

# HOUSE . . . . No. 876

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Bill accompanying the petition of William R. Henry for legislation to provide for the calling of a constitutional convention. Constitutional Amendments. January 13.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Thirteen.

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### AN ACT

Relative to the Holding of a Convention for the Purpose of revising or altering the Constitution of the Commonwealth.

*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. The inhabitants of the several cities and  
2 towns within this commonwealth, qualified to vote for  
3 senators or representatives in the general court, shall,  
4 on the first Tuesday of November next, at the meetings  
5 to be then held in the several cities and towns in the com-  
6 monwealth, for the choice of governor, lieutenant gov-  
7 ernor, senators and representatives in the general court,  
8 an article for this purpose being inserted in the warrants  
9 calling said meetings, give in their votes by ballot on this  
10 question: "Is it expedient that delegates should be chosen  
11 to meet in convention for the purpose of revising or alter-

12 ing the constitution of government of this common-  
13 wealth?" And the vote upon said question shall  
14 be in open meeting, and the votes in the sev-  
15 eral cities and towns in the commonwealth shall be re-  
16 ceived, sorted, counted, declared and transmitted to the  
17 secretary of the commonwealth, in the same manner as  
18 the votes for governor, lieutenant governor and sena-  
19 tors are now received, sorted, counted, declared and  
20 transmitted by the constitution and laws of the com-  
21 monwealth; and all returns not thus made shall be  
22 rejected in the counting. And the governor and coun-  
23 cil shall open and examine the returns, made as afore-  
24 said, and count the votes given on the said ques-  
25 tion; and the governor shall, by public proclama-  
26 tion, to be made on or before the first Wednesday in  
27 January next, make known the result, by declaring the  
28 number appearing in favor of choosing delegates for the  
29 purpose aforesaid, and the number of votes appearing  
30 against the same; and if it shall appear that a majority  
31 of the votes given in and returned as aforesaid are in  
32 favor of choosing delegates as aforesaid, the same shall  
33 be deemed and taken to be the will of the people of the  
34 commonwealth that a convention should meet accord-  
35 ingly; and in case of such majority, the governor shall  
36 call upon the people to elect delegates to meet in conven-  
37 tion, in the manner hereinafter provided.

1 SECTION 2. If it shall be declared by the said procla-  
2 mation that the majority of votes, as aforesaid, is in favor  
3 of choosing delegates, as above mentioned, the inhabitants  
4 of the several cities and towns within the commonwealth  
5 now entitled any one year to send one or more representa-  
6 tives to the general court, shall, on the first Tuesday of  
7 April, in the year nineteen hundred and fourteen, as-  
8 semble in their several meetings, to be duly notified by

9 warrant from the selectmen of the several towns and the  
10 mayor and aldermen of the several cities, and delegates  
11 shall be elected in each district equal to the number of  
12 representatives to which each district was entitled last  
13 year to meet delegates from other districts in convention,  
14 for the purposes hereinafter expressed. And at such  
15 meetings of the inhabitants, every person entitled to vote  
16 for representatives in the general court, shall have a right  
17 to vote in the choice of delegates; and the same officers  
18 in the several cities and towns in the commonwealth  
19 shall preside at such elections as now preside in the choice  
20 of representatives to the general court; and the votes for  
21 said delegates shall be received, sorted, counted, declared  
22 and recorded in the same manner as now provided for  
23 in the case of representatives to the general court. And  
24 all laws now in force regulating the duty and conduct of  
25 town and city officers, sheriffs, magistrates, and electors,  
26 in the election of governor, lieutenant governor, senators  
27 and representatives, shall, as far as applicable, apply and  
28 be in full force and operation, as to all meetings holden  
29 and elections and returns made, under this act, or which  
30 by this act are required to be holden or made, and upon  
31 the like forfeitures and penalties.

1 SECTION 3. Candidates for the office of delegate shall  
2 be nominated in primaries in accordance with the pro-  
3 visions of chapter five hundred and fifty of the acts of  
4 nineteen hundred and eleven, except that said primaries  
5 shall be held on the fourth Tuesday preceding the day  
6 on which delegates are to be elected; and polling places  
7 shall be provided as at state elections.

1 SECTION 4. The persons so elected delegates shall  
2 meet in convention in the state house in Boston on the

3 first Wednesday in September in the year nineteen hun-  
4 dred and fourteen; and they shall be the judges of the  
5 returns and elections of their own members, and may ad-  
6 journ from time to time; and one hundred and twenty of  
7 the persons elected shall constitute a quorum for the trans-  
8 action of business; and they shall proceed as soon as may  
9 be to organize themselves in convention, by choosing a  
10 president and such other officers as they may deem ex-  
11 pedient, and by establishing proper rules of proceeding,  
12 and when organized they may take into consideration the  
13 propriety and expediency of revising the present consti-  
14 tution of government of this commonwealth, or the pro-  
15 priety and expediency of making any and, if any, what  
16 alterations or amendments in the present constitution of  
17 government of this commonwealth. And such alterations  
18 or amendments, when made and adopted by the said con-  
19 vention, shall be submitted to the people for their ratifica-  
20 tion and adoption, in such manner as the said convention  
21 shall direct; and if ratified by the people in the manner  
22 directed by the said convention, the constitution shall be  
23 deemed and taken to be altered or amended accordingly,  
24 and if not so ratified, the present constitution shall be and  
25 remain the constitution of government of this common-  
26 wealth.

1 SECTION 5. The said convention shall establish the  
2 pay or compensation of its officers and members, and the  
3 expense of its session; and his excellency the governor,  
4 by and with the advice and consent of the council, is au-  
5 thorized to draw his warrant on the treasury therefor.

1 SECTION 6. The secretary of the commonwealth is  
2 hereby directed forthwith, after the passage thereof, to  
3 transmit printed copies of this act to the selectmen of

4 each town, and the mayor and aldermen of each city  
5 within the commonwealth; and whenever the governor  
6 shall issue his proclamation calling upon the people to  
7 elect delegates to meet in convention as aforesaid, the said  
8 secretary shall also, immediately thereafter, transmit  
9 printed copies of said proclamation, attested by himself,  
10 to the selectmen of each town and the mayor and alder-  
11 men of each city in the commonwealth.

