

By Mr. Schlosstein of Warren (by request), petition of Charles Francis Mahoney for legislation to ascertain and carry out the will of the people relative to the calling and holding of a popular constitutional convention. Constitutional Law.

The Commonwealth of Massachusetts

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

AN ACT TO ASCERTAIN AND CARRY OUT THE WILL OF THE PEOPLE
RELATIVE TO THE CALLING AND HOLDING OF A CONSTITUTIONAL
CONVENTION.

*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. For the purpose of ascertaining the will of the
2 people of the commonwealth with reference to the calling
3 and holding of a constitutional convention, the secretary of
4 the commonwealth shall cause to be placed on the official bal-
5 lot to be used at the biennial state election in the year nine-
6 teen hundred and sixty-eight the following question:—

7 “Shall there be a convention to revise, alter, amend, or
8 rearrange the constitution of the commonwealth; provided,
9 that the convention shall not be empowered to consider or
10 propose revisions, alterations or amendments to Part the First,
11 the Declaration of Rights of the said Constitution; and pro-
12 vided further, that the number of delegates chosen and elected
13 to the convention shall be 120, of which 20 shall be members
14 of the General Court (chosen in accordance with the provi-
15 sions of House No. of 1967 as enacted) and 100 shall be
16 residents of the commonwealth who are not members of the
17 General Court (elected in accordance with the provisions of
18 House No. of 1967, as enacted)?”

19 The votes upon said question shall be received, sorted,
20 counted, declared and transmitted to the secretary of the
21 commonwealth, laid before the governor and council, and
22 by them opened and examined, in accordance with the laws

23 relating to votes for state officers so far as they are applica-
24 ble. The governor shall, by public proclamation, on or before
25 the first Wednesday in January in the year following said
26 state election make known the result by declaring the num-
27 ber of votes in the affirmative and the number in the nega-
28 tive; and if it shall appear that a majority of said votes is
29 in the affirmative, it shall be deemed and taken to be the will
30 of the people that such a convention be called and held to
31 revise, alter or amend the constitution and in his proclama-
32 tion the governor shall call upon the general court and the
33 people to choose and elect delegates to the convention in the
34 manner prescribed by this act.

35 SECTION 2. The number of delegates to be chosen and elected
36 to the convention shall be one hundred and twenty, of whom
37 ten shall be chosen by ballot of the representatives on or be-
38 fore the first Monday in May in the year nineteen hundred and
39 sixty-nine and shall be, at the time chosen, members of the
40 house of representatives but no more than six of the same po-
41 litical party; ten shall be chosen by ballot of the senators on or
42 before the said day and shall be, at the time chosen, members
43 of the senate but no more than six of the same political party;
44 twenty shall be elected at large in the manner prescribed by
45 this act; and eighty shall be elected by the forty senatorial
46 districts of the commonwealth existing on the effective date
47 of this act, to wit, two by each district, in the manner pre-
48 scribed by this act.

49 SECTION 3. Nomination of candidates for election at large
50 or by senatorial districts for the office of delegate to the con-
51 stitutional convention shall be made by nomination papers
52 without party or political designation, which shall be signed
53 in the aggregate by not fewer than twenty-five hundred voters
54 for each candidate at large and by not fewer than five hundred
55 voters resident in a senatorial district for each candidate
56 for delegate from that senatorial district. Said papers shall
57 be filed on or before five o'clock in the afternoon on the first
58 Tuesday in March in the year nineteen hundred and sixty-nine.
59 No member of the general court on the first Tuesday in March
60 aforesaid shall be a candidate for election as a delegate at

61 large or by a senatorial district. No person shall be a can-
62 didate for delegate both at large and from a senatorial dis-
63 trict. If nomination papers for nomination for delegate both
64 at large and from a senatorial district are filed in behalf of
65 a candidate, and if, within seventy-two hours after five o'clock
66 in the afternoon of the first Tuesday in March aforesaid, he
67 withdraws one nomination, the remaining nomination shall
68 be valid. No person shall be a candidate for delegate from a
69 senatorial district in which he does not reside. No person
70 shall be a candidate for delegate at large who does not reside
71 in the commonwealth.

1 SECTION 4. If in the commonwealth at large, or in any sena-
2 torial district, the number of persons nominated by nomination
3 papers equals or exceeds three times the number to be elected
4 delegates as provided by section two, a non-partisan prelim-
5 inary election shall be held in the commonwealth, or in such
6 senatorial district, on the first Tuesday of April in the year,
7 nineteen hundred and sixty-nine. At such preliminary election,
8 twice the number of persons to be elected delegates shall be
9 chosen from those nominated by nomination papers, and those
10 so chosen shall be deemed nominated as candidates for dele-
11 gates. The names of those nominated by nomination papers and
12 those nominated as candidates in the preliminary election
13 where such election was necessary shall appear on the ballot
14 at a special election of delegates to the constitutional conven-
15 tion, to be held in all cities and towns of the commonwealth on
16 the first Tuesday in May in the year nineteen hundred and
17 sixty-nine.

1 SECTION 5. At the special election of delegates to the con-
2 stitutional convention, and at the preliminary election held
3 under the provisions of section four, every person then en-
4 titled to vote for state officers shall have the right to vote
5 for ten delegates at large and for one delegate from his or
6 her senatorial district. The number of delegates of each class
7 for which the voter has the right to vote shall appear on the
8 official ballot. The names of candidates for the office of dele-
9 gate in each class shall be printed upon the official ballot
10 in the order in which they may be drawn by the secretary of

11 the commonwealth, whose duty it shall be to make such draw-
12 ing before each election and to give each candidate an op-
13 portunity to be present at such drawing personally or by one
14 representative. No party or political designation shall appear
15 on said ballot.

1 SECTION 6. The persons chosen and elected delegates shall
2 meet in convention at the University of Massachusetts in Am-
3 herst or in the State House in Boston, on the second Monday in
4 July in the year nineteen hundred and sixty-nine. They shall be
5 the judges of the returns and election of their own members
6 and may adjourn from time to time and hold sessions in other
7 places within the commonwealth. If at any time a vacancy oc-
8 curs in the convention for any cause in the office of delegate
9 chosen by ballot of the representatives or of the senators, the
10 president of the convention shall forthwith notify the speaker
11 of the house, if the vacancy is in the office of delegate chosen by
12 ballot of the representatives, or the president of the senate, if
13 the vacancy is in the office of delegate chosen by ballot of the
14 senators, and the vacancy shall be filled by appointment of a
15 member of the house or of the senate, according to the nature
16 of the vacancy, by the speaker of the house or the president
17 of the senate so notified. If at any time a vacancy occurs in
18 the convention for any cause in the office of delegate elected
19 at large or by a senatorial district, the convention shall forth-
20 with choose as delegate to fill the vacancy whichever of the
21 defeated candidates for the office of delegate at large, if the
22 vacancy is from such office, or for the office of delegate from
23 the senatorial district, if the vacancy is from such office,
24 at the election at which delegates were elected received the
25 highest number of votes at such election for such office at
26 large or from such senatorial district and is eligible and
27 willing to serve, or if there is no such defeated candidate
28 eligible and willing to serve, a resident of the commonwealth.
29 Sixty-one of the persons chosen and elected shall constitute
30 a quorum for the transaction of business. The delegates shall
31 be called to order by the governor, and shall proceed to organize
32 themselves in convention by choosing a president and such
33 other officers and such committees as they may deem expe-
34 dient and by establishing rules of procedure; and when or-

35 ganized they may take into consideration the propriety and
36 expediency of revising, altering, amending or rearranging
37 the present constitution of the commonwealth; provided, that
38 the convention shall not be empowered to consider or propose
39 revisions, alterations or amendments to Part the First, the
40 Declaration of Rights of the said constitution. Every revision,
41 alteration, amendment, and rearrangement made and adopted
42 by the said convention shall be submitted to the people for
43 their ratification and adoption in such manner as the con-
44 vention shall direct; and if ratified and adopted by the people
45 in the manner so directed, the constitution shall be deemed
46 and taken to be revised, altered, amended, and rearranged ac-
47 cordingly; and if not so ratified and adopted the present con-
48 stitution shall be and remain in such respect the constitution
49 of the commonwealth.

1 SECTION 7. The convention shall be provided, at the expense
2 of the commonwealth, with suitable quarters and facilities for
3 exercising its functions. It shall establish the compensation
4 of its officers and members, which shall not exceed fifty dollars
5 for each member of the convention for each day he is in attend-
6 ance. It shall, subject to the approval of the governor, provide
7 for such other expenses of its officers and members and for its
8 session as it shall deem expedient, and shall cause to be pre-
9 pared and issued a statement briefly setting forth such argu-
10 ments as the convention may see fit relative to any revision,
11 alteration or amendment of the constitution adopted by it. The
12 governor is authorized to draw his warrant on the treasury for
13 any of the foregoing expenses.

1 SECTION 8. The provisions of section twenty-one and
2 twenty-two of chapter thirty of the General Laws shall not
3 apply to the salary of delegates to the constitutional conven-
4 tion authorized by the people pursuant to this act.

1 SECTION 9. If the public proclamation pursuant to section
2 one of this act shall declare that a majority of the votes is in
3 the affirmative, the governor shall, with the consent of the Sen-
4 ate, on the second Wednesday in January in the year nineteen
5 hundred and sixty-nine, appoint a special commission, which

6 shall be known as the Massachusetts constitutional convention
7 preparatory commission and shall be composed of five learned
8 and discreet persons. No more than three of the members of said
9 commission shall be members of the same political party. The
10 governor shall designate one of the members to act as chairman.
11 If any vacancy shall occur in the membership of said commis-
12 sion the governor shall forthwith appoint a successor with the
13 consent of the Senate. The commission shall compile and ren-
14 der accessible, in convenient form and arrangement, such in-
15 formation, data and material as may aid the convention in the
16 discharge of its duties. Each member of the commission shall
17 receive as compensation the sum of ten thousand dollars. In
18 the discharge of its duties, the commission may incur such ex-
19 penses for research, legal, clerical, printing, travel and other
20 purposes as they may determine, not to exceed in all the sum
21 of two hundred thousand dollars. The provisions of the law
22 relating to civil service shall not apply to persons employed by
23 said commission. The commission shall be provided with situa-
24 ble accommodations in the state house or in other premises
25 owned or leased by the commonwealth and shall have the same
26 right of access to the state library as the members of the gen-
27 eral court.

1 SECTION 10. The secretary of the commonwealth is hereby
2 directed to transmit forthwith printed copies of this act to
3 the selectmen of each town and the mayor of each city within
4 the commonwealth; and whenever the governor shall issue his
5 proclamation, calling upon the people to elect delegates, the
6 secretary shall also, immediately thereafter, transmit printed
7 copies of said proclamation, attested by him, to the selectmen
8 and mayors.

1 SECTION 11. All laws relating to nominations and nomina-
2 tion papers, and to primaries, elections and corrupt practices
3 therein shall so far as is consistent herewith, apply to the
4 nomination of candidates for delegates to the convention, and
5 to the preliminary and special election provided for by this
6 act.

1 SECTION 12. This act shall take effect upon its passage.

The first part of the report deals with the general situation of the country and the progress of the war. It is followed by a detailed account of the military operations in the West, the East, and the South. The author then discusses the political and economic conditions of the country and the impact of the war on the population. The report concludes with a summary of the author's views on the future of the country and the role of the government.

The second part of the report deals with the military operations in the West. It begins with a description of the German offensive in the West and the Allied response. The author then discusses the Battle of the Marne and the subsequent retreat of the German army. He then describes the Battle of Ypres and the establishment of the Western Front. The report concludes with a discussion of the military situation in the West at the end of the year.