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[Senate, April 13, 1967 — Taken from the files of the preceding General Court, (Nuciforo) (see Senate, No. 58, amended, of 1966) and referred to the committee on Constitutional Law.]

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**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Sixty-Seven.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION  
RELATIVE TO DISABILITY OF THE GOVERNOR.

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.

ART. Whenever the governor transmits to the president of the senate and the speaker of the house his written declaration that he is unable to discharge the powers and duties of his office, the office of governor shall be deemed to be vacant within the meaning of this Constitution.

“Whenever the chief justice and a majority of the associate justices of the supreme judicial court, or such other body as the general court may by law provide, transmit to the president of the senate and the speaker of the house their written declaration that the governor is unable to discharge the powers and duties of his office, the office of governor shall be deemed to be vacant within the meaning of this Constitution.

“Thereafter, in either of the above cases, whenever the governor transmits to the president of the senate and the speaker of the house his written declaration that no inability exists such vacancy

shall be deemed to have terminated four days thereafter and the governor shall resume the powers and duties of his office unless the chief justice and a majority of the associate justices of the supreme judicial court, or such other body as the general court may by law provide, transmit within said four days to the president of the senate and the speaker of the house their written declaration that the governor is unable to discharge the powers and duties of his office. Thereupon the general court shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the general court within twenty-one days after receipt of the latter written declaration, or, if the general court is not in session, within twenty-one days after the general court is required to assemble, determine by a vote, taken by yeas and nays, of two-thirds of each house present and voting thereon, that the governor is unable to discharge the powers and duties of his office, the office of governor shall continue to be deemed to be vacant; otherwise such vacancy shall be deemed to have terminated and the governor shall resume the powers and duties of his office.

“The above provisions shall be applicable to the lieutenant governor when the lieutenant governor in case of a vacancy is performing all the duties incumbent upon the governor as provided in this Constitution.

“If a vacancy in the office of governor, as described in this Article, continues for six months and if such six-month period expires more than five months prior to a biennial state election other than an election for governor, there shall be an election of governor at such biennial state election for the balance of the unexpired four-year term.”