

SENATE No. 54

Taken from the files of the preceding General Court by an order (presented by Senator Cotton) adopted by the Senate on January 6 and by the House on January 7. Constitutional Law.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty.

Proposal for a Legislative Amendment of the Constitution relative to the Apportionment of Senatorial, Representative and Councillor Districts.

1 A joint session of the senate and house of
2 representatives hereby declares it to be ex-
3 pedient to alter the constitution by the adoption
4 of the following article of amendment, to the
5 end that it may become a part of the constitu-
6 tion, if similarly agreed to in a joint session of
7 the next general court and approved by the
8 people at the state election next following:

9 ARTICLES OF AMENDMENT.

10 Article XXI of the articles of amendment is
11 hereby annulled and the following is adopted in
12 place thereof:

13 *Article XXI.* In the year nineteen hundred
14 and thirty-five and every tenth year thereafter
15 a census of the inhabitants of each city and town

16 shall be taken and a special enumeration shall
17 be made of the legal voters therein. Said special
18 enumeration shall also specify the number of
19 legal voters residing in each precinct of each
20 town containing twelve thousand or more in-
21 habitants according to said census and in each
22 ward of each city. Each special enumeration
23 shall be the basis for determining the representa-
24 tive districts for the ten year period beginning
25 with the first Wednesday in the fourth January
26 following said special enumeration; provided,
27 that such districts as established in the year
28 nineteen hundred and twenty-six shall continue
29 in effect until the first Wednesday in January
30 in the year nineteen hundred and thirty-nine.

31 The house of representatives shall consist of
32 two hundred and forty members, which shall be
33 apportioned by the general court, at its first
34 regular session after the return of each special
35 enumeration, to the several counties of the com-
36 monwealth, equally, as nearly as may be, ac-
37 cording to their relative numbers of legal voters,
38 as ascertained by said special enumeration; and
39 the town of Cohasset, in the county of Norfolk,
40 shall, for this purpose, as well as in the formation
41 of districts as hereinafter provided, be con-
42 sidered a part of the county of Plymouth; and
43 it shall be the duty of the secretary of the com-
44 monwealth to certify, as soon as may be after
45 it is determined by the general court, the number
46 of representatives to which each county shall
47 be entitled, to the board authorized to divide

48 such county into representative districts. The
49 county commissioners or other body acting as
50 such or, in lieu thereof, such board of special
51 commissioners in each county as may for that
52 purpose be provided by law, shall, within thirty
53 days after such certification by the secretary of
54 the commonwealth or within such other period
55 as the general court may by law provide, as-
56 semble at a shire town of their respective coun-
57 ties, and proceed, as soon as may be, to divide
58 the same into representative districts of con-
59 tiguous territory and assign representatives
60 thereto, so that each representative in such
61 county will represent an equal number of legal
62 voters, as nearly as may be; and such districts
63 shall be so formed that no town containing less
64 than twelve thousand inhabitants according to
65 said census, no precinct of any other town and
66 no ward of a city shall be divided therefor, nor
67 shall any district be made which shall be en-
68 titled to elect more than three representatives.
69 The general court may by law limit the time
70 within which judicial proceedings may be in-
71 stituted calling in question any such apportion-
72 ment, division or assignment. Every representa-
73 tive, for one year at least immediately preceding
74 his election, shall have been an inhabitant of the
75 district for which he is chosen, and shall cease
76 to represent such district when he shall cease
77 to be an inhabitant of the commonwealth. The
78 districts in each county shall be numbered by
79 the board creating the same, and a description

80 of each, with the numbers thereof and the num-
81 ber of legal voters therein, shall be returned by
82 the board, to the secretary of the common-
83 wealth, the county treasurer of such county,
84 and to the clerk of every city or town in such
85 county, to be filed and kept in their respective
86 offices. The manner of calling and conducting
87 the elections for the choice of representatives,
88 and of ascertaining their election, shall be pre-
89 scribed by law.

90 Article XXII of the articles of amendment is
91 hereby annulled and the following is adopted in
92 place thereof:

93 *Article XXII.* Each special enumeration of
94 legal voters required in the preceding article of
95 amendment shall likewise be the basis for de-
96 termining the senatorial districts and also the
97 councillor districts for the ten year period begin-
98 ning with the first Wednesday in the fourth
99 January following such enumeration; provided,
100 that such districts as established in the year
101 nineteen hundred and twenty-six shall continue
102 in effect until the first Wednesday in January
103 in the year nineteen hundred and thirty-nine.
104 The senate shall consist of forty members. The
105 general court shall, at its first regular session
106 after the return of each special enumeration,
107 divide the commonwealth into forty districts
108 of contiguous territory, each district to contain,
109 as nearly as may be, an equal number of legal
110 voters, according to said special enumeration;
111 provided, however, that no town or ward of a

112 city shall be divided therefor; and such districts
113 shall be formed, as nearly as may be, without
114 uniting two counties, or parts of two or more
115 counties, into one district. The general court
116 may by law limit the time within which judicial
117 proceedings may be instituted calling in question
118 such division. Each district shall elect one
119 senator, who shall have been an inhabitant of
120 this commonwealth five years at least imme-
121 diately preceding his election, and at the time
122 of his election shall be an inhabitant of the dis-
123 trict for which he is chosen; and he shall cease
124 to represent such senatorial district when he
125 shall cease to be an inhabitant of the common-
126 wealth.

