

By Mr. Natsios of Holliston, petition of Andrew S. Natsios, Royall H. Switzler and another for a legislative amendment to the Constitution relative to the adoption or revision of charters by counties. Counties.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Three.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION PROVIDING FOR COUNTY SELF-GOVERNMENT.

1 A majority of all the members elected to the Senate and House of
2 Representatives, in joint session, hereby declares it to be expedient
3 to alter the Constitution by the adoption of the following Article of
4 Amendment, to the end that it may become a part of the Constitu-
5 tion [if similarly agreed to in a joint session of the next General
6 Court and approved by the people at the state election next
7 following]:

8 **ARTICLE OF AMENDMENT.**

9 *Section 1. Right of County Self-Government.* — It is the inten-
10 tion of this article to grant to the people of every county the right
11 of self-government in regional matters, subject to the provisions of
12 this article and to such standards and requirements as the general
13 court may establish by law in accordance with the provisions of this
14 article.

15 *Section 2. County Power to adopt, revise or amend Charters.*
16 — Any county shall have the power to adopt or revise a charter or
17 to amend its existing charter through the procedures set forth in
18 sections three and four. The provisions of any adopted or revised
19 charter or any charter amendment shall not be inconsistent with
20 the constitution or any laws enacted by the general court in con-
21 formity with the powers reserved to the general court by section
22 eight.

23 *Section 3. Procedure for Adoption or Revision of a Charter by*

24 *a County.* — Every county shall have the power to adopt or revise a
25 charter in the following manner: A petition for the adoption or
26 revision of a charter shall be signed by at least two per cent of the
27 number of legal voters residing in such county at the preceding
28 state election. Whenever such a petition is filed with the board of
29 registrars or voters of any city or town, the board shall within ten
30 days of its receipt determine the sufficiency and validity of the
31 signatures and certify the results to the county commissioners of
32 such county. As used in this section, the phrase "board of registrars
33 of voters" shall include any local authority of different designation
34 which performs the duties of such registrars. Objections to the
35 sufficiency and validity of the signatures on any such petition as
36 certified by the board of registrars of voters shall be made in the
37 same manner as provided by law for objections to nominations for
38 city or town offices, as the case may be.

39 Within thirty days of receipt of certification of the board of
40 registrars of voters that a petition contains sufficient valid signa-
41 tures, the county commissioners shall so inform the Secretary of
42 State who shall by order provide for submitting to the voters of the
43 county the question of adopting or revising a charter, and for the
44 nomination and election of a charter commission in the next
45 statewide election.

46 If the county has not previously adopted a charter pursuant to
47 this section, the question submitted to the voters shall be: "Shall a
48 commission be elected to frame a charter for (name of county)?" If
49 the county has previously adopted a charter pursuant to this sec-
50 tion, the question submitted to the voters shall be: "Shall a com-
51 mission be elected to revise the charter of (county)?"

52 The charter commission shall consist of nine voters of the county
53 who shall be elected at large without party or political designation
54 at a statewide election next held at least sixty days after the order of
55 the city council of the city or board of selectmen of the town. The
56 names of candidates for such commission shall be listed in an order
57 determined by lot on the ballot used at such election. Each voter
58 may vote for the nine candidates.

59 The vote on the question submitted and the election of the
60 charter commission shall take place at the same time. If the vote on
61 the question submitted is in the affirmative, the nine candidates
62 receiving the highest number of votes shall be declared elected.

63 Within 14 months after the election of the members of the
64 charter commission, said commission shall submit the charter or
65 revised charter to the county commissioner which shall provide for
66 publication of the charter and for its submission to the voters at the
67 next statewide election held at least two months after such submis-
68 sion by the charter commission. If the charter or revised charter is
69 approved by a majority of the voters of the county voting thereon,
70 it shall become effective upon the date fixed in the charter. (See
71 Amendments, Art. CXIII.)

72 *Section 4. Procedure for Amendment of a Charter by a county.*

73 — Every county shall have the power to amend its charter in the
74 following manner: The county advisory board may, by a two-
75 thirds vote, propose amendments to the charter of the county;
76 provided, that any change in a charter relating in any way to the
77 composition, mode of election or appointment, or terms of office
78 of the legislative body, or the county commissioners shall be made
79 only by the procedure of charter revisions set forth in section three.

80 All proposed charter amendments shall be published and sub-
81 mitted for approval in the same manner as provided for adoption
82 or revision of a charter.

83 *Section 5. Recording of Charters and Charter Amendments.* —

84 Duplicate certificates shall be prepared setting forth any charter
85 that has been adopted or revised and any charter amendments
86 approved, and shall be signed by the clerk of courts. One such
87 certificate shall be deposited in the office of the secretary of the
88 commonwealth and the other shall be recorded in the records of the
89 county and deposited among its archives. All courts may take
90 judicial notice of charters and charter amendments of counties.

91 *Section 6. Government Powers of Counties.* — Any county

92 may, by adoption, amendment, or repeal of county by-laws, exer-
93 cise any power or function which the general court has power to
94 confer upon it, which is not inconsistent with the constitution or
95 laws enacted by the general court in conformity with powers re-
96 served to the general court by section eight and which is not denied,
97 either expressly or by clear implication, to the county by its charter.
98 This section shall apply to every county whether or not it has
99 adopted a charter pursuant to section three.

100 *Section 7. Limitations on Regional Powers.* — Nothing in this
101 article shall be deemed to grant to any county the power to (1)

102 regulate elections other than those prescribed by sections three and
103 four; (2) to levy, assess and collect taxes; (3) to borrow money or
104 pledge the credit of the county; (4) to dispose of park land; (5) to
105 enact private or civil law governing civil relationships except as an
106 incident to an exercise of an independent county power; or (6) to
107 define and provide for the punishment of a felony or to impose
108 imprisonment as a punishment for any violation of law; provided,
109 however, that the foregoing enumerated powers may be granted by
110 the general court in conformity with the constitution and with the
111 powers reserved to the general court by section eight; nor shall the
112 provisions of this article be deemed to diminish the powers of the
113 judicial department of the commonwealth.

114 *Section 8. Powers of the General Court.* — The general court
115 shall have the power to act in relation to counties, but only by
116 general laws which apply alike to all counties or to a class of not
117 fewer than two, and by special laws enacted (1) on petition filed or
118 approved by the voters of a county, or the county commissioners or
119 other legislative body, of a county, or the county commissioners or
120 other legislative body, of a county with respect to a law relating to
121 that county; (2) by a two-thirds vote of each branch of the general
122 court following a recommendation by the governor; (3) to erect
123 and constitute metropolitan or regional entities, embracing any
124 two or more cities or towns or cities and towns, or established with
125 other than existing city or town boundaries for any general or
126 special public purpose or purposes, and to grant to these entities
127 such powers, privileges and immunities as the general court shall
128 deem necessary or expedient for the regulation and government
129 thereof; or (4) solely for the incorporation or dissolution of coun-
130 ties as corporate entities, alteration of county boundaries, and
131 merger or consolidation of counties or any of these matters.

132 Subject to the foregoing requirements, the general court may
133 provide optional plans of county organization and government
134 under which an optional plan may be adopted or abandoned by
135 majority vote of the voters of the county voting thereon at a
136 statewide election.

137 This section shall apply to every county whether or not it has
138 adopted a charter pursuant to section three.

139 *Section 9. Existing Special Laws.* — All special laws relating to

140 individual counties shall remain in effect and have the force of an
141 existing county charter, but shall be subject to amendment or
142 repeal through the adoption, revision or amendment of a charter
143 by a county in accordance with the provisions of sections three and
144 four and shall be subject to amendment or repeal by laws enacted
145 by the general court in conformity with the powers reserved to the
146 general court by section eight.

