

By Mr. Flannery of Taunton, petition of Charles L. Flannery for legislation to establish referendum procedure in the city of Taunton. Cities.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING REFERENDUM PROCEDURE IN THE CITY OF
TAUNTON.

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. In the city of Taunton a petition conforming
2 to the requirements hereinafter provided and requesting the
3 city council to pass a measure, except an order granted under
4 section seventy or seventy-one of chapter one hundred and sixty-
5 four or chapter one hundred and sixty-six, or requesting the
6 school committee to pass a measure, therein set forth or desig-
7 nated, shall be termed an initiative petition, and shall be acted
8 upon as hereinafter provided. In this and the eight following
9 sections, "measure" shall mean an ordinance, resolution, order
10 or vote passed by the city council, or a resolution, order or vote
11 passed by the school committee, as the case may be.

1 SECTION 2. Signatures to initiative petitions need not be all
2 on one paper. All such papers pertaining to any one measure
3 shall be fastened together and shall be filed in the office of the
4 city clerk as one instrument, with the endorsement thereon of
5 the names and addresses of three persons designated as filing
6 the same. With each signature to the petition shall be stated
7 the place of residence of the signer, giving the street and num-
8 ber if any.

9 Within five days after the filing of said petition the registrars
10 of voters shall ascertain by what number of registered voters
11 the petition is signed, and what percentage that number is of
12 the total number of registered voters, and shall attach thereto

13 their certificate showing the result of such examination.

14 The city clerk shall forthwith transmit the said certificate
15 with the said petition to the city council or to the school com-
16 mittee, according as the petition is addressed, and at the same
17 time shall send a copy of said certificate to one or more of the
18 persons designated on the petition as filing the same.

1 SECTION 3. If any initiative petition is signed by registered
2 voters equal in number to at least twenty per cent of the whole
3 number of registered voters, the city council or the school com-
4 mittee shall, within twenty days after the date of the cer-
5 tificate of the registrars to that effect:

6 1. Pass said measure without alteration, subject to the ref-
7 erendum vote provided by this act, or

8 2. The city council shall call a special election to be held
9 on a Tuesday fixed by it not less than thirty nor more than
10 forty-five days after the date of the certificate hereinbefore
11 mentioned, and shall submit the proposed measure without al-
12 teration to a vote of the registered voters of said city at that
13 election; provided, that if the city election is otherwise to
14 occur within ninety days after the date of said certificate, the
15 city council may, at its discretion, omit calling the special elec-
16 tion and submit the proposed measure to the voters at such ap-
17 proaching election.

1 SECTION 4. If any initiative petition is signed by registered
2 voters equal in number to at least eight per cent but less than
3 twenty per cent of the total number of registered voters, and
4 said measure be not passed without alteration within twenty
5 days by the city council or the school committee, as provided
6 in the preceding section, such proposed measure, without al-
7 teration, shall be submitted by the city council to a vote of the
8 registered voters of said city at the next regular municipal
9 election. A measure proposed under this section or section
10 three hereof shall become effective if it shall be approved by
11 registered voters of said city equal in number to one third of
12 the whole number thereof and also by a majority of the voters
13 voting on such measure, but not otherwise.

1 SECTION 5. The ballots used when voting upon a proposed
2 measure under sections three or four of this act, or a measure

3 or part thereof protested against under the following section,
4 shall state the nature of the measure in terms sufficient to show
5 the substance thereof.

1 SECTION 6. If, within twenty days after the final passage of
2 any measure, except a revenue loan order, by the city council
3 or by the school committee, a petition signed by registered
4 voters of said city, equal in number to at least twelve per cent
5 of the total number of registered voters, and addressed to the
6 city council or to the school committee, as the case may be,
7 protesting against such measure or any part thereof taking
8 effect, is filed with the city clerk, the same shall thereupon and
9 thereby be suspended from taking effect; and the city council
10 or the school committee, as the case may be, shall immediately
11 reconsider such measure or part thereof; and if such measure
12 or part thereof is not entirely rescinded, the city council shall
13 submit the same, by the method herein provided, to a vote of
14 the registered voters of said city, either at the next regular
15 city election, or at a special election which may, in its discre-
16 tion, be called for the purpose, and such measure or part thereof
17 shall forthwith become null and void unless a majority of the
18 registered voters voting on the same at such election vote in
19 favor thereof.

20 The petition described in this section shall be termed a ref-
21 erendum petition and section two of this act shall apply to the
22 procedure in respect thereto, except that the words "measure
23 or part thereof protested against" shall for this purpose be
24 understood to replace "measure" in said section wherever it
25 may occur, and "referendum" shall be understood to replace
26 the word "initiative" in said section.

1 SECTION 7. The city council may, of its own motion, and
2 shall, upon request of the school committee if a measure orig-
3 inates with that committee and pertains to the affairs under
4 its administration, submit to a vote of the registered voters
5 of said city for adoption or rejection at a general or special
6 city election any proposed measure, or a proposition for the
7 repeal or amendment of any measure, in the same manner and
8 with the same force and effect as are hereby provided for sub-
9 mission on petition.

1 SECTION 8. If two or more proposed measures passed at the
2 same election contain conflicting provisions, only the one re-
3 ceiving the greater number of affirmative votes shall take effect.

1 SECTION 9. This act shall take effect upon its acceptance
2 by the city of Taunton.