

HOUSE No. 2087

The Commonwealth of Massachusetts

PRESENTED BY:

Steven S. Howitt

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 relative to establishing a charter commission.

PETITION OF:

NAME:

Steven S. Howitt

DISTRICT/ADDRESS:

4th Bristol

HOUSE No. 2087

By Mr. Howitt of Seekonk, a petition (accompanied by bill, House, No. 2087) of Steven S. Howitt (by vote of the town) that the town of Seekonk be authorized to hold an election for the purpose of voting to seat a charter commission for said town. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to establishing a charter 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 3 of the Home Rule Amendment provides for the establishment of a charter
2 commission through a petition signed by 15% of the voters of the town, and a subsequent order
3 from the legislative body of the town to cause the question of whether or not to revise the
4 charter, and the election of the charter commission, to be submitted to the voters. G.L. c. 43B, or
5 the Home Rule Procedures Act, further lays out procedures for the election and establishment of
6 charter commissions consistent with section 3 of the Home Rule Amendment.

7
8 If the town wishes to proceed with amending the town charter through the establishment
9 of a charter commission, we would recommend to the Representative that the town to do so
10 unilaterally, in accordance with the process set out in section 3 of the Home Rule Amendment
11 and G.L. c. 43B.

12

13 Amending a Charter: Unilateral town action or Home Rule Petition

14

15 There are two additional ways a town can amend its charter, without the establishment of
16 a charter commission. Section 4 of the Home Rule Amendment provides that the legislative
17 body of a town may, by two-thirds vote, propose amendments to the charter, unless the proposed
18 amendments relate in any way to the composition, mode of election or appointment, or terms of
19 office of the legislative body, the mayor or city manager or the board of selectmen or town
20 manager. Any proposed amendments must be submitted to the voters for approval. This is
21 another method by which the town may act unilaterally to amend the charter.

22

23 A town may also amend its charter through a special act filed pursuant to a Home Rule
24 Petition to the legislature, under section 8 of the Home Rule Amendment.