

The Commonwealth of Massachusetts



THE COMMONWEALTH OF MASSACHUSETTS
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To the Honorable House of Representatives:

Pursuant to Part the Second, Chapter I, Section I, Article II of the Constitution of the Commonwealth of Massachusetts, I am returning unsigned House Bill No. 321, entitled "An Act Providing for Binding Initiatives in Towns."

This bill would allow the voters in a town to place binding initiative questions on the ballot in any regular town election. The bill fails, however, to address many of the important details involved in placing binding initiative questions before the voters. It leaves towns to determine, for example, what matters may be subject to initiative petitions, the form of such petitions, and the manner in which initiative questions will be presented on the ballot. This lack of legislative guidance, which delegates to towns many decisions about election issues, appears to violate Article 89 of the Constitution, which reserves to the Legislature the sole authority to regulate elections.

Voters in cities have the authority to place binding questions on the ballot, but that authority is governed in detail by comprehensive statutory provisions in Chapter 43 of the General Laws. Those provisions deal with issues that should also be addressed by any bill that confers on town voters the power to place binding initiatives on the ballot.

For the reasons stated above, I am returning House Bill No. 321 unsigned.

Respectfully submitted,

William F. Weld

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