

**SENATE . . . . . No. 390**

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**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>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	<i>2/3/2017</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>2/3/2017</i>

**SENATE . . . . . No. 390**

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 390) of Jason M. Lewis, Viriato M. deMacedo and Sonia Chang-Diaz for legislation to create a citizens’ initiative review commission. Election Laws.

**The Commonwealth of Massachusetts**

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

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 appoint an executive director to serve at its pleasure.

38 Adequate funding for the salary of the executive director, the operations of the  
39 commission, and the contract or contracts to be awarded by the commission, as stipulated in  
40 subsection (d), shall be provided from the General Fund, subject to appropriation.

41 (c) Citizens' initiative review shall be conducted for at least 1 ballot measure each  
42 statewide biennial election. Immediately upon the secretary of the commonwealth's certification  
43 of the ballot measures that have qualified to be decided upon by the voters at the next statewide  
44 biennial election, the commission shall select the ballot measure or measures for which citizens'  
45 initiative review shall be conducted. For each ballot measure selected, the commission shall issue  
46 a public statement explaining the rationale for its selection and a unique citizens' panel shall be  
47 assembled and convened for deliberations.

48 (d) No later than February first of the year of a statewide biennial election, the  
49 commission shall contract according to nationally accepted standards with nonpartisan  
50 organization or organizations with expertise in delivery of nonpartisan public deliberation to  
51 conduct citizens' initiative review, with preference given to Massachusetts based organizations.

52 (e) Members of a citizen panel shall be paid at least 500 dollars, adjusted for inflation  
53 biennially, for their participation during deliberations and their travel, lodging, and food  
54 expenses shall also be reimbursed or otherwise provided.

55 (f) At least 2 professional moderators, with at least 1 having experience with citizens'  
56 initiative review, shall run deliberations.

57 (g) No later than February first of the year following a statewide biennial election, the  
58 commission shall convene the organizations contracted to conduct citizens' initiative review to  
59 evaluate the procedures followed, including the means of disseminating the citizens' statement or  
60 statements, and gather recommendations for potential changes. No later than April first of said  
61 year, the commission shall prepare a final report to be made public evaluating the success of the  
62 citizens' initiative review conducted and issuing recommendations for changes, if any.

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

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

67 SECTION 3. Within 180 days of the effective date of this act, the commission shall adopt  
68 rules and regulations necessary to carry out its duties.