

SENATE No. 415

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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 adoption of the accompanying bill:

An Act to create a citizens' initiative review commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/28/2019</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/29/2019</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>1/30/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/31/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/31/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/31/2019</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>2/7/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/7/2019</i>

SENATE No. 415

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 415) of Jason M. Lewis, Jonathan Hecht, Bradley H. Jones, Jr., Sonia Chang-Diaz and other members of the General Court for legislation to create a citizens’ initiative review commission. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 390 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to create a citizens’ initiative review commission.

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. Chapter 54 of the General Laws is hereby amended by inserting after
2 section 42C the following section:-

3 Section 42D.

4 (a) As used in this section, the following terms shall have the following meanings:-

5 “citizens’ initiative review”, the process through which a citizen panel is assembled,
6 deliberations are conducted for a ballot measure, and the resulting citizens’ statement is
7 disseminated to the voting public

8 “citizens’ panel”, 18 to 24 Massachusetts residents of voting age as demographically
9 representative as possible of the overall voting age population

10 “citizens’ statement”, a 1 page document made public immediately upon its completion
11 written by a citizens’ panel that includes key findings and reasons to support and oppose the
12 ballot measure under its review, as well as any other information the citizens’ panel deems
13 pertinent

14 “deliberations”, a meeting, the proceedings of which shall be open to observation by the
15 public, of no less than 3 and no more than 5 days, during which a citizens’ panel shall evaluate
16 the ballot measure under its review, complete its citizens’ statement, and have the opportunity to
17 hear testimony from and question relevant policy experts and the campaigns or their surrogates
18 supporting and opposing the relevant measure

19 (b) A citizens’ initiative review commission is established within the executive branch
20 and shall consist of 7 commissioners, all of whom shall be residents of the commonwealth. The
21 governor shall appoint 1 commissioner, who shall be the chairman of the commission; the
22 attorney general shall appoint 1 commissioner; the secretary of the commonwealth shall appoint
23 1 commissioner; the senate president shall appoint 1 commissioner; the speaker of the house
24 shall appoint 1 commissioner; the minority leader of the senate shall appoint 1 commissioner;
25 and the minority leader of the house shall appoint 1 commissioner. All appointees shall hold
26 expertise relevant to nonpartisan public deliberation.

27 No person appointed to the commission, in the 5 years preceding such appointment, shall
28 have held presidential, congressional, state legislative or statewide elective office, nor shall have
29 served as mayor or city councilor or equivalent of a city or town in the commonwealth, or as a
30 member of the governor’s council, nor shall have been elected to a state or federal party
31 committee, nor shall have been an executive or legislative agent, nor shall stand for elected

32 office or for election to a state or federal party committee, nor shall serve as executive or
33 legislative agent, nor shall be compensated by any state ballot question committee for the
34 duration of their terms.

35 The term of office of a commissioner shall be 4 years. Vacancies shall be filled by the
36 appropriate appointing authority.

37 The commission shall adopt rules for the conduct of its meetings, which shall be open to
38 the public.

39 The secretary of the commonwealth shall provide staff and other resources necessary for
40 the commission to carry out its tasks.

41 (c) Citizens' initiative review shall be conducted in each statewide biennial election in
42 which 1 or more measures will appear on the ballot. Immediately upon the secretary of the
43 commonwealth's certification of the ballot measures that have qualified to be decided upon by
44 the voters at the next statewide biennial election, the commission shall select the ballot measure
45 or measures for which citizens' initiative review shall be conducted. The commission shall issue
46 a public statement explaining the rationale for its selection. If the commission determines that no
47 ballot measures are appropriate for citizens' initiative review, it may select no measures for that
48 biennial election and shall issue a public statement explaining its decision.

49 (d) No later than February first of the year of a statewide biennial election, the
50 commission shall enter into a written agreement with a nonpartisan organization with expertise
51 in nonpartisan public deliberation to conduct citizens' initiative review. Such an agreement may
52 span more than one statewide biennial election. Preference shall be given to Massachusetts-based
53 organizations.

54 The agreement shall include, but is not limited to, the following conditions:

55 (i) each citizens' initiative review shall be conducted by a unique citizens' panel selected
56 using a methodology that is random and ensures the panel is as representative as possible of the
57 overall voting age population of the Commonwealth with regard to at least the following
58 demographic characteristics: age, gender, race, place of residence, political party affiliation, and
59 educational attainment;

60 (ii) each citizens' initiative review shall be facilitated by nonpartisan, professional
61 moderators with training in citizens' initiative; and

62 (iii) the citizens' statement shall be written solely by, and solely contain the views of, the
63 citizens' panel.

64 Funding for citizens' initiative review conducted pursuant to agreements entered into by
65 the commission and for independent evaluation carried out pursuant to subsection (f) shall be
66 provided from the General Fund, subject to appropriation.

67 (e) Each member of a citizens' panel shall be compensated daily for their participation in
68 the deliberations in an amount not less than that paid for juror service pursuant to section 51 of
69 chapter 234A. Their travel and child-care expenses, lodging and food shall also be reimbursed
70 or otherwise provided. An employer shall not dismiss or punish in any way an employee who
71 participates as a member of a citizens' panel.

72 (f) No later than April first of the year following a statewide biennial election in which
73 citizens' initiative review is conducted, the commission shall prepare and publish a report
74 evaluating the citizens' initiative review or reviews and recommending improvements, if any. To

75 inform its report, the commission shall hold at least one meeting open to the public and provide
76 other opportunities for public comment. The commission may also enter into an agreement with
77 an independent organization to assess a citizens' initiative review and its value to voters and
78 other stakeholders.

79 SECTION 2. Section 53 of chapter 54 of the General Laws, as it appears in the 2014
80 Official Edition, is hereby amended by inserting in line 20 after the word "finances", the
81 following words:-

82 " , a citizens' statement prepared in accordance with section 42D"