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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE IN JOINT SESSION.

Wednesday, July 12, 2006.

Joint Session of the Two Houses to Consider Specific Amendments to the Constitution.

At five minutes past one o'clock P.M., the two Houses met in

JOINT SESSION

and were called to order by the Honorable Robert E. Travaglini, President of the Senate.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Mr. Travis of Rehoboth moved that calendar item 20, a proposal (see House, No. 4617) (introduced into the General Court by the initiative petition of Raymond L. Flynn and others relative to the definition of marriage be placed as the first order of business before the joint session, but objection was made thereto.

The Proposal for a Legislative Amendment to the Constitution creating a permanent "Rainy Day" fund to provide stable revenues for the Commonwealth (Senate, No. 6) [see House, No. 4691, amended of 2004] was read, the question being on again agreeing to the amendment.

The Proposal was as follows:—

ARTICLE OF AMENDMENT.

Article LXIII of the Articles of Amendments to the Constitution of the Commonwealth is hereby amended by adding the following section:—

SECTION 6.

Stabilization Fund.

- (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the stabilization fund, in this section called the fund, consisting of amounts transferred to the fund and income derived from the investment of amounts so transferred.
- (b) The general appropriation bill shall annually appropriate to the fund an amount equal to 1 per cent of the amount of state tax revenues used to defray the general appropriation bill for the previous fiscal year. Appropriations to the fund shall not be necessary: (i) in any fiscal year there is no increase or a decrease in state tax revenue due to economic factors beyond the control of the general court; or (ii) in any fiscal year immediately following a fiscal year of no increase or a decrease in the revenue due to economic factors beyond the control of the general court. All surplus funds at the end of each fiscal year shall also be deposited in the fund. Nothing in this Article shall prevent the general court from making additional appropriations to the fund.

(c) If in any fiscal year, amounts in the fund exceed 15 per cent of total revenues used to defray the general appropriation act for that fiscal year, that excess shall be expended in the manner that the general court may by law prescribe. No funds may be transferred or appropriated from the fund, except by an emergency appropriations bill. No more than half of the amounts in the fund shall be expended in any fiscal year.

(d) After final action on the general appropriation bill or on recommendation of the governor, emergency appropriation bills may be enacted by a three-fifths vote of members present and voting thereon, taken by yeas and nays, of each branch of the general court. Such bills shall provide the specific means of defraying the appropriations therein contained and shall declare in a preamble the facts constituting the emergency, public exigency, or significant distress necessitating use of these funds. An emergency appropriation bill which transfers or appropriates funds from the fund shall contain a plan for decreasing the necessity for the use of the fund in the subsequent 5 fiscal years resulting from the use of money from the fund.

Mr. Smizik of Brookline moved that this item be placed at the end of the calendar; and this motion prevailed.

The Proposal for an Initiative Amendment to the Constitution relative to the provision of health insurance (see Senate, No. 4) [see **House, No. 4444, amended of 2004**] (introduced into the General Court by the initiative petition of Harold Hestnes and others) was read, the question being on again agreeing to the amendment.

The Proposal was as follows:—

ARTICLE OF AMENDMENT.

The people of the Commonwealth of Massachusetts hereby declare it necessary and expedient to alter the Constitution by the adoption of the following Article of Amendment:

Upon ratification of this amendment and thereafter, it shall be the obligation and duty of the Legislature and executive officials, on behalf of the Commonwealth, to enact and implement such laws, subject to approval by the voters at a statewide election, as will ensure that no Massachusetts resident lacks comprehensive, affordable and equitably financed health insurance coverage for all medically necessary preventive, acute and chronic health care and mental health care services, prescription drugs and devices. Pending the question on again agreeing to the amendment, Mr. Moore moved, under Special Rule F, that the proposal be committed to a special committee of the joint session consisting of the members of the joint committee on health care financing. Subsequently, there being no objection, during further consideration, Mr. Moore withdrew his motion.

During further consideration, Mr. Peterson of Grafton doubted the presence of a quorum and asked for a call of the yeas and nays to ascertain if a quorum was present. The President, having determined that a quorum was not in attendance, and then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum at two minutes past two o'clock P.M., as follows to wit (*Answered Present 194*) [**Senate Yeas and Nays No. 304**] [**House Yeas and Nays No. 484**]:

ANSWERED "PRESENT" — (39). Senators.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.

Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 39.
Menard, Joan M.	

Representatives.	
Atkins, Cory	Linsky, David P.
Atsalis, Demetrius J.	L'Italien, Barbara A.
Ayers, Bruce J.	Loscocco, Paul J.
Balser, Ruth B.	Malia, Elizabeth A.
Binienda, John J.	Mariano, Ronald
Blumer, Deborah D.	Marzilli, J. James, Jr.
Bosley, Daniel E.	Miceli, James R.
Bradley, Garrett J.	Moran, Michael
Broadhurst, Arthur J.	Murphy, Charles A.
Cabral, Antonio F. D.	Murphy, James M.
Callahan, Jennifer M.	Murphy, Kevin J.
Canavan, Christine E.	Nangle, David M.
Candaras, Gale D.	Natale, Patrick M.
Canessa, Stephen R.	Naughton, Harold P., Jr.
Carron, Mark J.	Nyman, Robert J.
Casey, Paul C.	O'Brien, Thomas J.
Coakley-Rivera, Cheryl A.	O'Flaherty, Eugene L.
Coppola, Virginia M.	Owens-Hicks, Shirley
Correia, Robert	Parente, Marie J.
Costello, Michael A.	Patrick, Matthew
Coughlin, Robert K.	Paulsen, Anne M.

Creedon, Geraldine	Pedone, Vincent A.
Curran, Sean	Peisch, Alice H.
DeLeo, Robert A.	Perry, Jeffrey D.
deMacedo, Viriato Manuel	Petersen, Douglas W.
Dempsey, Brian S.	Peterson, George N., Jr.
DiMasi, Salvatore F.	Petrolati, Thomas M.
Donato, Paul J.	Petrucelli, Anthony
Donelan, Christopher J.	Pignatelli, William Smitty
Driscoll, Joseph R.	Poirier, Elizabeth A.
Eldridge, James B.	Polito, Karyn E.
Evangelidis, Lewis G.	Pope, Susan W.
Fagan, James H.	Provost, Denise
Fallon, Christopher G.	Quinn, John F.
Falzone, Mark V.	Reinstein, Kathi-Anne
Fennell, Robert F.	Rice, Robert L
Festa, Michael E.	Rodrigues, Michael J.
Finegold, Barry R.	Rogeness, Mary S.
Flanagan, Jennifer L.	Rogers, John H.
Flynn, David L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Fox, Gloria L.	Rushing, Byron
Fresolo, John P.	Sánchez, Jeffrey
Frost, Paul K.	Sannicandro, Tom
Galvin, William C.	Scaccia, Angelo M.
Garry, Colleen M.	Scibak, John W.
Gifford, Susan W.	Sciortino, Carl M., Jr.
Gobi, Anne M.	Smizik, Frank Israel
Goguen, Emile J.	Smola, Todd M.
Golden, Thomas A., Jr.	Speliotis, Theodore C.
Gomes, Shirley	Speranzo, Christopher
Grant, Mary E.	Spiliotis, Joyce A.

Greene, William G., Jr.	St. Fleur, Marie P.
Guyer, Denis E.	Stanley, Harriett L.
Haddad, Patricia A.	Stanley, Thomas M.
Hall, Geoffrey D.	Story, Ellen
Hargraves, Robert S.	Straus, William M.
Harkins, Lida E.	Sullivan, David B.
Hill, Bradford	Swan, Benjamin
Honan, Kevin G.	Teahan, Kathleen M.
Humason, Donald F., Jr.	Timilty, Walter F.
Hynes, Frank M.	Tobin, A. Stephen
Jones, Bradley H., Jr.	Toomey, Timothy J., Jr.
Kafka, Louis L.	Torrisi, David M.
Kane, Michael F.	Travis, Philip
Kaprielian, Rachel	Turkington, Eric
Kaufman, Jay R.	Turner, Cleon H.
Keenan, John, D.	Verga, Anthony J.
Khan, Kay	Wagner, Joseph F.
Kocot, Peter V.	Wallace, Brian P.
Koczera, Robert M.	Walrath, Patricia A.
Koutoujian, Peter J.	Walsh, Martin J.
Kujawski, Paul	Walsh, Steven M.
Kulik, Stephen	Walz, Martha M.
Lantigua, William	Webster, Daniel K.
Leary, James Brendan	Welch, James T.
LeDuc, Stephen P.	Wolf, Alice K. — 155.
Lepper, John A.	
ABSENT OR NOT VOTING — (4).	
Senator.	
Buoniconti, Stephen J. — 1.	
Representatives.	
Kennedy, Thomas P.	Spellane, Robert P. — 3.

Vallee, James E.	
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The yeas and nays having been completed at ten minutes past two o'clock P.M., a quorum was declared present.

Pending further consideration of the main question, Mr. Moore again moved, under Special Rule F, that the proposal be committed to a special committee of the joint session consisting of the members of the joint committee on health care financing. After further debate, the question on committing the proposal to a special committee of the joint session was determined by a call of the yeas and the nays, at five minutes past three o'clock P.M., on motion of Mr. Montigny, as follows, to wit (*yeas 118 — nays 76*) [Senate Yeas and Nays No. 305] [House Yeas and Nays No. 485]:

YEAS — (118).	
Senators.	
Antonioni, Robert A.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Knapik, Michael R.	Tisei, Richard R.
Lees, Brian P.	Travaglini, Robert E. — 23.
Menard, Joan M.	
Representatives.	
Atsalis, Demetrius J.	Malia, Elizabeth A.
Ayers, Bruce J.	Mariano, Ronald
Binienda, John J.	Miceli, James R.
Bosley, Daniel E.	Moran, Michael
Bradley, Garrett J.	Murphy, Charles A.
Broadhurst, Arthur J.	Murphy, James M.
Cabral, Antonio F. D.	Murphy, Kevin J.
Canavan, Christine E.	Nangle, David M.
Candaras, Gale D.	Natale, Patrick M.
Canessa, Stephen R.	Nyman, Robert J.
Casey, Paul C.	O'Brien, Thomas J.

Coakley-Rivera, Cheryl A.	O'Flaherty, Eugene L.
Correia, Robert	Owens-Hicks, Shirley
Costello, Michael A.	Patrick, Matthew
Coughlin, Robert K.	Pedone, Vincent A.
Creedon, Geraldine	Peisch, Alice H.
Curran, Sean	Petrolati, Thomas M.
DeLeo, Robert A.	Petrucelli, Anthony
Dempsey, Brian S.	Quinn, John F.
DiMasi, Salvatore F.	Reinstein, Kathi-Anne
Donato, Paul J.	Rice, Robert L
Donelan, Christopher J.	Rodrigues, Michael J.
Driscoll, Joseph R.	Rogers, John H.
Falzone, Mark V.	Rush, Michael F.
Fennell, Robert F.	Rushing, Byron
Festa, Michael E.	Sánchez, Jeffrey
Flanagan, Jennifer L.	Sannicandro, Tom
Flynn, David L.	Scaccia, Angelo M.
Forry, Linda Dorcena	Scibak, John W.
Galvin, William C.	Smizik, Frank Israel
Garry, Colleen M.	Speliotis, Theodore C.
Golden, Thomas A., Jr.	Spiliotis, Joyce A.
Greene, William G., Jr.	St. Fleur, Marie P.
Haddad, Patricia A.	Stanley, Harriett L.
Hall, Geoffrey D.	Stanley, Thomas M.
Harkins, Lida E.	Straus, William M.
Honan, Kevin G.	Sullivan, David B.
Kane, Michael F.	Timilty, Walter F.
Kaprielian, Rachel	Tobin, A. Stephen
Keenan, John, D.	Torrise, David M.
Khan, Kay	Turkington, Eric
Koczera, Robert M.	Verga, Anthony J.
Koutoujian, Peter J.	Wagner, Joseph F.

Kujawski, Paul	Wallace, Brian P.
Kulik, Stephen	Walrath, Patricia A.
Lantigua, William	Walsh, Martin J.
Leary, James Brendan	Welch, James T. — 95.
LeDuc, Stephen P.	
NAYS — (76).	
Senators.	
Augustus, Edward M., Jr.	Montigny, Mark C.
Barrios, Jarrett T.	Pacheco, Marc R.
Creem, Cynthia Stone	Resor, Pamela
Havern, Robert A.	Rosenberg, Stanley C.
Hedlund, Robert L.	Tolman, Steven A.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 16.
Representatives.	
Atkins, Cory	Linsky, David P.
Balser, Ruth B.	L'Italien, Barbara A.
Blumer, Deborah D.	Loscocco, Paul J.
Callahan, Jennifer M.	Marzilli, J. James, Jr.
Carron, Mark J.	Naughton, Harold P., Jr.
Coppola, Virginia M.	Parente, Marie J.
deMacedo, Viriato Manuel	Paulsen, Anne M.
Eldridge, James B.	Perry, Jeffrey D.
Evangelidis, Lewis G.	Petersen, Douglas W.
Fagan, James H.	Peterson, George N., Jr.
Fallon, Christopher G.	Pignatelli, William Smitty
Finegold, Barry R.	Poirier, Elizabeth A.
Fox, Gloria L.	Polito, Karyn E.
Fresolo, John P.	Pope, Susan W.

Frost, Paul K.	Provost, Denise
Gifford, Susan W.	Rogeness, Mary S.
Gobi, Anne M.	Ross, Richard J.
Goguen, Emile J.	Sciortino, Carl M., Jr.
Gomes, Shirley	Smola, Todd M.
Grant, Mary E.	Speranzo, Christopher
Guyer, Denis E.	Story, Ellen
Hargraves, Robert S.	Swan, Benjamin
Hill, Bradford	Teahan, Kathleen M.
Humason, Donald F., Jr.	Toomey, Timothy J., Jr.
Hynes, Frank M.	Travis, Philip
Jones, Bradley H., Jr.	Turner, Cleon H.
Kafka, Louis L.	Walsh, Steven M.
Kaufman, Jay R.	Walz, Martha M.
Kocot, Peter V.	Webster, Daniel K.
Lepper, John A.	Wolf, Alice K. — 60.
ABSENT OR NOT VOTING — (4).	
Senator.	
Buoniconti, Stephen J. — 1.	
Representatives.	
Kennedy, Thomas P.	Spellane, Robert P. — 3.
Vallee, James E.	

The yeas and nays having been completed at twenty minutes past three o'clock P.M., the proposal was committed to the special committee of the joint session.

Mr. Peterson of Grafton moved that the joint session stand in recess until Monday, July 17, at eleven o'clock A.M; and this motion was negatived.

Subsequently, Mr. Peterson of Grafton doubted the vote and asked for a call of the yeas and nays, and sufficient number of members joining him in this request, the yeas and nays were ordered.

The question on recessing the joint session was determined by a call of the yeas and the nays, at twenty-three minutes past three o'clock P.M., as follows, to wit (*yeas 25 — nays 169*) [**Senate Yeas and Nays No. 306**] [**House Yeas and Nays No. 486**]:

YEAS — (25).	
Senators — 0.	
Representatives.	
Coppola, Virginia M.	O'Flaherty, Eugene L.

deMacedo, Viriato Manuel	Parente, Marie J.
Evangelidis, Lewis G.	Perry, Jeffrey D.
Flynn, David L.	Peterson, George N., Jr.
Frost, Paul K.	Poirier, Elizabeth A.
Gifford, Susan W.	Polito, Karyn E.
Hargraves, Robert S.	Pope, Susan W.
Hill, Bradford	Rogeness, Mary S.
Humason, Donald F., Jr.	Ross, Richard J.
Jones, Bradley H., Jr.	Smola, Todd M.
Lepper, John A.	Travis, Philip
Loscocco, Paul J.	Webster, Daniel K. — 25.
Miceli, James R.	
NAYS — (169).	
Senators.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O'Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Brown, Scott P.	Panagiotakos, Steven C.
Chandler, Harriette L.	Resor, Pamela
Creedon, Robert S., Jr.	Rosenberg, Stanley C.
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tarr, Bruce E.
Hart, John A., Jr.	Timilty, James E.
Havern, Robert A.	Tisei, Richard R.
Hedlund, Robert L.	Tolman, Steven A.
Jehlen, Patricia D.	Travaglini, Robert E.
Joyce, Brian A.	Tucker, Susan C.

Knapik, Michael R.	Walsh, Marian
Lees, Brian P.	Wilkerson, Dianne — 39.
McGee, Thomas M.	
Representatives.	
Atkins, Cory	Leary, James Brendan
Atsalis, Demetrius J.	LeDuc, Stephen P.
Ayers, Bruce J.	Linsky, David P.
Balsler, Ruth B.	L'Italien, Barbara A.
Binienda, John J.	Malia, Elizabeth A.
Blumer, Deborah D.	Mariano, Ronald
Bosley, Daniel E.	Marzilli, J. James, Jr.
Bradley, Garrett J.	Moran, Michael
Broadhurst, Arthur J.	Murphy, Charles A.
Cabral, Antonio F. D.	Murphy, James M.
Callahan, Jennifer M.	Murphy, Kevin J.
Canavan, Christine E.	Nangle, David M.
Candaras, Gale D.	Natale, Patrick M.
Canessa, Stephen R.	Naughton, Harold P., Jr.
Carron, Mark J.	Nyman, Robert J.
Casey, Paul C.	O'Brien, Thomas J.
Coakley-Rivera, Cheryl A.	Owens-Hicks, Shirley
Correia, Robert	Patrick, Matthew
Costello, Michael A.	Paulsen, Anne M.
Coughlin, Robert K.	Pedone, Vincent A.
Creedon, Geraldine	Peisch, Alice H.
Curran, Sean	Petersen, Douglas W.
DeLeo, Robert A.	Petrolati, Thomas M.
Dempsey, Brian S.	Petrucelli, Anthony
DiMasi, Salvatore F.	Pignatelli, William Smitty
Donato, Paul J.	Provost, Denise
Donelan, Christopher J.	Quinn, John F.

Driscoll, Joseph R.	Reinstein, Kathi-Anne
Eldridge, James B.	Rice, Robert L
Fagan, James H.	Rodrigues, Michael J.
Fallon, Christopher G.	Rogers, John H.
Falzone, Mark V.	Rush, Michael F.
Fennell, Robert F.	Rushing, Byron
Festa, Michael E.	Sánchez, Jeffrey
Finegold, Barry R.	Sannicandro, Tom
Flanagan, Jennifer L.	Scaccia, Angelo M.
Forry, Linda Dorcena	Scibak, John W.
Fox, Gloria L.	Sciortino, Carl M., Jr.
Fresolo, John P.	Smizik, Frank Israel
Galvin, William C.	Speliotis, Theodore C.
Garry, Colleen M.	Speranzo, Christopher
Gobi, Anne M.	Spiliotis, Joyce A.
Goguen, Emile J.	St. Fleur, Marie P.
Golden, Thomas A., Jr.	Stanley, Harriett L.
Gomes, Shirley	Stanley, Thomas M.
Grant, Mary E.	Story, Ellen
Greene, William G., Jr.	Straus, William M.
Guyer, Denis E.	Sullivan, David B.
Haddad, Patricia A.	Swan, Benjamin
Hall, Geoffrey D.	Teahan, Kathleen M.
Harkins, Lida E.	Timilty, Walter F.
Honan, Kevin G.	Tobin, A. Stephen
Hynes, Frank M.	Toomey, Timothy J., Jr.
Kafka, Louis L.	Torrissi, David M.
Kane, Michael F.	Turkington, Eric
Kaprielian, Rachel	Turner, Cleon H.
Kaufman, Jay R.	Verga, Anthony J.
Keenan, John, D.	Wagner, Joseph F.
Khan, Kay	Wallace, Brian P.

Kocot, Peter V.	Walrath, Patricia A.
Koczera, Robert M.	Walsh, Martin J.
Koutoujian, Peter J.	Walsh, Steven M.
Kujawski, Paul	Walz, Martha M.
Kulik, Stephen	Welch, James T.
Lantigua, William	Wolf, Alice K. — 130.
ABSENT OR NOT VOTING — (4).	
Senator.	
Buoniconti, Stephen J. — 1.	
Representatives.	
Kennedy, Thomas P.	Spellane, Robert P. — 3.
Vallee, James E.	

The yeas and nays having been completed at twenty-nine minutes before four o'clock P.M., the motion was negatived.

The Proposal for a Legislative Amendment to the Constitution relative to laws created by the people using the Initiative process (Senate, No. 7),— **was read twice in accordance with the provisions of the special rules.**

The Proposal was as follows:—

ARTICLE OF AMENDMENT.

Article XLVIII of the Massachusetts Constitution is amended by replacing General Provisions, Section VI with the following: The General Court's Power of Repeal. The General Court may amend or repeal a law approved by the people only with the written consent of a majority of the 10 original signers of the initiative petition that created the law, or the approval of a majority of the voters on a statewide ballot.

After remarks, the proposal was rejected; and, as required by the Constitution, was determined by a call of the yeas and nays, at sixteen minutes before four o'clock P.M., as follows, to wit (*yeas 1 — nays 193*) [**Senate Yeas and Nays No. 307**] [**House Yeas and Nays No. 487**]:

YEA — (1).	
Senator.	
Hedlund, Robert L. — 1.	
NAYS — (193).	
Senators.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O'Leary, Robert A.

Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Jehlen, Patricia D.	Tisei, Richard R.
Joyce, Brian A.	Tolman, Steven A.
Knapik, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 38.
Representatives.	
Atkins, Cory	Linsky, David P.
Atsalis, Demetrius J.	L'Italien, Barbara A.
Ayers, Bruce J.	Loscocco, Paul J.
Balser, Ruth B.	Malia, Elizabeth A.
Binienda, John J.	Mariano, Ronald
Blumer, Deborah D.	Marzilli, J. James, Jr.
Bosley, Daniel E.	Miceli, James R.
Bradley, Garrett J.	Moran, Michael
Broadhurst, Arthur J.	Murphy, Charles A.
Cabral, Antonio F. D.	Murphy, James M.
Callahan, Jennifer M.	Murphy, Kevin J.
Canavan, Christine E.	Nangle, David M.
Candaras, Gale D.	Natale, Patrick M.
Canessa, Stephen R.	Naughton, Harold P., Jr.
Carron, Mark J.	Nyman, Robert J.
Casey, Paul C.	O'Brien, Thomas J.
Coakley-Rivera, Cheryl A.	O'Flaherty, Eugene L.
Coppola, Virginia M.	Owens-Hicks, Shirley

Correia, Robert	Parente, Marie J.
Costello, Michael A.	Patrick, Matthew
Coughlin, Robert K.	Paulsen, Anne M.
Creedon, Geraldine	Pedone, Vincent A.
Curran, Sean	Peisch, Alice H.
DeLeo, Robert A.	Perry, Jeffrey D.
deMacedo, Viriato Manuel	Petersen, Douglas W.
Dempsey, Brian S.	Peterson, George N., Jr.
DiMasi, Salvatore F.	Petrolati, Thomas M.
Donato, Paul J.	Petrucelli, Anthony
Donelan, Christopher J.	Pignatelli, William Smitty
Driscoll, Joseph R.	Poirier, Elizabeth A.
Eldridge, James B.	Polito, Karyn E.
Evangelidis, Lewis G.	Pope, Susan W.
Fagan, James H.	Provost, Denise
Fallon, Christopher G.	Quinn, John F.
Falzone, Mark V.	Reinstein, Kathi-Anne
Fennell, Robert F.	Rice, Robert L
Festa, Michael E.	Rodrigues, Michael J.
Finegold, Barry R.	Rogeness, Mary S.
Flanagan, Jennifer L.	Rogers, John H.
Flynn, David L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Fox, Gloria L.	Rushing, Byron
Fresolo, John P.	Sánchez, Jeffrey
Frost, Paul K.	Sannicandro, Tom
Galvin, William C.	Scaccia, Angelo M.
Garry, Colleen M.	Scibak, John W.
Gifford, Susan W.	Sciortino, Carl M., Jr.
Gobi, Anne M.	Smizik, Frank Israel
Goguen, Emile J.	Smola, Todd M.
Golden, Thomas A., Jr.	Speliotis, Theodore C.

Gomes, Shirley	Speranzo, Christopher
Grant, Mary E.	Spiliotis, Joyce A.
Greene, William G., Jr.	St. Fleur, Marie P.
Guyer, Denis E.	Stanley, Harriett L.
Haddad, Patricia A.	Stanley, Thomas M.
Hall, Geoffrey D.	Story, Ellen
Hargraves, Robert S.	Straus, William M.
Harkins, Lida E.	Sullivan, David B.
Hill, Bradford	Swan, Benjamin
Honan, Kevin G.	Teahan, Kathleen M.
Humason, Donald F., Jr.	Timilty, Walter F.
Hynes, Frank M.	Tobin, A. Stephen
Jones, Bradley H., Jr.	Toomey, Timothy J., Jr.
Kafka, Louis L.	Torrisi, David M.
Kane, Michael F.	Travis, Philip
Kaprielian, Rachel	Turkington, Eric
Kaufman, Jay R.	Turner, Cleon H.
Keenan, John, D.	Verga, Anthony J.
Khan, Kay	Wagner, Joseph F.
Kocot, Peter V.	Wallace, Brian P.
Koczera, Robert M.	Walrath, Patricia A.
Koutoujian, Peter J.	Walsh, Martin J.
Kujawski, Paul	Walsh, Steven M.
Kulik, Stephen	Walz, Martha M.
Lantigua, William	Webster, Daniel K.
Leary, James Brendan	Welch, James T.
LeDuc, Stephen P.	Wolf, Alice K. — 155.
Lepper, John A.	
ABSENT OR NOT VOTING — (4).	
Senator.	
Buoniconti, Stephen J. — 1.	
Representatives.	

Kennedy, Thomas P.	Spellane, Robert P. — 3.
Vallee, James E.	

The yeas and nays having been completed at eight minutes before four o'clock P.M., the proposal was rejected.

The Proposal for a Legislative Amendment to the Constitution relative to Constitutional officers (Senate, No. 8),— was read twice in accordance with the provisions of the special rules.

The Proposal was as follows:—

ARTICLE OF AMENDMENT.

Article LXIV of the Amendments to the Constitution is hereby amended by inserting after section 3 the following new section:—

SECTION 4. Upon a vacancy in the office of the secretary, treasurer and receiver-general, attorney general and auditor by reason of death, resignation or removal, such vacancy shall be filled by an election called by the Governor within six months of said vacancy, unless the vacancy occurs between January 1 and seventy days prior to the state primary, in which case the election shall be held at the regularly scheduled biennial election. Prior to the election to fill said vacancy, senators and representatives in one room by majority vote of a joint ballot shall select a temporary replacement who shall hold the title of acting secretary, acting treasurer and receiver-general, acting attorney general and acting auditor, as the case may be.

After remarks, the proposal was rejected; and, as required by the Constitution, was determined by a call of the yeas and nays, at six minutes before four o'clock P.M., as follows, to wit (*yeas 33 — nays 161*) [**Senate Yeas and Nays No. 308**] [**House Yeas and Nays No. 488**]:

YEAS — (33).	
Senators.	
Brown, Scott P.	Lees, Brian P.
Hedlund, Robert L.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 6.
Representatives.	
Casey, Paul C.	Loscocco, Paul J.
Coppola, Virginia M.	Murphy, Charles A.
deMacedo, Viriato Manuel	Perry, Jeffrey D.
Evangelidis, Lewis G.	Peterson, George N., Jr.
Frost, Paul K.	Poirier, Elizabeth A.
Gifford, Susan W.	Polito, Karyn E.
Gomes, Shirley	Pope, Susan W.
Hargraves, Robert S.	Provost, Denise
Hill, Bradford	Rogeness, Mary S.
Humason, Donald F., Jr.	Ross, Richard J.
Hynes, Frank M.	Smola, Todd M.
Jones, Bradley H., Jr.	Straus, William M.

Kocot, Peter V.	Webster, Daniel K. — 27.
Lepper, John A.	
NAYS — (161).	
Senators.	
Antonioni, Robert A.	Moore, Richard T.
Augustus, Edward M., Jr.	Morrissey, Michael W.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O’Leary, Robert A.
Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Tolman, Steven A.
Jehlen, Patricia D.	Travaglini, Robert E.
Joyce, Brian A.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 33.
Montigny, Mark C.	
Representatives.	
Atkins, Cory	Linsky, David P.
Atsalis, Demetrius J.	L’Italien, Barbara A.
Ayers, Bruce J.	Malia, Elizabeth A.
Balser, Ruth B.	Mariano, Ronald
Binienda, John J.	Marzilli, J. James, Jr.
Blumer, Deborah D.	Miceli, James R.
Bosley, Daniel E.	Moran, Michael
Bradley, Garrett J.	Murphy, James M.
Broadhurst, Arthur J.	Murphy, Kevin J.
Cabral, Antonio F. D.	Nangle, David M.

Callahan, Jennifer M.	Natale, Patrick M.
Canavan, Christine E.	Naughton, Harold P., Jr.
Candaras, Gale D.	Nyman, Robert J.
Canessa, Stephen R.	O'Brien, Thomas J.
Carron, Mark J.	O'Flaherty, Eugene L.
Coakley-Rivera, Cheryl A.	Owens-Hicks, Shirley
Correia, Robert	Parente, Marie J.
Costello, Michael A.	Patrick, Matthew
Coughlin, Robert K.	Paulsen, Anne M.
Creedon, Geraldine	Pedone, Vincent A.
Curran, Sean	Peisch, Alice H.
DeLeo, Robert A.	Petersen, Douglas W.
Dempsey, Brian S.	Petrolati, Thomas M.
DiMasi, Salvatore F.	Petrucelli, Anthony
Donato, Paul J.	Pignatelli, William Smitty
Donelan, Christopher J.	Quinn, John F.
Driscoll, Joseph R.	Reinstein, Kathi-Anne
Eldridge, James B.	Rice, Robert L
Fagan, James H.	Rodrigues, Michael J.
Fallon, Christopher G.	Rogers, John H.
Falzone, Mark V.	Rush, Michael F.
Fennell, Robert F.	Rushing, Byron
Festa, Michael E.	Sánchez, Jeffrey
Finegold, Barry R.	Sannicandro, Tom
Flanagan, Jennifer L.	Scaccia, Angelo M.
Flynn, David L.	Scibak, John W.
Forry, Linda Dorcena	Sciortino, Carl M., Jr.
Fox, Gloria L.	Smizik, Frank Israel
Fresolo, John P.	Speliotis, Theodore C.
Galvin, William C.	Speranzo, Christopher
Garry, Colleen M.	Spiliotis, Joyce A.
Gobi, Anne M.	St. Fleur, Marie P.

Goguen, Emile J.	Stanley, Harriett L.
Golden, Thomas A., Jr.	Stanley, Thomas M.
Grant, Mary E.	Story, Ellen
Greene, William G., Jr.	Sullivan, David B.
Guyer, Denis E.	Swan, Benjamin
Haddad, Patricia A.	Teahan, Kathleen M.
Hall, Geoffrey D.	Timilty, Walter F.
Harkins, Lida E.	Tobin, A. Stephen
Honan, Kevin G.	Toomey, Timothy J., Jr.
Kafka, Louis L.	Torrisi, David M.
Kane, Michael F.	Travis, Philip
Kaprielian, Rachel	Turkington, Eric
Kaufman, Jay R.	Turner, Cleon H.
Keenan, John, D.	Verga, Anthony J.
Khan, Kay	Wagner, Joseph F.
Koczera, Robert M.	Wallace, Brian P.
Koutoujian, Peter J.	Walrath, Patricia A.
Kujawski, Paul	Walsh, Martin J.
Kulik, Stephen	Walsh, Steven M.
Lantigua, William	Walz, Martha M.
Leary, James Brendan	Welch, James T.
LeDuc, Stephen P.	Wolf, Alice K. — 128.
ABSENT OR NOT VOTING — (4).	
Senator.	
Buoniconti, Stephen J. — 1.	
Representatives.	
Kennedy, Thomas P.	Spellane, Robert P. — 3.
Vallee, James E.	

The yeas and nays having been completed at three minutes past four o'clock P.M., the proposal was rejected.

The Proposal for a Legislative Amendment to the Constitution allowing absentee voting (Senate, No. 9),— was read twice in accordance with the provisions of the special rules.

The Proposal was as follows:—

ARTICLE OF AMENDMENT.

Article XLV of the state constitution is hereby amended by adding at the end thereof, the following:— subject to local acceptance by a two-thirds vote, a city or town may vote to allow voting at home such as absentee voting for any reason given. Pending the question on ordering the proposal to a third reading, Mr. Augustus moved that the proposal be amended by striking out the text and inserting in place thereof the following text:—

“ARTICLE OF AMENDMENT.

Article . Article XLV of the Amendments to the Constitution, as appearing in Article CV of the Amendments, is hereby annulled and the following is adopted in place thereof:—

Article XLV. The general court shall have power to provide by law for voting, in the choice of any officer to be elected or upon any question submitted at an election, by any qualified voter of the commonwealth by absentee ballot.”; and by striking out the title and inserting in place thereof the following title:— “Proposal for a Legislative Amendment to the Constitution authorizing the General Court to provide for absentee voting by any voter.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at seventeen minutes past four o’clock P.M., as follows to wit (*yeas 189 — nays 5*) [**Senate Yeas and Nays No. 309**] [**House Yeas and Nays No. 489**]:

YEAS — (189).	
Senators.	
Antonioni, Robert A.	Montigny, Mark C.
Augustus, Edward M., Jr.	Moore, Richard T.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.
Brewer, Stephen M.	O’Leary, Robert A.
Brown, Scott P.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Rosenberg, Stanley C.
Fargo, Susan C.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Havern, Robert A.	Timilty, James E.
Hedlund, Robert L.	Tisei, Richard R.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
Knapik, Michael R.	Tucker, Susan C.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 39.
Menard, Joan M.	
Representatives.	

Atkins, Cory	Linsky, David P.
Atsalis, Demetrius J.	L'Italien, Barbara A.
Ayers, Bruce J.	Loscocco, Paul J.
Balser, Ruth B.	Malia, Elizabeth A.
Binienda, John J.	Mariano, Ronald
Blumer, Deborah D.	Marzilli, J. James, Jr.
Bosley, Daniel E.	Miceli, James R.
Bradley, Garrett J.	Moran, Michael
Broadhurst, Arthur J.	Murphy, Charles A.
Cabral, Antonio F. D.	Murphy, James M.
Callahan, Jennifer M.	Murphy, Kevin J.
Canavan, Christine E.	Nangle, David M.
Candaras, Gale D.	Natale, Patrick M.
Canessa, Stephen R.	Naughton, Harold P., Jr.
Carron, Mark J.	Nyman, Robert J.
Casey, Paul C.	O'Brien, Thomas J.
Coakley-Rivera, Cheryl A.	O'Flaherty, Eugene L.
Correia, Robert	Owens-Hicks, Shirley
Costello, Michael A.	Parente, Marie J.
Coughlin, Robert K.	Patrick, Matthew
Creedon, Geraldine	Paulsen, Anne M.
Curran, Sean	Pedone, Vincent A.
DeLeo, Robert A.	Peisch, Alice H.
Dempsey, Brian S.	Petersen, Douglas W.
DiMasi, Salvatore F.	Peterson, George N., Jr.
Donato, Paul J.	Petrolati, Thomas M.
Donelan, Christopher J.	Petrucelli, Anthony
Driscoll, Joseph R.	Pignatelli, William Smitty
Eldridge, James B.	Poirier, Elizabeth A.
Evangelidis, Lewis G.	Polito, Karyn E.
Fagan, James H.	Pope, Susan W.
Fallon, Christopher G.	Provost, Denise

Falzone, Mark V.	Quinn, John F.
Fennell, Robert F.	Reinstein, Kathi-Anne
Festa, Michael E.	Rice, Robert L
Finegold, Barry R.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Rogeness, Mary S.
Flynn, David L.	Rogers, John H.
Forry, Linda Dorcena	Rush, Michael F.
Fox, Gloria L.	Rushing, Byron
Fresolo, John P.	Sánchez, Jeffrey
Frost, Paul K.	Sannicandro, Tom
Galvin, William C.	Scaccia, Angelo M.
Garry, Colleen M.	Scibak, John W.
Gifford, Susan W.	Sciortino, Carl M., Jr.
Gobi, Anne M.	Smizik, Frank Israel
Goguen, Emile J.	Smola, Todd M.
Golden, Thomas A., Jr.	Speliotis, Theodore C.
Gomes, Shirley	Speranzo, Christopher
Grant, Mary E.	Spiliotis, Joyce A.
Greene, William G., Jr.	St. Fleur, Marie P.
Guyer, Denis E.	Stanley, Harriett L.
Haddad, Patricia A.	Stanley, Thomas M.
Hall, Geoffrey D.	Story, Ellen
Harkins, Lida E.	Straus, William M.
Hill, Bradford	Sullivan, David B.
Honan, Kevin G.	Swan, Benjamin
Humason, Donald F., Jr.	Teahan, Kathleen M.
Hynes, Frank M.	Timilty, Walter F.
Jones, Bradley H., Jr.	Tobin, A. Stephen
Kafka, Louis L.	Toomey, Timothy J., Jr.
Kane, Michael F.	Torrison, David M.
Kaprielian, Rachel	Travis, Philip
Kaufman, Jay R.	Turkington, Eric

Keenan, John, D.	Turner, Cleon H.
Khan, Kay	Verga, Anthony J.
Kocot, Peter V.	Wagner, Joseph F.
Koczera, Robert M.	Wallace, Brian P.
Koutoujian, Peter J.	Walrath, Patricia A.
Kujawski, Paul	Walsh, Martin J.
Kulik, Stephen	Walsh, Steven M.
Lantigua, William	Walz, Martha M.
Leary, James Brendan	Webster, Daniel K.
LeDuc, Stephen P.	Welch, James T.
Lepper, John A.	Wolf, Alice K. — 150.
NAYS — (5).	
Senators — 0.	
Representatives.	
Coppola, Virginia M.	Perry, Jeffrey D.
deMacedo, Viriato Manuel	Ross, Richard J. — 5.
Hargraves, Robert S.	

The yeas and nays having been completed at twenty-five minutes past four o'clock P.M., the amendment was adopted. After further remarks, the proposal, as amended, was ordered to a third reading.

The Proposal for a Legislative Amendment to the Constitution electing the Lieutenant Governor and Governor separately (Senate, No. 10),— was read twice in accordance with the provisions of the special rules. The Proposal was as follows:—

ARTICLE OF AMENDMENT.

Article LXXXVI of the state constitution is hereby repealed.

After debate, the proposal was rejected; and as required by the Constitution, was determined by a call of the yeas and nays, at twenty-eight minutes before five o'clock P.M., as follows, to wit (*yeas 12 — nays 182*) [**Senate Yeas and Nays No. 310**] [**House Yeas and Nays No. 490**]:

YEAS — (12).	
Senators.	
Brewer, Stephen M.	Lees, Brian P.
Brown, Scott P.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R. — 7.
Knapik, Michael R.	
Representatives.	
Jones, Bradley H., Jr.	Speliotis, Theodore C.

Murphy, Charles A.	Stanley, Harriett L. — 5.
Peterson, George N., Jr.	
NAYS — (182).	
Senators.	
Antonioni, Robert A.	Moore, Richard T.
Augustus, Edward M., Jr.	Morrissey, Michael W.
Baddour, Steven A.	Murray, Therese
Barrios, Jarrett T.	Nuciforo, Andrea F., Jr.
Berry, Frederick E.	O’Leary, Robert A.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Panagiotakos, Steven C.
Creem, Cynthia Stone	Resor, Pamela
Fargo, Susan C.	Rosenberg, Stanley C.
Hart, John A., Jr.	Spilka, Karen E.
Havern, Robert A.	Timilty, James E.
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Menard, Joan M.	Walsh, Marian
Montigny, Mark C.	Wilkerson, Dianne — 32.
Representatives.	
Atkins, Cory	LeDuc, Stephen P.
Atsalis, Demetrius J.	Lepper, John A.
Ayers, Bruce J.	Linsky, David P.
Balser, Ruth B.	L’Italien, Barbara A.
Binienda, John J.	Loscocco, Paul J.
Blumer, Deborah D.	Malia, Elizabeth A.
Bosley, Daniel E.	Mariano, Ronald
Bradley, Garrett J.	Marzilli, J. James, Jr.
Broadhurst, Arthur J.	Miceli, James R.
Cabral, Antonio F. D.	Moran, Michael

Callahan, Jennifer M.	Murphy, James M.
Canavan, Christine E.	Murphy, Kevin J.
Candaras, Gale D.	Nangle, David M.
Canessa, Stephen R.	Natale, Patrick M.
Carron, Mark J.	Naughton, Harold P., Jr.
Casey, Paul C.	Nyman, Robert J.
Coakley-Rivera, Cheryl A.	O'Brien, Thomas J.
Coppola, Virginia M.	O'Flaherty, Eugene L.
Correia, Robert	Owens-Hicks, Shirley
Costello, Michael A.	Parente, Marie J.
Coughlin, Robert K.	Patrick, Matthew
Creedon, Geraldine	Paulsen, Anne M.
Curran, Sean	Pedone, Vincent A.
DeLeo, Robert A.	Peisch, Alice H.
deMacedo, Viriato Manuel	Perry, Jeffrey D.
Dempsey, Brian S.	Petersen, Douglas W.
DiMasi, Salvatore F.	Petrolati, Thomas M.
Donato, Paul J.	Petrucelli, Anthony
Donelan, Christopher J.	Pignatelli, William Smitty
Driscoll, Joseph R.	Poirier, Elizabeth A.
Eldridge, James B.	Polito, Karyn E.
Evangelidis, Lewis G.	Pope, Susan W.
Fagan, James H.	Provost, Denise
Fallon, Christopher G.	Quinn, John F.
Falzone, Mark V.	Reinstein, Kathi-Anne
Fennell, Robert F.	Rice, Robert L
Festa, Michael E.	Rodrigues, Michael J.
Finegold, Barry R.	Rogeness, Mary S.
Flanagan, Jennifer L.	Rogers, John H.
Flynn, David L.	Ross, Richard J.
Forry, Linda Dorcena	Rush, Michael F.
Fox, Gloria L.	Rushing, Byron

Fresolo, John P.	Sánchez, Jeffrey
Frost, Paul K.	Sannicandro, Tom
Galvin, William C.	Scaccia, Angelo M.
Garry, Colleen M.	Scibak, John W.
Gifford, Susan W.	Sciortino, Carl M., Jr.
Gobi, Anne M.	Smizik, Frank Israel
Goguen, Emile J.	Smola, Todd M.
Golden, Thomas A., Jr.	Speranzo, Christopher
Gomes, Shirley	Spiliotis, Joyce A.
Grant, Mary E.	St. Fleur, Marie P.
Greene, William G., Jr.	Stanley, Thomas M.
Guyer, Denis E.	Story, Ellen
Haddad, Patricia A.	Straus, William M.
Hall, Geoffrey D.	Sullivan, David B.
Hargraves, Robert S.	Swan, Benjamin
Harkins, Lida E.	Teahan, Kathleen M.
Hill, Bradford	Timilty, Walter F.
Honan, Kevin G.	Tobin, A. Stephen
Humason, Donald F., Jr.	Toomey, Timothy J., Jr.
Hynes, Frank M.	Torrise, David M.
Kafka, Louis L.	Travis, Philip
Kane, Michael F.	Turkington, Eric
Kaprielian, Rachel	Turner, Cleon H.
Kaufman, Jay R.	Verga, Anthony J.
Keenan, John, D.	Wagner, Joseph F.
Khan, Kay	Wallace, Brian P.
Kocot, Peter V.	Walrath, Patricia A.
Koczera, Robert M.	Walsh, Martin J.
Koutoujian, Peter J.	Walsh, Steven M.
Kujawski, Paul	Walz, Martha M.
Kulik, Stephen	Webster, Daniel K.
Lantigua, William	Welch, James T.
Leary, James Brendan	Wolf, Alice K. — 150.

ABSENT OR NOT VOTING — (4).	
Senator.	
Buoniconti, Stephen J. — 1.	
Representatives.	
Kennedy, Thomas P.	Spellane, Robert P. — 3.
Vallee, James E.	

The yeas and nays having been completed at nineteen minutes before five o'clock P.M., the proposal was rejected.

The Proposal for a Legislative Amendment to the Constitution increasing the term of the General Court from two to four year (Senate, No. 11),— was read twice in accordance with the provisions of the special rules.

The Proposal was as follows:—

ARTICLE OF AMENDMENT.

Article LXIV of the Amendments to the Constitution amended by Article LXXX and Article LXXII Amendments, is hereby annulled, and the following is adopted in place thereof:—

SECTION 1. Article LXIV. The Governor, lieutenant governor, secretary, treasurer and receiver-general, attorney general, auditor, senators, and representatives shall be elected quadrennially, and counselors shall be elected biennially. The terms the governor and lieutenant-governor shall begin at noon Thursday next following the first Wednesday in January succeeding their election and shall end at noon on the Thursday following the first Wednesday in January in the fifth year following their election. If the governor-elect shall have died before the qualification of the lieutenant-governor-elect, the lieutenant-governor-elect upon qualification shall become governor. If both the governor-elect and the lieutenant-governor-elect shall have died, both said offices shall be deemed vacant and the provisions of Article LV of the Amendments to the Constitution shall apply. The terms of the secretary, treasurer and receiver-general, attorney-general, and auditor shall begin with the third Wednesday in January succeeding their election and shall extend to the third Wednesday in January in the fifth year following their election and until their successors are chosen and qualified. The terms of the councilors shall begin at noon on the Thursday next following the first Wednesday in January succeeding their election and shall end at noon on the Thursday next following the first Wednesday in January in the third year following their election. The terms of the senators and representatives shall begin with the first Wednesday in January succeeding their election and shall extend to the first Wednesday in January in the fifth year following their election and until their successors are chosen and qualified.

SECTION 2. The general court shall assemble every year on the first Wednesday in January.

SECTION 3. The first election to which this article shall apply shall be held on the Tuesday next after the first Monday in November in the year two thousand and two, and thereafter elections for the choice of governor, lieutenant-governor, auditor, secretary, treasurer and receiver-general attorney-general, auditor, senators, and representatives shall be held quadrennially on the Tuesday next after the first Monday in November and elections for the choice of councilors shall be held biennially on the Tuesday next after the first Monday in November.

After debate, the proposal was rejected; and, as required by the Constitution, was determined by a call of the yeas and nays, at ten minutes before five o'clock P.M., as follows, to wit (*yeas 66 — nays 125*) [**Senate Yeas and Nays No. 311**] [**House Yeas and Nays No. 491**]:

YEAS — (66).	
Senators.	
Antonioni, Robert A.	Nuciforo, Andrea F., Jr.
Brown, Scott P.	O'Leary, Robert A.
Hart, John A., Jr.	Spilka, Karen E.

McGee, Thomas M.	Tarr, Bruce E.
Menard, Joan M.	Walsh, Marian — 11.
Moore, Richard T.	
Representatives.	
Atsalis, Demetrius J.	Mariano, Ronald
Binienda, John J.	Murphy, Charles A.
Callahan, Jennifer M.	O'Brien, Thomas J.
Canavan, Christine E.	O'Flaherty, Eugene L.
Carron, Mark J.	Owens-Hicks, Shirley
Casey, Paul C.	Paulsen, Anne M.
Donato, Paul J.	Peisch, Alice H.
Fagan, James H.	Petrolati, Thomas M.
Fallon, Christopher G.	Pignatelli, William Smitty
Falzone, Mark V.	Quinn, John F.
Fennell, Robert F.	Reinstein, Kathi-Anne
Festa, Michael E.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Sannicandro, Tom
Flynn, David L.	Scaccia, Angelo M.
Fresolo, John P.	Sciortino, Carl M., Jr.
Garry, Colleen M.	Spiliotis, Joyce A.
Goguen, Emile J.	Stanley, Thomas M.
Greene, William G., Jr.	Sullivan, David B.
Guyer, Denis E.	Swan, Benjamin
Hall, Geoffrey D.	Teahan, Kathleen M.
Harkins, Lida E.	Torrisi, David M.
Kane, Michael F.	Turner, Cleon H.
Keenan, John, D.	Wagner, Joseph F.
Khan, Kay	Walrath, Patricia A.
Koutoujian, Peter J.	Walsh, Martin J.
Kujawski, Paul	Walz, Martha M.
Lantigua, William	Wolf, Alice K. — 55.
Loscocco, Paul J.	
NAYS — (125).	

Senators.	
Augustus, Edward M., Jr.	Havern, Robert A.
Baddour, Steven A.	Hedlund, Robert L.
Barrios, Jarrett T.	Jehlen, Patricia D.
Berry, Frederick E.	Joyce, Brian A.
Brewer, Stephen M.	Knapik, Michael R.
Chandler, Harriette L.	Lees, Brian P.
Creedon, Robert S., Jr.	Montigny, Mark C.
Creem, Cynthia Stone	Morrissey, Michael W.
Fargo, Susan C.	Murray, Therese
Pacheco, Marc R.	Tolman, Steven A.
Panagiotakos, Steven C.	Travaglini, Robert E.
Resor, Pamela	Tucker, Susan C.
Timilty, James E.	Wilkerson, Dianne — 27.
Tisei, Richard R.	
Representatives.	
Atkins, Cory	Linsky, David P.
Ayers, Bruce J.	L'Italien, Barbara A.
Balser, Ruth B.	Malia, Elizabeth A.
Blumer, Deborah D.	Marzilli, J. James, Jr.
Bradley, Garrett J.	Miceli, James R.
Broadhurst, Arthur J.	Moran, Michael
Cabral, Antonio F. D.	Murphy, James M.
Candaras, Gale D.	Murphy, Kevin J.
Canessa, Stephen R.	Nangle, David M.
Coakley-Rivera, Cheryl A.	Natale, Patrick M.
Coppola, Virginia M.	Naughton, Harold P., Jr.
Correia, Robert	Nyman, Robert J.
Costello, Michael A.	Parente, Marie J.
Coughlin, Robert K.	Patrick, Matthew
Creedon, Geraldine	Pedone, Vincent A.

Curran, Sean	Perry, Jeffrey D.
DeLeo, Robert A.	Petersen, Douglas W.
deMacedo, Viriato Manuel	Peterson, George N., Jr.
Dempsey, Brian S.	Petrucelli, Anthony
Donelan, Christopher J.	Poirier, Elizabeth A.
Driscoll, Joseph R.	Polito, Karyn E.
Eldridge, James B.	Pope, Susan W.
Evangelidis, Lewis G.	Provost, Denise
Finegold, Barry R.	Rice, Robert L
Forry, Linda Dorcena	Rogeness, Mary S.
Fox, Gloria L.	Rogers, John H.
Frost, Paul K.	Ross, Richard J.
Galvin, William C.	Rush, Michael F.
Gifford, Susan W.	Rushing, Byron
Gobi, Anne M.	Sánchez, Jeffrey
Golden, Thomas A., Jr.	Scibak, John W.
Gomes, Shirley	Smizik, Frank Israel
Grant, Mary E.	Smola, Todd M.
Haddad, Patricia A.	Speliotis, Theodore C.
Hargraves, Robert S.	Speranzo, Christopher
Hill, Bradford	St. Fleur, Marie P.
Honan, Kevin G.	Stanley, Harriett L.
Humason, Donald F., Jr.	Story, Ellen
Hynes, Frank M.	Straus, William M.
Jones, Bradley H., Jr.	Timilty, Walter F.
Kafka, Louis L.	Tobin, A. Stephen
Kaprielian, Rachel	Toomey, Timothy J., Jr.
Kaufman, Jay R.	Travis, Philip
Kocot, Peter V.	Turkington, Eric
Koczera, Robert M.	Verga, Anthony J.
Kulik, Stephen	Wallace, Brian P.

Leary, James Brendan	Walsh, Steven M.
LeDuc, Stephen P.	Webster, Daniel K.
Lepper, John A.	Welch, James T. — 98.
ABSENT OR NOT VOTING — (7).	
Senators.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.
Representatives.	
Bosley, Daniel E.	Spellane, Robert P.
DiMasi, Salvatore	Vallee, James E. — 5.
Kennedy, Thomas P.	

The yeas and nays having been completed at five o'clock P.M., the proposal was rejected.

The Proposal for a Legislative Amendment to the Constitution establishing an independent redistricting commission and criteria for redistricting (Senate, No. 12),— was read twice in accordance with the provisions of the special rules. The Proposal was as follows:—

ARTICLE OF AMENDMENT.

Article CI of the Articles of Amendments to the Constitution of the Commonwealth is hereby annulled, and the following is adopted in place thereof:

Article CI.

SECTION 1. The House of Representatives shall consist of one hundred and sixty members, each of whom shall be elected from one representative district. Every representative shall have been an inhabitant of the district for which he or she is chosen for at least one year at least immediately preceding his or her election and shall cease to represent such district when he or she shall cease to be an inhabitant of the Commonwealth, provided, however, that for the first redistricting following the adoption of this article, the General Court may suspend the residency requirement of this section.

SECTION 2. The Senate shall consist of forty members, each of whom shall be elected from one senatorial district. Every senator shall have been an inhabitant of the Commonwealth for at least five years immediately preceding his or her election and shall be an inhabitant of the district for which he or she has been selected at the time of his or her election and shall cease to represent such senatorial district when he or she shall cease to be an inhabitant of the Commonwealth.

SECTION 3. The manner of calling and conducting the elections for the choice of representatives, senators, and councilors, and of ascertaining their election, shall be prescribed by law. Nothing contained in this article shall be interpreted as preventing the General Court from adopting laws requiring alternative voting systems such as ranked order balloting or multimember districts.

SECTION 4. The federal census shall be the basis for determining the representative, senatorial, congressional, and governor's council districts for the ten-year period beginning with the first Wednesday in January following the commencement of the taking of said census.

SECTION 5. In the year after each census is commenced, an Independent Redistricting Commission shall be convened and shall divide the Commonwealth into one hundred and sixty representative districts, forty senatorial districts, eight councilor districts, and an appropriate number of Congressional districts as required by federal law. All districts shall be drawn of contiguous territory and each district shall have the same population as practicable to achieve the goals listed below and to meet Constitutional standards. Districts shall be drawn in accordance with federal law, including the federal Voting Rights Act. Districts shall, to the maximum extent possible, in the following order of priority seek to: (1) not divide among more than one district cities and towns; (2) group communities of interest, as defined by similarities in social, cultural, ethnic, and economic interest, a prevalent occupations and lifestyles, school districts, and other formal relationships between municipalities; (3) nest representative districts entirely within senatorial districts, and senatorial districts within Congressional districts and Councilor districts; and (4) maintain geographic compactness of districts. No district shall be drawn for the purpose of diluting the voting

strength of a language or racial minority group, or augmenting or diluting the voting strength of a political party, or any individual addresses of any individual, including any officeholder, and party affiliation or voting history of residents of the Commonwealth shall not be considered in drawing district lines.

SECTION 6. The Independent Redistricting Commission shall consist of nine member commissioners. The following persons or entities shall each appoint, on or before January 15th of the year following the commencement of the federal census, one member of the Independent Redistricting Commission: the Governor of the Commonwealth, who shall appoint a dean or professor of law or political science or government at a private institution of higher learning in the Commonwealth; the Chief Justice of the Supreme Judicial Court, who shall appoint a retired justice who resides in the Commonwealth; the State Secretary, who shall appoint a former chief of the elections division in the office of the State Secretary or a former chief legal counsel to said division, or a member of a non-profit organization that advocates for voting rights; the Lawyers' Committee for Civil Rights under Law of the Boston Bar Association, who shall not appoint a member of their own staff, a governing board member, or other officer; and the League of Women Voters, who shall not appoint a member of their own staff, a governing board member, or other officer. If any of the foregoing institutions ceases to exist, the remaining appointing officials and entities shall select a replacement entity of similar stature and profile.

The remaining four members of the Independent Redistricting Commission shall be chosen by the five direct appointees as follows. The House Speaker, the House Minority Leader, the Senate President, and the Senate Minority Leader shall each nominate five individuals, on or before January 15th of the year following the commencement of the federal census. The five direct appointees shall then select one of the five nominees named by each said official.

If nominations or appointments are not made by the January 15th deadline the entity or person responsible for making the appointment or nominations shall forfeit his or her rights under this section and the remaining direct appointees shall then make an appointment to fill the vacancy. The chair of the Independent Redistricting Commission shall be selected by a majority of its members.

Nominations and appointments, both direct and indirect, shall reflect the geographic, racial, ethnic, gender, and age diversity of the Commonwealth to the maximum extent feasible and shall be selected on the basis of civic involvement and knowledge of redistricting policy, civil rights, political science, demographics or statistics, election expertise, voting rights, community organizing, or law. No person nominated or appointed to the Independent Redistricting Commission shall have held, in the previous five years, Congressional, state legislative or statewide elective office, mayor or city councilor of a city in the Commonwealth, selectman of a town in the Commonwealth, governor's councilor, or been elected to a state or federal party committee, or be a current employee of any of the above. Nominees and appointees shall agree: (1) not to stand for election to the General Court or Congress until districts are redrawn following the next census; (2) to apply the provisions of this article in an honest, independent, and impartial fashion; and (3) to act at all times so as to uphold public confidence in the integrity of the redistricting process.

SECTION 7. The Independent Redistricting Commission shall be convened no later than February 15 of the year following the commencement of the decennial census. The Independent Redistricting Commission shall disband only upon final adoption and exhaustion of judicial review of challenges to representative, councilor, congressional, and senatorial districts.

SECTION 8. The Independent Redistricting Commission shall hire staff and may retain experts to assist it in the performance of its duties. Commissioners shall receive compensation on a per diem basis for actual time spent on Independent Redistricting Commission duties and shall be reimbursed for reasonable and necessary expenses. The budget of the Commonwealth shall provide adequate funding for the operation of the Independent Redistricting Commission.

SECTION 9. A member of the Independent Redistricting Commission or an appointing authority may petition the Supreme Judicial Court to remove and replace a commissioner on the grounds of neglect, misconduct, or inability to perform the duties of a commissioner.

SECTION 10. All meetings of the Independent Redistricting Commission shall be noticed and open to the public, except that the Commission may adjourn to executive session to consider personnel matters, as is provided in the laws of the Commonwealth concerning open meetings. All documents produced by the Independent Redistricting Commission shall be public. The Independent Redistricting Commission shall hold public hearings in at least five distinct geographic areas of the state to assist it in determining communities of interest and factors relevant to the redistricting process. The public shall be afforded the opportunity to submit proposed maps for consideration by the Independent Redistricting Commission and the Commission shall make map-making software available for public use in as accessible a format as is possible. The Independent Redistricting Commission shall take all steps necessary to ensure that the public can exercise its right to review and comment on proposed district maps before they are approved, including publishing all preliminary and final plans in publicly accessible forums, such as on the state's website. Proposed districts shall be presented in both graphic and narrative form.

SECTION 11. Within one hundred and twenty days of convening, the Independent Redistricting Commission shall prepare and publish preliminary representative, councilor, congressional, and senatorial district plans for public comment. The public, including members of the General Court, shall have no less than a three-week period to make comment on the preliminary district

plans. The Independent Redistricting Commission may revise the preliminary district plans in response to public comment and shall submit the revised plans to the General Court for approval. The General Court shall vote on the revised plans within two weeks of submission. No amendments may be made. If no vote is taken within the two-week period after submission, the plans as submitted shall become law. If the plans are approved by a majority of the members of the House and Senate present and voting, then the plans as submitted shall become law. If the plans are rejected, then the Independent Redistricting Commission shall revise the districts and publish a second round of preliminary district plans for public comment. After a three-week public-comment period, during which the Independent Redistricting Commission may revise the second-round preliminary district plans, the Independent Redistricting Commission shall submit the second-round revised district plan, to the General Court. The General Court shall vote on the second-round revised district plan within one week of submission. No amendments may be made. If no vote is taken within the two-week amendments may be made. If no vote is taken within the two-week period after submission, the plans as submitted shall become law. If the plans are approved by a majority of the members of the House and Senate present and voting, then the plans as submitted shall become law. If the General Court votes to reject the second-round plans, then the Independent Redistricting Commission shall prepare a third round preliminary district plan for public comment and vote, following the procedure applicable to the second round. If a third round fails to result in approval by the General Court, then the Independent Redistricting Commission shall prepare a fourth round of maps which shall be published for public comment during a three-week period. The Independent Redistricting Commission may revise the fourth-round preliminary district plan in response to public comment. The plan, so revised, shall become law without submission to or approval by the General Court.

SECTION 12. Original jurisdiction is hereby vested in the Supreme Judicial Court upon the petition of any voter of the Commonwealth, filed with the clerk of the Supreme Judicial Court for the Commonwealth, for judicial relief relative to the establishment of the representative, councilor, congressional, and senatorial districts the General Court may by law limit the time within which judicial proceedings may be instituted to challenge any redistricting map.

SECTION 13. The Independent Redistricting Commission shall have standing in legal actions regarding redistricting plans and the adequacy of resources provided for the operation of the Independent Redistricting Commission. The Independent Redistricting Commission shall have sole authority to determine whether the Massachusetts Attorney General or counsel hired and or selected by the Independent Redistricting Commission shall represent the people of Massachusetts in the legal defense of a redistricting plan.

Mr. Lees moved that this item be placed at the end of the calendar; and this motion prevailed.

Subsequently, Mr. Lepper of North Attleboro doubted the vote and asked for a call of the yeas and the nays.

An insufficient number of members joining with him, the yeas and nays were not ordered, and the proposal was placed at the end of the calendar.

The Proposal for a Legislative Amendment to the Constitution promoting the representative character of ballot questions (Senate, No. 13),— was read twice in accordance with the provisions of the special rules.

The Proposal was as follows:—

ARTICLE OF AMENDMENT.

Article XLVIII of the amendments to the Constitution is hereby amended in that part of said article XLVIII under the heading “The Initiative. II. Initiative Petitions” in section three by:

Striking the words: “shall be submitted to the attorney-general not later than the first Wednesday of the August before” and replacing them with the following:— “shall be submitted to the attorney-general not later than the first Wednesday of the June before”, and is further amended by:

Striking the words: “it may then be filed with the secretary of the Commonwealth” and replacing them with the following:— “it may then be filed with a Ballot Question Title And Summary Statement Commission, the membership and operations of which will be provided for in the general laws. Said Commission will receive draft titles and summaries from the attorney general for use on the state ballot and petition forms and prepare final titles and summaries for use by the state secretary.”, and is further amended by:

Striking the words: “a fair, concise summary, as determined by the attorney-general” and replacing them with the following:— “a fair, Concise summary, as determined by the Ballot Question Title And Summary Statement Commission”; and is further amended by:

Striking the words: “not earlier than the first Wednesday of September” and replacing them with the following:— “not earlier than the third Wednesday of July”.

Article XLVIII of the amendments to the Constitution is hereby further amended in that part of said article XLVIII under the heading “The Initiative. IV. Legislative Action on Proposed Constitutional Amendments” in section two by:

Striking the words: “in the aggregate by not less than such number of voters as will equal three percent of the entire vote cast for governor at the preceding biennial state election” and replacing them with the following:— “in the aggregate by not less than such number of voters as will equal three percent of the number of registered voters during the preceding biennial state election and including such number of voters as will be equal to two per cent of the number of registered voters in each Congressional district during the preceding biennial state election”.

Article XLVIII of the amendments to the Constitution is hereby further amended in that part of said article XLVIII under the heading “The Initiative. V. Legislative Action on Proposed Laws” in section one by:

Striking the words: “in the aggregate by not less than such number of voters as will equal three per cent of the entire vote cast for governor at the preceding biennial state election” and replacing them with the following:— “in the aggregate by not less than such number of voters as will equal two and one half percent of the number of registered voters during the preceding biennial state election and including such number of voters as will be equal to one and one half per cent of the number of registered voters in each Congressional district during the preceding biennial state election”.

Article XLVIII of the amendments to the Constitution is hereby further amended in that part of said article XLVIII under the heading “The Initiative. V. Legislative Action on Proposed Laws” in section two by:

Striking the words: “a number of signatures of qualified voters equal in number to not less than one half of one per cent of the entire vote cast for governor at the preceding biennial state election” and replacing them with the following:— “a number of signatures of qualified voters equal in number to not less than one half of one per cent of the number of registered voters during the preceding biennial state election”.

After remarks, the proposal was rejected; and, as required by the Constitution, was determined by a call of the yeas and nays, at seven minutes past five o’clock P.M., as follows, to wit (*yeas 3 — nays 189*) [**Senate Yeas and Nays No. 312**] [**House Yeas and Nays No. 492**]:

YEAS — (3).	
Senators.	
Barrios, Jarrett T.	Wilkerson, Dianne — 3.
Nuciforo, Andrea F., Jr.	
NAYS — (189).	
Senators.	
Antonioni, Robert A.	Brewer, Stephen M.
Augustus, Edward M., Jr.	Brown, Scott P.
Baddour, Steven A.	Chandler, Harriette L.
Berry, Frederick E.	Creedon, Robert S., Jr.
Creem, Cynthia Stone	Murray, Therese
Fargo, Susan C.	O’Leary, Robert A.
Hart, John A., Jr.	Pacheco, Marc R.
Havern, Robert A.	Panagiotakos, Steven C.
Hedlund, Robert L.	Resor, Pamela
Jehlen, Patricia D.	Spilka, Karen E.
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Timilty, James E.

Lees, Brian P.	Tisei, Richard R.
McGee, Thomas M.	Tolman, Steven A.
Menard, Joan M.	Travaglini, Robert E.
Montigny, Mark C.	Tucker, Susan C.
Moore, Richard T.	Walsh, Marian — 35.
Morrissey, Michael W.	
Representatives.	
Atkins, Cory	Lepper, John A.
Atsalis, Demetrius J.	Linsky, David P.
Ayers, Bruce J.	L'Italien, Barbara A.
Balser, Ruth B.	Loscocco, Paul J.
Binienda, John J.	Malia, Elizabeth A.
Blumer, Deborah D.	Mariano, Ronald
Bosley, Daniel E.	Marzilli, J. James, Jr.
Bradley, Garrett J.	Miceli, James R.
Broadhurst, Arthur J.	Moran, Michael
Cabral, Antonio F. D.	Murphy, Charles A.
Callahan, Jennifer M.	Murphy, James M.
Canavan, Christine E.	Murphy, Kevin J.
Candaras, Gale D.	Nangle, David M.
Canessa, Stephen R.	Natale, Patrick M.
Carron, Mark J.	Naughton, Harold P., Jr.
Casey, Paul C.	Nyman, Robert J.
Coakley-Rivera, Cheryl A.	O'Brien, Thomas J.
Coppola, Virginia M.	O'Flaherty, Eugene L.
Correia, Robert	Owens-Hicks, Shirley
Costello, Michael A.	Parente, Marie J.
Coughlin, Robert K.	Patrick, Matthew
Creedon, Geraldine	Paulsen, Anne M.
Curran, Sean	Pedone, Vincent A.
DeLeo, Robert A.	Peisch, Alice H.
deMacedo, Viriato Manuel	Perry, Jeffrey D.
Dempsey, Brian S.	Petersen, Douglas W.

DiMasi, Salvatore F.	Peterson, George N., Jr.
Donato, Paul J.	Petrolati, Thomas M.
Donelan, Christopher J.	Petruccelli, Anthony
Driscoll, Joseph R.	Pignatelli, William Smitty
Eldridge, James B.	Poirier, Elizabeth A.
Evangelidis, Lewis G.	Polito, Karyn E.
Fagan, James H.	Pope, Susan W.
Fallon, Christopher G.	Provost, Denise
Falzone, Mark V.	Quinn, John F.
Fennell, Robert F.	Reinstein, Kathi-Anne
Festa, Michael E.	Rice, Robert L
Finegold, Barry R.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Rogeness, Mary S.
Flynn, David L.	Rogers, John H.
Forry, Linda Dorcena	Ross, Richard J.
Fox, Gloria L.	Rush, Michael F.
Fresolo, John P.	Rushing, Byron
Frost, Paul K.	Sánchez, Jeffrey
Galvin, William C.	Sannicandro, Tom
Garry, Colleen M.	Scaccia, Angelo M.
Gifford, Susan W.	Scibak, John W.
Gobi, Anne M.	Sciortino, Carl M., Jr.
Goguen, Emile J.	Smizik, Frank Israel
Golden, Thomas A., Jr.	Smola, Todd M.
Gomes, Shirley	Speliotis, Theodore C.
Grant, Mary E.	Speranzo, Christopher
Greene, William G., Jr.	Spiliotis, Joyce A.
Guyer, Denis E.	St. Fleur, Marie P.
Haddad, Patricia A.	Stanley, Harriett L.
Hall, Geoffrey D.	Stanley, Thomas M.
Hargraves, Robert S.	Story, Ellen
Harkins, Lida E.	Straus, William M.

Hill, Bradford	Sullivan, David B.
Honan, Kevin G.	Swan, Benjamin
Humason, Donald F., Jr.	Teahan, Kathleen M.
Hynes, Frank M.	Timilty, Walter F.
Jones, Bradley H., Jr.	Tobin, A. Stephen
Kafka, Louis L.	Toomey, Timothy J., Jr.
Kane, Michael F.	Torrisi, David M.
Kaprielian, Rachel	Travis, Philip
Kaufman, Jay R.	Turner, Cleon H.
Keenan, John, D.	Verga, Anthony J.
Khan, Kay	Wagner, Joseph F.
Kocot, Peter V.	Wallace, Brian P.
Koczera, Robert M.	Walrath, Patricia A.
Koutoujian, Peter J.	Walsh, Martin J.
Kujawski, Paul	Walsh, Steven M.
Kulik, Stephen	Walz, Martha M.
Lantigua, William	Webster, Daniel K.
Leary, James Brendan	Welch, James T.
LeDuc, Stephen P.	Wolf, Alice K. — 154.
ABSENT OR NOT VOTING — (6).	
Senators.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.
Representatives.	
Kennedy, Thomas P.	Turkington, Eric
Spellane, Robert P.	Vallee, James E. — 4.

The yeas and nays having been completed at a quarter past five o'clock P.M., the proposal was rejected.

Ms. Wilkerson moved that the joint session stand in recess until Thursday, November 9, 2006, at one o'clock P.M. The question on recessing the joint session was determined by a call of the yeas and the nays, at sixteen minutes past five o'clock P.M., as follows, to wit (*yeas 100 — nays 169*) [Senate Yeas and Nays No. 313] [House Yeas and Nays No. 493]:

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YEAS — (100).	
Senators.	
Antonioni, Robert A.	Lees, Brian P.

Augustus, Edward M., Jr.	McGee, Thomas M.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	Pacheco, Marc R.
Creedon, Robert S., Jr.	Resor, Pamela
Creem, Cynthia Stone	Spilka, Karen E.
Fargo, Susan C.	Tisei, Richard R.
Hart, John A., Jr.	Tolman, Steven A.
Havern, Robert A.	Travaglini, Robert E.
Jehlen, Patricia D.	Tucker, Susan C.
Joyce, Brian A.	Walsh, Marian
Knapik, Michael R.	Wilkerson, Dianne — 30.
Representatives.	
Atkins, Cory	Marzilli, J. James, Jr.
Balser, Ruth B.	Moran, Michael
Blumer, Deborah D.	Murphy, Charles A.
Bosley, Daniel E.	Natale, Patrick M.
Cabral, Antonio F. D.	Owens-Hicks, Shirley
Candaras, Gale D.	Patrick, Matthew
Coakley-Rivera, Cheryl A.	Paulsen, Anne M.
Costello, Michael A.	Pedone, Vincent A.
DeLeo, Robert A.	Petersen, Douglas W.
Dempsey, Brian S.	Petrolati, Thomas M.
DiMasi, Salvatore F.	Petrucelli, Anthony
Donelan, Christopher J.	Provost, Denise
Eldridge, James B.	Reinstein, Kathi-Anne
Falzone, Mark V.	Rice, Robert L
Fennell, Robert F.	Rushing, Byron
Festa, Michael E.	Sánchez, Jeffrey

Finegold, Barry R.	Sannicandro, Tom
Forry, Linda Dorcena	Scibak, John W.
Fox, Gloria L.	Sciortino, Carl M., Jr.
Galvin, William C.	Smizik, Frank Israel
Guyer, Denis E.	Speranzo, Christopher
Haddad, Patricia A.	St. Fleur, Marie P.
Harkins, Lida E.	Stanley, Thomas M.
Honan, Kevin G.	Story, Ellen
Kafka, Louis L.	Swan, Benjamin
Kaprielian, Rachel	Teahan, Kathleen M.
Kaufman, Jay R.	Torrise, David M.
Khan, Kay	Turkington, Eric
Kocot, Peter V.	Turner, Cleon H.
Koutoujian, Peter J.	Wagner, Joseph F.
Kujawski, Paul	Walrath, Patricia A.
Kulik, Stephen	Walsh, Martin J.
L'Italien, Barbara A.	Walsh, Steven M.
Malia, Elizabeth A.	Walz, Martha M.
Mariano, Ronald	Wolf, Alice K. — 70.
NAYS — (91).	
Senators.	
Brown, Scott P.	O'Leary, Robert A.
Hedlund, Robert L.	Panagiotakos, Steven C.
Moore, Richard T.	Tarr, Bruce E.
Morrissey, Michael W.	Timilty, James E. — 8.
Representatives.	
Atsalis, Demetrius J.	Lantigua, William
Ayers, Bruce J.	Leary, James Brendan
Binienda, John J.	LeDuc, Stephen P.
Bradley, Garrett J.	Lepper, John A.
Broadhurst, Arthur J.	Linsky, David P.
Callahan, Jennifer M.	Loscocco, Paul J.
Canavan, Christine E.	Miceli, James R.
Canessa, Stephen R.	Murphy, James M.

Carron, Mark J.	Murphy, Kevin J.
Casey, Paul C.	Nangle, David M.
Coppola, Virginia M.	Naughton, Harold P., Jr.
Correia, Robert	Nyman, Robert J.
Coughlin, Robert K.	O'Brien, Thomas J.
Creedon, Geraldine	O'Flaherty, Eugene L.
Curran, Sean	Parente, Marie J.
deMacedo, Viriato Manuel	Peisch, Alice H.
Donato, Paul J.	Perry, Jeffrey D.
Driscoll, Joseph R.	Peterson, George N., Jr.
Evangelidis, Lewis G.	Pignatelli, William Smitty
Fagan, James H.	Poirier, Elizabeth A.
Fallon, Christopher G.	Polito, Karyn E.
Flanagan, Jennifer L.	Pope, Susan W.
Flynn, David L.	Quinn, John F.
Fresolo, John P.	Rodrigues, Michael J.
Frost, Paul K.	Rogeness, Mary S.
Garry, Colleen M.	Ross, Richard J.
Gifford, Susan W.	Rush, Michael F.
Gobi, Anne M.	Scaccia, Angelo M.
Goguen, Emile J.	Smola, Todd M.
Golden, Thomas A., Jr.	Speliotis, Theodore C.
Gomes, Shirley	Spiliotis, Joyce A.
Grant, Mary E.	Stanley, Harriett L.
Greene, William G., Jr.	Straus, William M.
Hall, Geoffrey D.	Sullivan, David B.
Hargraves, Robert S.	Timilty, Walter F.
Hill, Bradford	Tobin, A. Stephen
Humason, Donald F., Jr.	Toomey, Timothy J., Jr.
Hynes, Frank M.	Travis, Philip

Jones, Bradley H., Jr.	Verga, Anthony J.
Kane, Michael F.	Webster, Daniel K.
Keenan, John, D.	Welch, James T. — 83.
Koczera, Robert M.	
ABSENT OR NOT VOTING — (7).	
Senators.	
Buoniconti, Stephen J.	Rosenberg, Stanley C. — 2.
Representatives.	
Kennedy, Thomas P.	Vallee, James E.
Rogers, John H.	Wallace, Brian P. — 5.
Spellane, Robert P.	

The yeas and nays having been completed at a half past five o'clock P.M., the motion prevailed.

Subsequently a statement of Mr. Rogers of Norwood was spread upon the records of the Joint Session, as follows:

I would like to call to the attention of the members of the Joint Session the fact that, due to a malfunction in the electronic voting machine, on the previous vote I was recorded as not having voted. Had the machine been operating properly, I would have been recorded as having voted in the negative.

Without action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Lees, at a half past five o'clock P.M., the joint session was recessed until one o'clock P.M., on Thursday, November 9, 2006; and the Senate withdrew from the House Chamber under the escort of the Sergeant-at-Arms.