

HOUSE No. 851.

[Mr. JORDAN of Salem gives notice that he will move to substitute this bill for the bill which is printed as House, No. 457.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-four.

AN ACT

Conferring upon Voters in Cities the Power to Affirm or
Reject Legislation enacted by City Council.

*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. No ordinance for the government of any
2 city in the Commonwealth, except as hereinafter pro-
3 vided, shall go into effect until thirty days after the
4 passage of the same.

1 SECT. 2. The voters of such city may within the
2 said thirty days file a petition with the clerk thereof,
3 requiring him to submit such ordinance to a vote of the
4 voters of such city, for their rejection or approval, as
5 hereinafter provided.

1 SECT. 3. Such petition shall be written or printed
2 and, to be mandatory, shall be signed by at least twenty-
3 five per cent. of the voters of such city, and shall state
4 after each signature the residence, with street and num-
5 ber thereof if any, of the voter, and at least ten of the
6 persons signing the same shall make oath before a
7 competent officer that they are themselves duly qualified
8 voters, residing as stated in the proposal, and believe
9 that all the other persons who signed such proposal are
10 also duly qualified voters as therein stated, and believe
11 all the signatures thereto to be genuine. It shall con-
12 tain the title of such ordinance, or some sufficient de-
13 scription of the same.

1 SECT. 4. Such petition shall be filed with the city
2 clerk of such city within thirty days from the date of
3 the passage of such ordinance whether the same has
4 been approved by the mayor or not.

1 SECT. 5. The city clerk of such city shall cause said
2 ordinance to be submitted to the voters of such city at the
3 first regular election held after the expiration of fifteen
4 days from the filing of such petition, and shall cause
5 the same to be placed upon the official ballot to be used
6 at such election.

1 SECT. 6. Such ordinance submitted to the voters
2 under the five preceding sections shall not go into effect
3 unless approved by a majority of the votes cast for and
4 against the same.

1 SECT. 7. All ordinances relating to the immediate
2 preservation of the public peace, the public health or
3 items of appropriations of money for current expenses
4 of the several departments of such city which do not

5 exceed the corresponding appropriations of the preced-
6 ing year, shall, by a two-thirds yea and nay vote of
7 such city council, and approved by the mayor, be
8 deemed to be urgent ordinances, to which this act
9 shall not apply.

1 SECT. 8. The city council shall have no power to
2 enact a law which shall in any manner alter, modify,
3 repeal or render nugatory ordinances which have been
4 submitted to and enacted by a direct vote of the voters
5 of such city under the provisions of this act, except by
6 a yea and nay vote of two-thirds of the members of the
7 city council present and voting: *provided, however,*
8 that no such vote shall be taken within one year from
9 the time of its enactment.

1 SECT. 9. The city council may, at any time, by
2 resolution, by a three-fourths vote of the entire city
3 council, provide for the submission to a direct vote of
4 the voters, of any measure enacted by it, and may pro-
5 vide in such resolution that the same shall be submitted
6 at a special election or the next regular annual election;
7 and immediately upon the passage of any such resolu-
8 tion for submission, the city clerk shall cause such
9 measure to be submitted to a direct vote of the voters,
10 at the time specified therein, in the manner provided in
11 this act for submission of measures upon petitions filed
12 by voters, the same to become law if approved by a
13 majority of the votes cast for and against the same.

1 SECT. 10. The word "voters," where used in this
2 article, shall mean persons who are qualified to vote for
3 mayor of the city. The word "ordinances," where
4 used in this act, shall mean and include ordinances,
5 orders, resolves, and any measure which it is within

6 the power of the city council to enact or to give the force
7 and effect of law.

1 SECT. 11. Meetings of the voters under the pro-
2 visions of this act, either at a special election or a
3 regular annual election, shall be called by the city
4 clerk. He shall cause notice of every such meeting to
5 be printed in one or more newspapers published in such
6 city, and also to be posted in the office of the city clerk
7 and three or more conspicuous places in the city.

1 SECT. 12. All ballots for use in special elections
2 under this act shall be prepared and furnished by the
3 city clerk of such city, and shall be in form the same
4 as provided by law for election of city officers. When
5 ordinances under this act are submitted to the voters at
6 a regular annual election they shall be placed upon
7 the official ballots as hereinbefore provided.

1 SECT. 13. Whoever knowingly or wilfully makes a
2 false affidavit or takes a false oath, or signs a false
3 certificate regarding the qualifications of any person to
4 sign petitions under this act, shall be punished by a
5 fine not exceeding three hundred dollars, or by impris-
6 onment in jail not exceeding one year, or by both fine
7 and imprisonment.

1 SECT. 14. Whoever falsely makes or wilfully de-
2 stroys a petition or any part thereof, or signs another
3 person's name thereto, or signs or files any petition,
4 knowing the same or any part thereof to be falsely
5 made, or suppresses any petition or any part thereof
6 which has been duly filed, shall be punished by a
7 fine not exceeding five hundred dollars, or by imprison-

8 ment in jail not exceeding one year, or by both fine and
9 imprisonment.

1 SECT. 15. Whoever signs or causes his name to
2 be signed to any petition under this act knowing that
3 he is not a qualified voter in the place where said
4 petition is made, or who aids or abets any other
5 person in doing any of the acts above mentioned,
6 shall be punished by a fine not exceeding three
7 hundred dollars or by imprisonment in jail not exceed-
8 ing one year, or by both fine and imprisonment.

1 SECT. 16. A city clerk who fails to comply with the
2 provisions of this act shall be punished by fine not ex-
3 ceeding two hundred dollars.

1 SECT. 17. The provisions of chapter four hundred
2 seventeen of the acts of the year eighteen hundred
3 ninety-three, relating to election officers, voting places,
4 election apparatus and blanks, preparation and form of
5 ballots, information to voters, delivery of ballots, calling
6 of elections, conduct of elections, manner of voting,
7 counting of votes, records and certificates of elections
8 and recounts of votes, so far as applicable, shall apply
9 to voting on ordinances, by the voters under the provi-
10 sions of this act.

1 SECT. 18. The form of petitions under sections two
2 and three of this act shall be substantially as fol-
3 lows:—

FORM OF PETITION UNDER SECTIONS TWO AND THREE.

To the Clerk of the City of .

4 The undersigned voters of the city of do hereby
5 petition that the ordinance of the city council [*describe it*]

6 passed by the city council [*date*] be referred to the voters of
7 the city for rejection or approval.

SIGNATURES.	Street Number.	Residence.

8 [*At least ten persons signing the petition shall take and sub-*
9 *scribe the following oath:—*]

COMMONWEALTH OF MASSACHUSETTS.

ss.

COUNTY OF

CITY OF

10 and being duly sworn, on their oaths, say that
11 they are qualified voters of this city; that they signed the
12 foregoing petition, and reside at the places set against their
13 respective signatures, and believe that all the other persons
14 who signed said petition are also qualified voters as therein
15 stated, and believe all the signatures thereto to be genuine.

16 Sworn and subscribed before me this day of
17 189 .

1 SECT. 19. All acts and parts of acts inconsistent
2 herewith are hereby repealed.

1 SECT. 20. This act shall not become operative in
2 any city until accepted by the voters thereof.

3 The provisions of this act relative to the submission
4 of ordinances shall apply to the proposal of this act for
5 acceptance and submission of the same so far as ap-
6 plicable. When accepted in any city in accordance
7 with the above provisions, this act shall become oper-
8 ative in such city from and after the date of such
9 acceptance.

