

# HOUSE . . . . No. 1059

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By Mr. Ramsdell of Winchester, petition of William E. Kane for amendment of the charter of the city of Woburn relative to providing for initiative and referendum petitions. Cities.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Forty-Six.

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AN ACT TO AMEND THE CHARTER OF THE CITY OF WOBURN  
BY PROVIDING INITIATIVE PETITION AND REFERENDUM  
PETITION.

*Be it enacted by the Senate and House of Representatives  
in General Court assembled, and by the authority of the  
same, as follows:*

1 SECTION 1. Section forty-two of chapter one  
2 hundred and seventy-two of the acts of eighteen  
3 hundred and ninety-seven is hereby amended by  
4 adding thereto the following section: —  
5 *Section 42A. Initiative Petition.* — A petition con-  
6 forming to the requirements hereinafter provided and  
7 requesting the city council to pass a measure, except  
8 a revenue loan order, or requesting the school com-  
9 mittee to pass a measure, therein set forth or desig-  
10 nated, shall be termed an initiative petition, and  
11 shall be acted upon as hereinafter provided. In this  
12 and the eight following sections, "measure" shall  
13 mean an ordinance, resolution, or vote passed by a  
14 city council, or a resolution, order or vote passed by a  
15 school committee, as the case may be.

16 *Signatures to Initiative Petitions; Certification;*  
17 *Transmission.* — Signatures to initiative petitions  
18 need not be all on one paper. All such papers per-  
19 taining to any one measure shall be fastened together  
20 and shall be filed in the office of the city clerk as one  
21 instrument, with the endorsement thereon of the  
22 names and addresses of three persons designated as  
23 filing the same. With each signature to the petition  
24 shall be stated the place of residence of the signer,  
25 giving the street and number, if any.

26 Within five days after the filing of said petition  
27 the registrars of voters shall ascertain by what  
28 number of registered voters the petition is signed, and  
29 what percentage that number is of the total number  
30 of registered voters, and shall attach thereto their  
31 certificate showing the result of such examination.

32 The city clerk shall forthwith transmit the said  
33 certificate with the said petition to the city council  
34 or to the school committee according as the petition  
35 is addressed, and at the same time shall send a copy  
36 of said certificate to one or more of the persons  
37 designated on the petition as filing the same.

38 *Action by City Council or School Committee if*  
39 *Initiative Petition is fully signed; Referendum.* — If  
40 any initiative petition is signed by registered voters  
41 equal in number to at least twenty per cent of the  
42 whole number of registered voters, the city council or  
43 the school committee shall, within twenty days after  
44 the date of the certificate of the registrars to that  
45 effect —

46 1. Pass said measure without alteration, subject  
47 to the referendum vote provided by this chapter or

48 2. The city council shall call a special election to  
49 be held on a Tuesday fixed by it not less than thirty

50 nor more than forty-five days after the date of the  
51 certificate hereinbefore mentioned, and shall submit  
52 the proposed measure without alteration to a vote  
53 of the registered voters of the city at that election;  
54 provided that if any city election is otherwise to  
55 occur within ninety days after the date of said  
56 certificate, the city council may, at its discretion,  
57 omit calling the special election and submit the  
58 proposed measure to the voters at such approaching  
59 election.

60 *Proceedings if Petition not fully signed.* — If an  
61 initiative petition is signed by registered voters equal  
62 in number to at least eight per cent but less than  
63 twenty per cent of the total number of registered  
64 voters, and said measure be not passed without  
65 alteration within twenty days by the city council or  
66 the school committee, as provided in the preceding  
67 section, such proposed measure, without alteration  
68 shall be submitted by the city council to a vote of the  
69 registered voters of the city at the next regular  
70 municipal election. A measure proposed under this  
71 section or section three shall become effective if it  
72 shall be approved by registered voters of the city  
73 equal in number to one third of the whole number  
74 thereof and also by a majority of the voters voting  
75 on such measure, but not otherwise.

76 *Ballots to state Nature of Measure.* — The ballots  
77 used when voting upon a proposed measure under  
78 section three or four, or a measure or part thereof  
79 protested against under the following section, shall  
80 state the nature of the measure in terms sufficient to  
81 show the substance thereof.

82 If, within twenty days after the final passage of  
83 any measure, except a revenue loan order, by the city

84 council or by the school committee, a petition signed  
85 by registered voters of the city, equal in number to  
86 at least twelve per cent of the total number of regis-  
87 tered voters, is presented to the city council or to the  
88 school committee, as the case may be, protesting  
89 against such measure, or any part thereof, taking  
90 effect, the same shall thereupon and thereby be sus-  
91 pended from taking effect; and the city council or  
92 the school committee, as the case may be, shall  
93 immediately reconsider such measure or part thereof;  
94 and if such measure or part thereof is not entirely  
95 rescinded, the city council shall submit the same, by  
96 the method herein provided, to a vote of the regis-  
97 tered voters of the city, either at the next regular city  
98 election, or at a special election which may, in its  
99 discretion, be called for the purpose, and such mea-  
100 sure or part thereof shall forthwith become null and  
101 void unless a majority of the registered voters voting  
102 on the same at such election vote in favor thereof.

103 The petition described in this section shall be  
104 termed a referendum petition and section two shall  
105 apply to the procedure in respect thereto, except  
106 that the words "measure or part thereof protested  
107 against" shall for this purpose be understood to  
108 replace "measure" in said section wherever it may  
109 occur, and "referendum" shall be understood to  
110 replace the word "initiative" in said section.

111 *City Council may submit Questions to Voters.* — The  
112 city council may, of its own motion, and shall, upon  
113 request of the school committee if a measure origi-  
114 nates with that committee and pertains to the affairs  
115 under its administration, submit to a vote of the  
116 registered voters of the city for adoption or rejection  
117 at a general or special city election any proposed

118 measure, or a proposition for the repeal or amend-  
119 ment of any measure, in the same manner and with  
120 the same force and effect as are hereby provided for  
121 submission on petition.

122 *Measures with Conflicting Provisions.* — If two or  
123 more proposed measures passed at the same election  
124 contain conflicting provisions only the one receiving  
125 the greater number of affirmative votes shall take  
126 effect.

1 SECTION 2. This act shall be submitted to the  
2 qualified voters of the city of Woburn for acceptance  
3 at the next city election. The vote shall be taken by  
4 ballot in answer to the following question: — “Shall  
5 an act passed by the general court in the year nine-  
6 teen hundred and forty-six, entitled, ‘An Act to  
7 amend the charter of the city of Woburn by providing  
8 initiative petition and referendum petition’, be  
9 accepted?” If a majority of the registered voters  
10 voting at said election vote in favor of the acceptance  
11 of this act the same shall be effective upon the filing  
12 of a certified copy of such vote with the office of the  
13 secretary of the commonwealth.





