

HOUSE No. 4785

Substituted by the House, on motion of Mr. Speliotis of Danvers, for a bill with the same title (House, No. 4699). December 29, 2016.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to initiative petitions in the city known as the town of Greenfield.

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 7-7 of the charter of the city known as the town of Greenfield which is on file in
2 the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the
3 General Laws is hereby amended by striking out subsections (a) to (e), inclusive, and inserting in
4 place thereof the following 5 subsections:-

5 (a) Commencement - Initiative procedures shall be started by the filing of a proposed
6 initiative petition with the Town Clerk. The petition shall be addressed to the Town Council or to
7 the School Committee, shall contain a request for the passage of a particular measure which shall
8 be set forth in full in the petition, and shall be signed by at least ten (10) voters of the Town. The
9 petition shall be accompanied by an affidavit signed by five (5) voters and containing their
10 residential address stating they will constitute the petitioners committee and be responsible for
11 circulating the petition and filing it in proper form and shall indicate which member shall serve
12 as Clerk of the petitioners committee.

13 (b) Referral to Town Attorney - The Town Clerk shall, forthwith following receipt of
14 each such proposed petition, deliver a copy of the petition to the Town Attorney. The Town
15 Attorney shall, within fifteen days following receipt of a copy of the petition, in writing, advise
16 the Town Council or the School Committee, as may be appropriate, whether (1) the measure as
17 proposed may lawfully be proposed by the initiative process, (2) whether, in its present form it
18 may be lawfully adopted by the Town Council or the School Committee and (3) whether the
19 Town Clerk may issue blank forms as provided under paragraph 7-7 (c). If the opinion of the
20 Town Attorney is that the measure fails in any respect, the reply shall state the reasons for such
21 opinion, in full. A copy of the opinion of the Town Attorney shall also be mailed to the person
22 designated as Clerk of the petitioners committee.

23 (c) Submission to Town Clerk - If the opinion of the Town Attorney is that the
24 petition is eligible under Section 7-7 (b), the Town Clerk shall provide blank forms for the use of
25 subsequent signers, and shall print at the top of each blank a fair, concise summary of the
26 proposed measure, as determined by the Town Attorney, together with the names and addresses
27 of the first ten (10) voters who signed the originating petition. Within ninety (90) days following
28 the date the blank forms are issued by the Town Clerk, the petitions shall be returned and filed
29 with the Town Clerk signed by at least ten percent (10%) of the total number of voters voting in
30 the most recent biennial Town election, but no less than five percent (5%) of all registered voters
31 on the same date. Signatures to an initiative petition need not all be on one (1) paper, but all such
32 papers pertaining to any one measure shall be fastened together and shall be filed as a single
33 instrument, with the endorsement thereon of the name and residence address of the person
34 designated as filing the same. With each signature on the petition there shall also appear the
35 street and number of the residence of each signer.

36 Within ten (10) days following the filing of the petition, the Board of Registrars of Voters
37 shall ascertain by what number of voters the petition has been signed, and what percentage that
38 number is of the total number of voters as of the date of the most recent regular biennial Town
39 election. The Town Clerk shall attach to the petition a certificate showing the results of their
40 examination and shall return the petition to the Clerk of the Council or the secretary of the
41 School Committee according to how the petition is addressed. A copy of the Board of Registrars
42 of Voters certificate shall also be mailed to the person designated as Clerk of the petitioners
43 committee.

44 (d) Action on Petitions - Within sixty (60) days following the date a petition has been
45 returned to the Clerk of the Council or the secretary of the School Committee by the Town Clerk
46 and after publication in accordance with the provisions of section 2-9(c), the Town Council or
47 the School Committee shall act with respect to each initiative petition by passing it without
48 change, by passing a measure which is stated to be in lieu of the initiative measure, or by
49 rejecting it. The passage of a measure, which is in lieu of an initiative measure, shall be deemed
50 to be a rejection of the initiative measure. If the Town Council or the School Committee fails to
51 act with respect to any initiative measure, which is presented to it within sixty (60) days
52 following the date it is returned to it by the Town Clerk, the measure shall be deemed to have
53 been rejected on such 60th day. If an initiative measure is rejected, the Town Clerk shall
54 promptly give notice of that fact to the person designated as Clerk of the petitioners committee,
55 by certified mail.

56 (e) Supplementary Petitions - Within sixty (60) days following the date an initiative
57 petition has been rejected a supplemental initiative petition may be filed with the Town Clerk by
58 the petitioner's committee as determined in section 7-7(a). The supplemental initiative petition

59 shall be in the same form as the initial petition and signed by a number of additional voters,
60 which is equal or greater than five percent (5%) of the total number of voters voting in - the most
61 recent regular biennial Town election, but no less than two and one half percent (2 ½ %) of all
62 registered voters as of the same date. If the number of signatures to such supplemental petition is
63 found to be sufficient by the Town Clerk, the Town Council shall call a special election to be
64 held on a date fixed by it not less than one hundred and twenty (120) nor more than one hundred
65 eighty (180) days following the date of the certificate of the Town Clerk that a sufficient number
66 of voters have signed the supplemental initiative petition and shall submit the proposed measure,
67 without alteration, to the voters for determination; provided, however, if any other Town election
68 is to be held within one year following the date of the said certificate, the Town Council may
69 omit the calling of such special election and cause said question to appear on the election ballot
70 at such approaching election for determination by the voters at the next regular biennial election.