

HOUSE No. 954

Resolve accompanying the petition of the Legislative Bureau of the Progressive Party for an amendment of the Constitution providing for the initiative and referendum. Constitutional Amendments. January 19.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fifteen.

RESOLVE

Providing for an Amendment of the Constitution relative to the Initiative and Referendum.

1 *Resolved*, That it is expedient to alter the constitu-
2 tion of the commonwealth by the adoption of the sub-
3 joined article of amendment; and that the said article,
4 being agreed to by a majority of the senators and two
5 thirds of the members of the house of representatives
6 present and voting thereon, be entered on the journals
7 of both houses, with the yeas and nays taken thereon,
8 and be referred to the general court next to be chosen;
9 and that the said article be published, to the end that
10 if agreed to in the manner provided by the constitu-
11 tion, by the general court next to be chosen, it may be
12 submitted to the people for their approval and ratifica-
13 tion, in order that it may become a part of the consti-
14 tution of the commonwealth.

ARTICLE OF AMENDMENT.

15 The legislative authority of the commonwealth is
16 vested in the general court; but the people reserve to
17 themselves the initiative, which is the power to pro-
18 pose laws, resolves and amendments to the constitution,
19 and to enact, adopt or reject the same at the polls with-
20 out concurrence of the general court or of the governor;
21 and the people also reserve to themselves the referen-
22 dum, which is the power at their own option to approve
23 or reject at the polls any law or resolve of the general
24 court or any part or parts thereof.

Constitutional Initiative.

25 If an initiative petition for an amendment to the
26 constitution is introduced into the general court in the
27 manner hereinafter provided, signed by at least fifteen
28 thousand qualified voters of the commonwealth, and the
29 general court into which it is introduced shall be
30 prorogued without having agreed to such amendment,
31 as provided in the ninth article of amendment to the
32 constitution, and if, thirty days before the next gen-
33 eral court convenes, such initiative petition is completed
34 by filing with the secretary of the commonwealth at
35 least ten thousand additional signatures of qualified
36 voters of the commonwealth, then such amendment in
37 original form, or, if amendments thereto have been
38 offered in either branch of the general court and have
39 been approved by the proposers, as hereinafter provided,
40 then in a form embodying such amendments, shall be
41 deemed referred to the general court then next to con-
42 vene, and shall have the same standing therein as if
43 agreed to by the next preceding general court and re-
44 ferred to the general court then next to be chosen; and

45 whether the general court next to convene as aforesaid
46 shall or shall not be prorogued without having agreed
47 to such amendment, as provided in the ninth article as
48 aforesaid, such proposed amendment shall be submitted
49 to the people in the same manner as if agreed to by
50 two successive general courts; and if such amend-
51 ment shall be approved by a majority of the qualified
52 voters voting thereon, such amendment shall there-
53 upon become part of the constitution of the common-
54 wealth.

55 If such amendment is agreed to, as provided in the
56 ninth article as aforesaid, in original form or in a
57 form approved by the proposers as hereinafter pro-
58 vided, by the general court into which it is introduced
59 and the general court next to convene is prorogued
60 without having agreed to such amendment, as provided
61 in the ninth article as aforesaid, then such proposed
62 amendment shall nevertheless be submitted to the
63 people in the same manner and with the same force
64 and effect as hereinbefore provided, as if agreed to by
65 two successive general courts.

Legislative Initiative.

66 If an initiative petition for a bill or resolve is in-
67 troduced into the general court in the manner herein-
68 after provided, signed by at least ten thousand qualified
69 voters of the commonwealth, and the general court
70 into which it is introduced shall be prorogued without
71 having enacted such bill or having passed such resolve,
72 then such bill or resolve in original form, or, if amend-
73 ments thereto have been offered in either branch of
74 the general court and have been approved by the pro-
75 posers, as hereinafter provided, then in a form em-

76 bodying such amendments, shall, upon the completion
77 of the petition therefor in the manner hereinafter pro-
78 vided and after the supreme court has rendered an
79 opinion that such bill or resolve is constitutional, as
80 hereinafter provided, be submitted to the people at the
81 next ensuing state election if sixty days intervene be-
82 tween the date when the opinion of the supreme court
83 that the bill or resolve is constitutional is rendered
84 and the date for holding such state election; if sixty
85 days do not so intervene, then such bill or resolve shall
86 be submitted to the people at the next following state
87 election unless, in the meantime, a written request
88 that such bill or resolve be not submitted to the people,
89 signed by all the proposers, is filed with the secretary
90 of the commonwealth at least sixty days before such
91 following state election; and if such bill or resolve
92 shall be approved by a majority of the qualified voters
93 voting thereon, it shall, subject to the provisions of the
94 constitution, become law, and shall take effect in thirty
95 days after such state election or at such time thereafter
96 as may be provided in such bill or resolve.

Initiative Measures, how Introduced. — Proposers.

97 An initiative petition shall set forth the full text of
98 the proposed constitutional amendment, bill or resolve
99 which is the subject of the petition. Such petition shall
100 first be signed by five qualified voters of the common-
101 wealth, who shall constitute the proposers of such con-
102 stitutional amendment, bill or resolve. Such petition
103 shall then be filed with the secretary of the common-
104 wealth, who shall provide blanks for the use of subse-
105 quent signers. He shall print at the top of each of
106 such blanks a description of the proposed constitutional
107 amendment, bill or resolve, the names and residences of

108 the proposers thereof and a statement to the effect that
109 the subsequent signers of the petition empower the
110 proposers, at their discretion, to approve amendments
111 proposed in the general court. When a petition, signed
112 by the required number of qualified voters, has been
113 filed with the secretary of the commonwealth, he shall,
114 upon the assembling of the next general court, transmit
115 such petition to the clerk of the house of representa-
116 tives, and the proposed constitutional amendment, bill
117 or resolve, which is the subject of such petition, shall
118 then be deemed to be introduced into that general
119 court and pending in the house of representatives:
120 *provided*, that such petition may be received by the
121 general court at any time.

122 The proposers shall have power by unanimous vote
123 to approve amendments, offered in either branch of the
124 general court, to the constitutional amendment, bill or
125 resolve, which is the subject of the petition. Certified
126 copies of each such vote, attested by the signatures of
127 all the proposers, shall forthwith be filed with the clerk
128 of the senate and the clerk of the house of representa-
129 tives.

130 In case of a vacancy caused by the death, resignation
131 or disability of any of their number, the remaining pro-
132 posers may fill such vacancy from among the petition-
133 ers. When a vacancy is filled by the proposers a state-
134 ment, setting forth that fact, giving the name and
135 residence of the person selected to fill the vacancy and
136 signed by all the remaining proposers, shall be filed
137 with the clerk of the senate and with the clerk of the
138 house of representatives. Until such statement has
139 been filed, no action taken by the proposers shall be
140 valid.

Completion of Petition. — Opinion of Supreme Court.

141 If, within sixty days after the general court has
142 taken final action by which it rejects a bill or resolve,
143 which is the subject of an initiative petition, or shall
144 be prorogued without having enacted or passed the
145 same, such initiative petition is completed by filing with
146 the secretary of the commonwealth at least five thousand
147 additional signatures of qualified voters of the com-
148 monwealth, then the secretary of the commonwealth
149 shall submit the bill or resolve, which is the subject of
150 the petition, either in the original form set forth in
151 such initiative petition, or, if amendments thereto have
152 been offered in either branch of the general court and
153 have been approved by the proposers, then in a form
154 embodying such amendments, to the supreme court for
155 an opinion on the constitutionality of such bill or
156 resolve.

157 If the supreme court renders an opinion that the bill
158 or resolve is constitutional, then the secretary of the
159 commonwealth shall submit the bill or resolve to the
160 people, as herein provided; but if the supreme court
161 renders an opinion that the bill or resolve is unconsti-
162 tutional, the secretary of the commonwealth shall not
163 submit such bill or resolve to the people.

Sixty Days' Abeyance on Laws not Emergency Measures.

164 No act or resolve passed by the general court shall
165 take effect earlier than sixty days after the date of its
166 approval by the governor, or of its becoming law with-
167 out his approval, excepting acts or resolves providing
168 solely for appropriations for previously authorized ex-
169 penditures, and excepting, also, acts or resolves declared
170 to be emergency measures.

Emergency Measure defined.

171 An act or resolve declared to be an emergency
172 measure shall contain a preamble setting forth briefly
173 the facts constituting the alleged emergency, and shall
174 contain the statement that such act or resolve is neces-
175 sary for the immediate preservation of the public peace,
176 health or safety. A separate vote shall be taken on the
177 preamble of such an act or resolve by a call of the yeas
178 and nays, and unless the preamble is adopted by two
179 thirds of the senators and by two thirds of the mem-
180 bers of the house of representatives present and voting
181 thereon, the act or resolve shall not be an emergency
182 measure. No grant of any franchise or amendment
183 thereof, or the renewal or extension of an existing fran-
184 chise for more than one year, shall be declared to be an
185 emergency measure.

Referendum.

186 In case of any act or resolve passed by the general
187 court, which is not an emergency measure or appropria-
188 tion act or resolve, as above provided, if, within sixty
189 days after such act or resolve is approved by the
190 governor or becomes a law without his approval, a peti-
191 tion is filed in the office of the secretary of the com-
192 monwealth signed by at least fifteen thousand qualified
193 voters of the commonwealth asking for a referendum
194 thereon, or on any part or parts thereof, and requesting
195 that the operation of such act or resolve or part or
196 parts thereof be further suspended, then the operation
197 of such act or resolve or part or parts thereof shall be
198 further suspended and shall be submitted to the people
199 at the next ensuing state election if sixty days inter-
200 vene between the date when such petition is filed with

201 the secretary of the commonwealth and the date for
202 holding such state election; if sixty days do not so in-
203 tervene then such act or resolve or part or parts thereof
204 shall be submitted to the people at the next following
205 state election, unless, in the meantime, such act or re-
206 solve or part or parts thereof shall have been repealed;
207 and if a majority of the votes cast thereon is in the
208 affirmative, such act or resolve or part or parts thereof
209 shall, subject to the provisions of the constitution, take
210 effect at the expiration of thirty days after such election
211 or at such time thereafter as may be provided in such
212 act or resolve; but if such majority is in the negative,
213 such act or resolve or part or parts thereof shall be
214 null and void.

215 In case of an emergency measure, or of any act or
216 resolve which takes effect because the referendum peti-
217 tion does not contain a request for further suspension,
218 if, within sixty days after such act or resolve is ap-
219 proved by the governor or becomes a law without his
220 approval, a petition is filed in the office of the secre-
221 tary of the commonwealth signed by at least ten thou-
222 sand qualified voters of the commonwealth and asking
223 for a referendum thereon, or on any part or parts
224 thereof, then such act or resolve or part or parts thereof
225 shall be submitted to the people at the next ensuing
226 state election if sixty days intervene between the date
227 when such petition is filed with the secretary of the
228 commonwealth and the date for holding such state elec-
229 tion; if sixty days do not so intervene then such act or
230 resolve or part or parts thereof shall be submitted to
231 the people at the next following state election, unless,
232 in the meantime, such act or resolve or part or parts
233 thereof shall have been repealed; and, if not approved

234 by a majority of the votes cast thereon, such act or re-
235 solve or part or parts thereof, together with all rights
236 and privileges thereby conferred, shall, at the expira-
237 tion of thirty days after such election, become null
238 and void.

General Provisions.

239 The veto power of the governor shall not extend to
240 measures approved by the people.

241 The enacting style of all acts or resolves submitted
242 upon initiative petition and approved by the people
243 shall be: "Be it enacted" (or "resolved") "by the
244 people of the commonwealth of Massachusetts and by
245 the authority of the same"; and this enacting style
246 shall be deemed to be part of such act or resolve as thus
247 approved. Acts or resolves submitted to the people
248 upon referendum and approved by them shall have such
249 approval recorded, with date thereof, upon the en-
250 grossed copy of the act or resolve and upon every copy
251 thereof printed by public authority.

252 The secretary of the commonwealth shall cause to be
253 printed and distributed to each voter the full text of
254 every measure to be submitted to the people, together
255 with the description thereof as it will appear on the
256 ballot, and the general court shall provide for public
257 dissemination of information and arguments thereon.

258 The general court may pass legislation to insure the
259 proper collection and certification of signatures to in-
260 itiative and referendum petitions hereinbefore referred
261 to; and may provide adequate penalties for the forgeries
262 of signatures thereto. Signatures to such petitions of
263 registered voters of any one congressional district shall
264 not be certified or counted in number greater than

265 twenty-five per cent of the total number of signatures
266 required.

267 Each proposed amendment to the constitution, and
268 each bill, act or resolve submitted to the people, shall
269 be described on the ballots by a description to be deter-
270 mined by the secretary of the commonwealth, and the
271 secretary of the commonwealth shall cause each question
272 to be printed on the ballot in accordance with the fol-
273 lowing provisions:—

274 In the case of a proposed amendment to the consti-
275 tution: Shall the proposed amendment to
276 the constitution (here insert description)
277 be approved and ratified?

YES.	
NO.	

278 In the case of a bill or resolve submitted upon
280 (or resolve) (here insert description) be-
279 initiative petition: Shall the proposed bill
281 come law?

YES.	
NO.	

282 In the case of an act or resolve which has not taken
283 effect submitted upon referendum: Shall an
285 take effect?

YES.	
NO.	

284 act (or resolve) (here insert description)

286 In the case of an emergency measure or other act or
287 resolve which has taken effect submitted
288 upon referendum: Shall an act (or resolve)
289 (here insert description) be approved?

YES.	
NO.	

290 Neither a proposed amendment to the constitution nor
291 an act nor a resolve which has been submitted to the
292 qualified voters of the commonwealth under the pro-
293 visions of this amendment shall again be submitted
294 until the expiration of three years after the date of the
295 last submission.

296 In carrying out the provisions of this amendment
297 the secretary of the commonwealth and all other officers

298 are to be guided by the general laws and by the terms
299 of this amendment until further provision shall be
300 made therefor by legislation.

301 The provisions of this amendment shall take effect
302 and become operative upon its ratification by the people.

303 All provisions of the constitution inconsistent here-
304 with are hereby annulled.

