

HOUSE No. 1792

By Mr. Menton of Watertown, petition of Paul C. Menton for legislation to ascertain the will of the people relative to the calling and holding of a constitutional convention. Constitutional Law.

The Commonwealth of Massachusetts

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

AN ACT TO ASCERTAIN AND CARRY OUT THE WILL OF THE PEOPLE
RELATIVE TO THE CALLING AND HOLDING OF A CONSTITUTIONAL
CONVENTION.

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. For the purpose of ascertaining the will of the
2 people of the commonwealth with reference to the calling and
3 holding of a constitutional convention, the secretary of the
4 commonwealth shall cause to be placed on the official ballot to
5 be used at the biennial state election in the year nineteen hun-
6 dred and sixty-two the following question:—"Shall there be a
7 convention to revise, alter or amend the constitution of the
8 commonwealth?" The votes upon said question shall be
9 received, sorted, counted, declared and transmitted to the sec-
10 retary of the commonwealth, laid before the governor and
11 council, and by them opened and examined, in accordance with
12 the laws relating to votes for state officers so far as they are
13 applicable. The governor shall, by public proclamation, on or
14 before the first Wednesday in January in the year following
15 said state election, make known the result by declaring the
16 number of votes in the affirmative and the number in the nega-
17 tive; and if it shall appear that a majority of said votes is in
18 the affirmative, it shall be deemed and taken to be the will of
19 the people that a convention be called and held to revise, alter
20 or amend the constitution, and in his proclamation the governor
21 shall call upon the people to elect delegates to the convention,

22 at a special election to be held in all the cities and towns of
23 the commonwealth on the first Tuesday in May in the year
24 nineteen hundred and sixty-three.

1 SECTION 2. The number of delegates to be elected to the
2 convention shall be three hundred and twenty, of whom twenty-
3 four shall be elected at large, fifty-six by the fourteen congres-
4 sional districts, to wit, four by each district, and two hundred
5 and forty by the legislative representative districts of the com-
6 monwealth, each district having the same number of delegates
7 as it is then entitled to elect representatives to the general court.

1 SECTION 3. Nomination of candidates for the office of dele-
2 gate to the constitutional convention shall be made by nom-
3 ination papers without party or political designation which
4 shall be signed in the aggregate by not less than twelve hundred
5 voters for each candidate at large, by not less than five hun-
6 dred voters for each candidate for delegate from a congressional
7 district, and by not less than one hundred voters for each can-
8 didate for delegate from a legislative representative district.
9 Said papers shall be filed on or before five o'clock in the after-
10 noon on the first Tuesday in March in the year nineteen hun-
11 dred and sixty-three. No person shall be a candidate for dele-
12 gate in more than one district, or both in a district and at large.
13 If nomination papers for more than one nomination for dele-
14 gate are filed in behalf of a candidate, and if, within seventy-two
15 hours after five o'clock in the afternoon of the first Tuesday
16 in March aforesaid, he withdraws all but one nomination, the
17 remaining nomination shall be valid. No person shall be a can-
18 didate for delegate from a legislative representative district in
19 which he does not reside.

1 SECTION 4. If in the commonwealth at large, or in any dis-
2 trict, the number of persons nominated by nomination papers
3 equals or exceeds three times the number to be elected dele-
4 gates as provided by section two, a non-partisan primary shall
5 be held in the commonwealth, or in such district, on the first
6 Tuesday of April in the year nineteen hundred and sixty-three.
7 At such primary, twice the number of persons to be elected
8 delegates shall be chosen from those nominated by nomination
9 papers, and those so chosen shall be deemed nominated as can-

10 didates for delegate, and their names only shall appear on the
11 ballot at said special election. The provisions of section five of
12 this act shall, so far as is consistent herewith, apply to the
13 primaries provided for by this section.

1 SECTION 5. At the special election to be held under the pro-
2 visions of section one, every person then entitled to vote for
3 state officers shall have the right to vote for twenty-four dele-
4 gates at large, for four delegates from his congressional district,
5 and for the number of delegates from his representative district
6 to which that district is entitled under the provisions of section
7 two. The number of delegates of each class for which the voter
8 has the right to vote shall appear on the official ballot. No party
9 or political designation shall appear on said ballot.

1 SECTION 6. The persons elected delegates shall meet in con-
2 vention in the state house, in Boston, on the first Wednesday
3 in June in the year nineteen hundred and sixty-three. They shall
4 be the judges of the returns and election of their own members,
5 and may adjourn from time to time; and one hundred and sixty-
6 one of the persons elected shall constitute a quorum for the
7 transaction of business. They shall be called to order by the
8 governor, and shall proceed to organize themselves in conven-
9 tion, by choosing a president and such other officers and such
10 committees as they may deem expedient, and by establishing
11 rules of procedure; and when organized, they may take into
12 consideration the propriety and expediency of revising the
13 present constitution of the commonwealth, or making alter-
14 ations or amendments thereto. Any such revision, alterations
15 or amendments, when made and adopted by the said conven-
16 tion, shall be submitted to the people for their ratification and
17 adoption, in such manner as the convention shall direct; and if
18 ratified and adopted by the people in the manner directed by
19 the convention, the constitution shall be deemed and taken to
20 be revised, altered or amended accordingly; and if not so rati-
21 fied and adopted the present constitution shall be and remain
22 the constitution of the commonwealth.

1 SECTION 7. The convention shall be provided by the ser-
2 geant-at-arms, at the expense of the commonwealth, with suit-
3 able quarters and facilities for exercising its functions. It shall

4 establish the compensation of its officers and members, which
5 shall not exceed twenty-five hundred dollars for each member
6 of the convention as such. It shall, subject to the approval of
7 the governor and council, provide for such other expenses of
8 its session as it shall deem expedient, and may cause to be pre-
9 pared and issued a statement briefly setting forth such argu-
10 ments as the convention may see fit relative to any revision,
11 alteration or amendment of the constitution adopted by it,
12 or any part thereof. The members of the convention shall
13 receive for travel, lodging and meals the amount specified in
14 the second paragraph of section nine B of chapter three of the
15 General Laws, as appearing in section one of chapter two hun-
16 dred and sixty-three of the acts of nineteen hundred and fifty-
17 three, for members of the general court. The governor, with
18 the advice and consent of the council, is authorized to draw his
19 warrant on the treasury for any of the foregoing expenses.

1 SECTION 8. The secretary of the commonwealth is hereby
2 directed to transmit forthwith printed copies of this act to the
3 selectmen of each town and the mayor of each city within the
4 commonwealth; and whenever the governor shall issue his
5 proclamation, calling upon the people to elect delegates, the
6 secretary shall also, immediately thereafter, transmit printed
7 copies of said proclamation, attested by him, to the selectmen
8 and mayors.

1 SECTION 9. All laws relating to nominations and nomina-
2 tion papers, and to primaries, elections and corrupt practices
3 therein, shall, so far as is consistent herewith, apply to the
4 nomination of candidates for delegate to the convention, and
5 to the primaries and special election provided for by this act.