
By Mr. Wall (by request), petition of Edna Lawrence Spencer for a legislative amendment to the Constitution relative to the removal of State officials. Constitutional Law.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Nine.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION RELATIVE TO THE REMOVAL OF STATE OFFICIALS.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Section I of chapter II of the Constitution is hereby amended by adding the following Article: —

Article XIV. Whenever it is called to the attention of the governor, that an elected state official has been lax in conducting the duties of his office, the chief executive shall cause an investigation of the charges to be made forthwith. Following investigation, but within sixty days of receipt of charges, the governor shall hold an open hearing at which he shall preside, after giving the official a copy of the charges against him. Said hearing shall be held at the state house in a room outside the executive offices. If the governor is incapacitated or unavoidably out of the state, the lieutenant-governor shall preside, and be responsible for enforcement of all provisions of this act. If the charges are found valid, the governor is hereby given power to compel the official, against whom the complaint has been made, to perform his duties, so that laxity as indicated by the complaint shall cease, or the governor shall remove the official from office. If removal is made at a date more than

sixty days from the next election, a special election shall be called within forty-five days. The governor shall have the use of the General Fund for all reasonable expenses of such investigation and hearing including special council fees. All acts or parts of acts inconsistent with this act shall be inapplicable thereto. Failure by the governor, or, in the event of his incapacity or absence, the lieutenant-governor, to carry out the provisions of this act shall make him subject to impeachment proceedings.