needs to be a process to fill the open position quickly. With the Mayor, the Vice Mayor would move up. That would open that Commissioner’s position for consideration. With an open Commissioner position such as we have now or if the Vice Mayor became Mayor, the first option would be to have the remaining Commissioners select a replacement from the vacant Ward by unanimous vote. This would allow the residents of that Ward to express their views informally on who should be selected and possibly avoid the cost of an election. The selected Commissioner would hold that position only until the next election. If there was no unanimous vote for that appointment, the Special Election would then be called.
4. For the calling of a Special Election, that would need to be done within a certain specified time to avoid the situation that we face today. It would also have to allow time for the City Manager to arrange for the Election Board or a private Provider to pull the details together within a time frame that made sense for the election provider and the needs of the city. That could be left to the City Manager to undertake rather than make it a potential political decision by the Commissioners.
5. With the current allowance of having a Commissioner be able to move from their Ward for a year, I think that is reasonable and should not be changed. The language of the Charter needs to be tightened up to help ensure that the move is required and not made by choice but given the size of our town and the limited housing that is available, forcing someone out of office simply because a landlord decides to end a lease does not seem appropriate to me.

Well, those are my thoughts and how I see the upcoming election(s). The good news for any who are thinking about running in Ward 5 or Ward 1, the delay in when the Special Election will be held gives you time to evaluate whether you will get in the race, raise money, and find supporters that will help you with your campaign. For me, I need to remain neutral about the two contests, as I want to be able to work effectively with whomever is on Council. It is up to you the voters to decide who they will be.

Thanks for reading.

Steve