

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:  
**Mr. Tarr**

*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 bill:  
An Act relative to the reform of the Executive Council.

PETITION OF:

NAME:

Mr. Tarr

DISTRICT/ADDRESS:

First Essex and Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO THE REFORM OF THE EXECUTIVE COUNCIL.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           WHEREAS, the Executive Council was created pursuant to the Constitution of the  
2 Commonwealth of Massachusetts as adopted in 1780; and

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4           WHEREAS, Part the Second, Chapter II, Section I, Article IX of the Constitution specifically  
5 vests in the Executive Council the power to give their advice and consent to the Governor upon  
6 said Governor's nomination of a candidate to judicial office; and

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8           WHEREAS, the Constitution was amended by "Articles of Amendment" of which Article VIII  
9 specifically vests in the Executive Council the power to give their advice in the Governor's  
10 pardoning of offenses subject to the powers vested in both the Senate and the House of  
11 Representatives of the General Court of the Commonwealth of Massachusetts as more  
12 particularly described in said Article VIII; and

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14           WHEREAS, pursuant to said Articles of Amendment of the Constitution, Article LXIV, Section  
15 1, the members of the Executive Council are duly elected by the citizens of said Commonwealth;  
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WHEREAS, the participation of all of the Commonwealth's citizens is critical to the function and transparency of the Executive Council and citizenry participation is further critical to affect the outcome of the process by which all candidates to judicial office in the Commonwealth are confirmed and the pardoning of offenses are issued; and

WHEREAS, in the performance of their democratic function and in the interests of fostering greater transparency and enlightenment by the citizens of the Commonwealth, they require greater access to information regarding the charge of the Executive Council vested in it pursuant to the Constitution.

*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. Section 11A of Chapter 30A of the General Laws is hereby amended in the first paragraph by inserting after the phrase “any part thereof,” the phrase “or the Executive Council”.

SECTION 2. Chapter 30A of the General Laws is hereby amended by inserting after Section 18 the following new section:-

“Section 19. Executive Council; Annual Reports; Website

39 Section 19. (a) The Executive Council shall issue an "Annual Report" to the Governor and to the  
40 Joint Committee on the Judiciary not prior to December 1 but not later than December 31 of each  
41 year. The Annual Report shall include, without limitation, a synopsis of each vote taken by each  
42 of the members of the Executive Council, a study of its organization, rules and methods of  
43 procedure and practice, the work accomplished and the results produced by that system and those  
44 processes as adopted by the Executive Council from time to time and a plan for implementation  
45 of recommendations by the Executive Council it intends to undertake to improve such  
46 organization, rules and methods of procedure and practice.

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48 The Governor shall have 45 days from the date of submission to review the Annual Report and  
49 may require that the Annual Report be supplemented with additional and pertinent information  
50 germane to the subject matter of the Annual Report and the Constitutional charge of the  
51 Executive Council. If no comments are received by the Executive Council from the Governor  
52 within 45 days, then the Annual Report shall become final. If, within 45 days, the Governor  
53 submits comments to the Executive Council requiring revisions to the Annual Report, then the  
54 Executive Council shall have an additional 30 days to revise the Annual Report and re-submit  
55 such revised Annual Report to the Governor and the Joint Committee on the Judiciary, after  
56 which the Annual Report shall become final.

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58 (b) The Executive Council shall establish and maintain its own official website. The content of  
59 the Executive Council's website shall contain, at minimum, such information including, without  
60 limitation, biographical information of each of its members to be updated no less frequently than  
61 immediately after the administration of the oath of office of each Executive Council member

62 following each biannual election of its members and further, the website shall contain each  
63 Executive Council member's respective voting record to be published and updated on a monthly  
64 basis. The Executive Council shall also cause all records of its meetings, including, without  
65 limitation, all transcripts, questionnaires and other documentation used by the Executive Council  
66 in carrying out its duties along with a record of all votes taken and such other documents and  
67 records as required under the Open Meeting Law to be published on its official website no later  
68 than a date which is 30 days after the date of such meeting or vote is taken unless such date is a  
69 Saturday, Sunday or federal or state holiday and, in that case, the next day following on the date  
70 when official business of the state is conducted in the Commonwealth of Massachusetts.  
71 Additionally, the Executive Council shall publish on its website its final Annual Report within  
72 30 days after its submission or resubmission to the Governor and the Joint Committee on the  
73 Judiciary."

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75 SECTION 3. Section 2(b) of this act shall take effect twelve months after this passage of this act.