

By Mr. Keverian of Everett, petition of George R. McCarthy (mayor) (with the approval of the mayor and city council) for a change in the charter of the city of Everett to authorize said city to use the initiative petition. Local Affairs. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Seven.

AN ACT AMENDING THE CITY CHARTER OF THE CITY OF EVERETT TO ALLOW THE CITY OF EVERETT THE USE OF THE INITIATIVE PETITION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 355 of the acts of 1892 is hereby amended by inserting
2 after section 6 the following eight sections:

3 *Section 6A. Initiative Petition*

4 A petition conforming to the requirements herein after
5 provided and requesting the City Council to pass a measure,
6 except an order granted under, Municipal Finance Laws of the
7 General Laws of the Commonwealth which requires compliance
8 with said statutes, or requesting the School Committee to pass a
9 measure, therein set forth or designated, shall be termed an
10 initiative petition, and shall be acted upon as herein after
11 provided. In this and the seven following sections, "measure"
12 shall mean an ordinance, resolution, order, or vote passed by a
13 School Committee, as the case may be.

14 *Section 6B. Signature to Initiative Petitions: Certification*

15 Signature to initiative petitions need not be all on one paper.
16 All such papers pertaining to any one measure shall be fastened
17 together and shall be filed in the office of the City Clerk as one
18 instrument, with endorsement thereon of the names and addresses
19 of three persons designated as filing the same. With each
20 signature to the petition shall be stated the place of residence of
21 the signer, giving the street and number if any.

22 Within five days after the filing of said petition the registrars of
23 voters shall ascertain by what number of registered voters the
24 petition is signed, and what percentage that number is of the total
25 number of registered voters, and shall attach thereto their
26 certificate showing the result of such examination.

27 The City Clerk shall forthwith transmit the said certificate with
28 the said petition to the City Council or to the School Committee,
29 according as the petition is addressed, and at the same time shall
30 send a copy of said certificate to one or more of the persons
31 designated on the petition as filing the same.

32 When such certificate has been so transmitted, said petition
33 shall be deemed to be valid unless written objections are made
34 thereto by a registered voter of the city within forty-eight hours
35 after such certification by filing such objections with the City
36 Council or the School Committee, and a copy thereof with the
37 Registrars of Voters or the Board of Commission having similar
38 duties. A copy of the objections so filed shall forthwith be
39 transmitted to the State Ballot Law Commission which shall hold
40 a Public Hearing on said objections, shall render a decision on the
41 matter referred to it within fourteen days after the objections were
42 filed and transmit a copy of its decision to the City Council or the
43 School Committee.

44 *Section 6C. Action by City Council or School Committee if*
45 *Initiative Petition is fully signed: Referendum*

46 If any initiative petition is signed by registered voters equal in
47 number to at least fifteen per cent of the whole number of
48 registered voters, the City Council or the School Committee shall,
49 within twenty days after the date of certificate of the registrars to
50 that effect:

51 (1) Pass said measure without alteration, subject to the
52 referendum vote provided by this chapter, or

53 (2) The City Council shall call a Special Election to be held on
54 a Tuesday fixed by it not less than thirty nor more than forty five
55 days after the date of the certificate herein before mentioned, and
56 shall submit the proposed measure without alteration to a vote of
57 the registered voters of the City at that election; provided, that if
58 any city election is otherwise to occur within ninety days after the
59 date of said certificate, the City Council may, at its discretion,
60 omit calling the special election and submit the proposed measure
61 to the voters at such approaching election.

62 *Section 6D. Proceedings if Petition not fully signed:*

63 If any initiative petition is signed by registered voters equal in
64 number to at least eight percent, but less than fifteen percent of
65 the total number of registered voters, and said measure percent of
66 the total number of registered voters, and said measure be not
67 passed without alteration within twenty days by the City Council
68 or the School Committee, as provided in the preceding section,
69 such proposed measure, without alteration, shall be submitted by
70 the City Council to a vote of the registered voters of the city at the
71 next regular Municipal Election.

72 A measure proposed under this section or section thirty-nine
73 shall become effective if it shall be approved by registered voters
74 of the city equal in number to one third of the whole number
75 thereof and also by a majority of the voters voting on such
76 measure, but not otherwise.

77 *Section 6E. Ballots to State Nature of Measure:*

78 The ballots used when voting upon a proposed measure under
79 section thirty-nine or forty, or a measure or part therefore
80 protected against under the following section, shall state the
81 nature of the measure in terms sufficient to show the substance
82 thereof.

83 *Section 6F. Referendum Petition:*

84 If within twenty days after the final passage of any measure,
85 except a revenue loan order, by the City Council or by the School
86 Committee, a petition signed by registered voters of the city,
87 equal in number to at least twelve percent of the total number of
88 registered voters, and addressed to the City Council or to the
89 School Committee, as the case may be, protesting against such
90 measure, or any part thereof, taking effect, is filed with the City
91 Clerk, the same shall thereupon and thereby be suspended from
92 taking effect; and the City Council or the School Committee, as
93 the case may be, shall immediately reconsider such measure or
94 part thereof; and if such measure or part thereof is not entirely
95 rescinded, the City Council shall submit the same, by the method
96 therein provided, to a vote of the registered voters of the city,
97 either at the next regular city election, or at a special election
98 which may, in its discretion, be called for the purpose, and such
99 measure or part thereof shall forthwith become null and void
100 unless a majority of the registered voters voting on the same at
101 such election vote in favor thereof.

102 Procedure, etc. the petition described in this section shall be
103 termed a referendum petition and section thirty-eight shall apply
104 to the procedure in respect thereto, except that the words
105 "Measure of part thereof protested against" shall for this purpose
106 be understood to replace "Measure" in said section wherever it
107 may occur, and "Referendum" shall be understood to replace the
108 word "Initiative" in said section.

109 *Section 6G. City Council may submit questions to voters:*

110 The City Council may, of its own motion, and shall, upon
111 request of the School Committee if a measure originates with that
112 committee and pertains to the affairs under its administration,
113 submit to a vote of the registered voters of the city for adopting or
114 rejection at a general or special city election any proposed
115 measure, or a proposition for the repeal or amendment of any
116 measure, in the same manner and with the same force and effect
117 as are hereby provided for submission on petition.

118 *Section 6H. Measures with conflicting provisions:*

119 If two or more proposed measures passed at the same election
120 contain conflicting provisions, only the one receiving the highest
121 vote shall be considered law of the municipality.