

HOUSE No. 190

Bill accompanying the petition of John Weaver Sherman and others for an amendment of the Constitution authorizing direct legislation or a people's veto through the optional referendum and a direct initiative by petition. Constitutional Amendments. January 9.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eleven.

RESOLVE

To provide for an Amendment of the Constitution authorizing Direct Legislation or a People's Veto through the Optional Referendum and a Direct Initiative by Petition.

1 *Resolved*, That it is expedient to alter the constitution
2 of the commonwealth by the adoption of the subjoined
3 article of amendment; and that the said article, being
4 agreed to by a majority of the senators and two thirds
5 of the members of the house of representatives present
6 and voting thereon, be entered on the journals of both
7 houses, with the yeas and nays taken thereon, and be
8 referred to the general court next to be chosen; and
9 that the said article be published, to the end that if
10 agreed to in the manner provided by the constitution,
11 by the general court next to be chosen, it may be sub-

12 mitted to the people for their approval and ratification,
13 in order that it may become a part of the constitution of
14 the commonwealth.

ARTICLE OF AMENDMENT.

15 The legislative authority of the commonwealth shall
16 be vested in a general court, but the people reserve to
17 themselves power to propose laws and amendments to
18 the constitution, and to enact or reject the same at the
19 polls, independently of the general court, and also re-
20 serve the power at their own option to approve or reject
21 at the polls any act or resolve of the general court, except
22 as hereinafter provided.

23 The style of all laws shall be "Be it enacted by the
24 people of the commonwealth of Massachusetts."

25 The first power reserved by the people is the initiative,
26 and shall be set in operation by petition requiring the
27 signatures of legal voters to the number of eight per cent
28 of the vote cast for governor at the last preceding
29 election. The full text of the measure so proposed shall
30 be included in the petition.

31 Initiative petitions shall be filed in the office of the
32 secretary of the commonwealth within six weeks after
33 the general court assemblies.

34 If the measure thus petitioned for is not passed with-
35 out amendment in that session, or if vetoed by the gov-
36 ernor is not passed over his veto, it shall be referred,
37 together with any amended form or substitute recom-
38 mended by the general court, to the people at the next
39 state election. If passed either with or without amend-
40 ment it shall still be subject to a referendum petition.

41 The second power is the referendum. It may be
42 ordered either by the general court, as other bills are
43 enacted, or, except as to emergency measures, by peti-

44 tion requiring the signatures of legal voters to the number
45 of five per cent of the vote cast for governor at the last
46 preceding election and filed in the office of the secretary
47 of the commonwealth within ninety days after the signa-
48 ture of the act or resolve by the governor or its passage
49 over his veto. A referendum may be ordered against
50 one or more sections or parts of an act or resolve.

51 An act or resolve shall not take effect until the ex-
52 piration of ninety days after its signature by the gov-
53 ernor or its passage over his veto, except such as by a
54 two thirds yea and nay vote of all members in each
55 house shall be declared to be an emergency measure,
56 and shall in the preamble state the facts constituting
57 the emergency and contain the statement that therefore
58 the act or resolve is necessary for the immediate preser-
59 vation of the public peace, health or safety. But no
60 grant of any franchise shall be declared to be an emer-
61 gency measure. Any measure, or part thereof, upon
62 which a referendum has been ordered shall either as
63 to the whole or such part thereof be suspended from
64 taking effect until approved by the people at the election
65 to which it shall be referred.

66 Measures referred to the people of the state shall be
67 voted on at the next regular state election.

68 Measures so referred shall become law at the expira-
69 tion of thirty days after the election if approved by a
70 majority of the votes cast thereon except as to a consti-
71 tutional amendment, which shall be referred to the voters
72 twice in successive years and if approved by a majority
73 of the votes cast thereon in each year shall become a
74 part of the constitution.

75 The veto power of the governor shall not extend to
76 measures approved by the people.

77 Every measure referred to the people shall be de-

78 scribed on the ballots by the secretary of the common-
79 wealth clearly and simply. When there are competing
80 measures or substitutes the secretary of the common-
81 wealth shall have the ballots so printed that the voter,
82 (first), can choose between any measure or none, and
83 (secondly), can express his preference between one and
84 the other. If a majority of the votes on the first ques-
85 tion is affirmative then the measure receiving the larger
86 number of votes shall become law.

87 The secretary of the commonwealth shall print and
88 distribute to each voter a sample ballot with the text of
89 every measure to be submitted to a vote of the people,
90 and the general court shall provide for public dissemina-
91 tion of information and arguments thereon.

92 In carrying out the provisions of this amendment,
93 which shall be self-enforcing, the secretary of the com-
94 monwealth and all other officers are to be guided by the
95 general laws and by the act submitting this amendment
96 until further legislation shall be especially provided
97 therefor.

98 All the provisions of the existing constitution incon-
99 sistent with the provisions herein contained are hereby
100 annulled.