



# Manual on Legislative Drafting

A uniform style for legislation in the City of Somerville

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# What is a drafting manual and why do we need one?

- Sets a standard for formatting, process, and quality.
- Promotes transparency and accessibility.
- A uniform style is predictable and what is predictable is more easily understood. Good formatting is a critical component of good drafting, and good drafting is a critical component of good law.



# What is in the drafting manual?

- General principles and organization
- Types of legislative action
- Special rules
- Drafting standards and process



# General principles and organization

1. Use plain language
  2. Clearly define terms
  3. Use short sentences
  4. Use present tense
  5. Err on the side of specificity
  6. Avoid the passive voice
  7. Be direct
- Currently the ordinances are arranged by chapter, article, division, and section.
    - Sections are numbered by chapter and section, leading to the need to reserve sections (Sec. 2-61).
    - In the future, section numbers will incorporate their article and division number to facilitate easy identification and eliminate the need for reserving sections (Sec. 2.4.1-61).



# Types of legislative action

- Home rule petition
  - Home rule petitions are state law and are not subject to the style established in this drafting manual. The state legislature has its own drafting manual.
  - They are a request for a special act of the state legislature on an issue expressly reserved for the state legislature.
- Order
  - A demand for information or request for specific action from a municipal department.
- Resolution
  - A non-binding request or policy statement.
- Ordinance
  - Municipal law, the city or town equivalent of a general law.



## Special rules

- The “style” portion of the drafting manual.
  - Sets standards for grammar, punctuation, word choice, and formatting.
  - The special rules exist to promote readability and eliminate uncertainty.
- Capitalization
  - Definitions
  - List structure
  - Numbers
  - Plurals
  - Pronouns
  - Punctuation
  - Time periods
  - Word choice

### Word choice highlights:

- And vs. or.
- Avoid use of “such” and “said”.
- Clear definition for “shall” and “may”.
- “Means” and “includes”.



# Drafting standards and process

## Key components of quality legislation:

1. Necessity
2. Effectiveness
3. Practicality
4. Legality
5. Equity

## Process:

1. Idea formulation
2. Staff engagement
3. Language production
4. Committee discussion
5. Ordainment



**Questions?**