SENATE DOCKET, NO. 1051 FILED ON: 1/17/2013

SENATE . . . . . No. 319

The Commonwealth of Massachusetts

PRESENTED BY:

***James B. Eldridge*, (BY REQUEST)**

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to ascertain and carry out the will of the people relative to the calling and holding of a constitutional convention.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Edward MacKenzie	

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SENATE . . . . . No. 319

By Mr. Eldridge (by request), a petition (accompanied by bill, Senate, No. 319) of Edward MacKenzie for legislation relative to a constitutional convention. Election Laws.

The Commonwealth of Massachusetts

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:

Section 1. For the purpose of ascertaining the will of the people of the commonwealth with reference to the calling and holding of a constitutional convention, the secretary of the commonwealth shall cause to be placed on the official ballot to be used at the biennial state election held in the year two thousand and fourteen the following question: - "Shall there be a convention to revise, alter or amend the constitution of the commonwealth?" The votes upon said question shall be received, sorted, counted, declared and transmitted to the secretary of the commonwealth, laid before the governor and council, and by them opened and examined, in accordance with the laws relating to votes for state officers so far as they are applicable. The governor shall, by public proclamation, on or before the first Wednesday in January following thereafter, make known the result by declaring the number of votes in the affirmative and the number in the negative; and if it shall appear that a majority of the votes cast is in the affirmative, it shall be deemed and taken to be the will of the people that a convention be called and held to revise, alter or amend the constitution, and in his proclamation the governor shall call upon the people to elect delegates to the convention, at a special election to be held in all the cities and towns of the commonwealth on the first Tuesday in May in the year two thousand and fifteen, and shall designate the place where the delegates thus chosen shall meet.

Section 2. The number of delegates to be elected to the convention shall be four hundred and eighty, three to be elected in each of the one hundred and sixty legislative representative districts.

Section 3. Nomination of candidates for the office of delegate to the constitutional convention shall be made by nomination papers without party or political designation, which shall be signed in the aggregate by not less than one hundred fifty voters. Said papers shall be filed on or before five o'clock in the afternoon on the first Tuesday in March in the year two

24 thousand and fifteen. No person shall be a candidate for delegate from a legislative
25 representative district in which he does not reside.

26 Section 4. If, in any district, the number of persons nominated by nomination papers
27 equals or exceeds three times the number to be elected delegates as provided by section two, a
28 non-partisan primary shall be held in such district on the first Tuesday of April in the year two
29 thousand and fifteen. At such primary, twice the number of persons to be elected delegates shall
30 be chosen from those nominated by nomination papers, and those so chosen shall be deemed
31 nominated as candidates for delegate, and their names only shall appear on the ballot at said
32 special election. The provisions of section five of this act shall, so far as is consistent herewith,
33 apply to the primaries provided for by this section.

34 Section 5. At the special election to be held under the provisions of section one, every
35 person then entitled to vote or state officers shall have the right to vote for two delegates from
36 the person's representative district. The number of delegates for which the voter has the right to
37 vote shall appear on the official ballot. No party or political designation shall appear on said
38 ballot.

39 Section 6. The persons elected delegates shall meet in convention at such location as
40 determined by the governor on the first Wednesday in June in the year two thousand and fifteen.
41 They shall be the judges of the returns and election of their own members, and may adjourn from
42 time to time; and two hundred and forty-one of the persons elected shall constitute a quorum for
43 the transaction of business. They shall be called to order by the governor, and shall proceed to
44 organize themselves in convention, by choosing a president and such other officers and such
45 committees as they may deem expedient, and by establishing rules of procedure; and when
46 organized, they may take into consideration the propriety and expediency of revising the present
47 constitution of the commonwealth, or making alterations or amendments thereof. Any such
48 revision, alterations or amendments, when made and adopted by said convention, shall be
49 submitted to the people for their ratification and adoption at the next biennial state election and if
50 ratified and adopted by the people, the constitution shall be deemed and taken to be revised,
51 altered or amended accordingly; and if not so ratified and adopted the present constitution shall
52 be and remain the constitution of the commonwealth.

53 Section 7. The convention shall be provided by the governor, at the expense of the
54 commonwealth, with suitable quarters and facilities for exercising its functions. Delegates shall
55 be paid a salary equal to one-half of the base pay granted to the members of the general court and
56 shall receive the mileage granted to members of the general court. The convention shall, subject
57 to the approval of the governor and council, provide for such other expenses of its session as it
58 shall deem expedient, and may cause to be prepared and issued a statement briefly setting forth
59 such arguments as the convention may see fit relative to any revision, alteration or amendment of
60 the constitution adopted by it, or any part thereof. The governor, with the advice and consent of

61 the council, is authorized to draw a warrant on the treasury for the foregoing expenses, the sum
62 not to exceed fifty million dollars in the aggregate.

63 Section 8. The secretary of the commonwealth is hereby directed to transmit forthwith
64 printed copies of this act to the selectmen of each town and the mayor of each city within the
65 commonwealth; and whenever the governor shall issue the proclamation, calling upon the people
66 to elect delegates, the secretary shall also, immediately thereafter, transmit printed copies of said
67 proclamation, attested by the secretary of the commonwealth, to the selectmen and mayors.

68 Section 9. All laws relating to nominations and nomination papers, the regulation and
69 disclosure of campaign finance, and to primaries, elections and corrupt practices therein, shall, so
70 far as is consistent herewith, apply to the nomination of candidates for delegate to the
71 convention, and to the primaries and special election provided for by this act.

72 Section 10. Any vacancy which may occur in the office of delegate, due to death,
73 resignation or otherwise, shall be filled by special election under the same laws and procedures
74 as apply to members of the general court.