

GOVERNOR'S COUNCIL

Proposed Rules 2025-2026

DRAFT

Preamble: An organizational Meeting of the Council shall occur at the beginning of each term by majority vote, at which time the Rules of the Council Assembly shall be adopted for the term.

A majority vote of the Council requires five (5) members when there are eight (8) sitting members (all Districts represented), and four (4) positive votes should only seven (7) District seats be represented.

Rule 1: The formal assembly of the Governor's Council shall take place when called by the Governor according to the Massachusetts Constitution.

Rule 2: The Governor or Lt. Governor, when presiding shall preserve order and decorum, may speak on points of order in preference to Council members, and shall decide all questions of order subject to appeal to the body as a whole which may not overturn a ruling on a question of order except by a vote of 2/3 of the members present.

Rule 3: In accordance with the law, the Lt. Governor shall not vote on any matter, except in the case of a tie vote, when the Governor is presiding and physically present.

Rule 4: Five members shall constitute a quorum.

Rule 5: The Administrative Secretary shall keep a record of the proceedings of the Council in accordance with the law. The Administrative Secretary shall maintain a document updated at least quarterly and publicly available on the Governor's Council website reporting on the proceedings of the Council.

The Administrative Secretary shall annually present Council with a list, by Council District, of the Justice of the Peace seats vacant in each community of the Commonwealth.

Rule 6: The Administrative Secretary shall have the Rules printed.

Rule 7: If there are any pardons, commutations, confirmations of appointees, retirements or removals from office requiring action by the Council, the Administrative Secretary shall make all pertinent documents available to all Councillors at their offices in the State House, as well as by email and, at Councillor request, by overnight delivery to Councillor/s preferred mailing address at least seven (7) days before the assembly where a vote shall be taken.

Rule 8: The Administrative Secretary shall keep a record of all applications for pardon and commutation of sentence showing the actions on each applicant.

Rule 9: The Administrative Secretary shall prepare and distribute the agenda of the Council business as directed by the Governor in accord with these rules and the law at minimum four days prior to the Assembly.

Rule 10: No member of the Council shall act or vote upon a question in which his or her private right or financial interest, distinct from the public interest, is immediately concerned.

Rule 11: During Public Assembly, members shall remain in the chamber until all the business of the assembly is concluded.

Rule 12: No person shall speak to a Councillor or interfere with them during a session of the Council, except at the request of the Councillor.

Rule 13: The solemnity of the advice and consent function shall warrant the constitutional participation of all the Councillors in any matter that is called to the attention of the Council. The Council shall, however, appoint by majority vote of the Council, Committees when appropriate or required by law, to assist in the business of the Council. Members shall take rank upon Committees in the order in which they are named thereto by the Council member named to be Chair, except as otherwise provided by statute.

Current Committee: Rules, Policies and Practices

Recommended Committee: Financial Warrant Review

Recommended Committee: Board and Commission Review (See Rule 32)

Rule 14: No matter shall be introduced in any manner for advice and consent to the Council except by the Governor. Any Councillor desiring to place a lawful matter on the calendar shall submit his or her request in writing to the Governor and the Administrative Secretary for submission to the Governor prior to the assembly of the Council. This will allow for proper reflection and provide a clear public record.

Rule 15: The Administrative Secretary shall place matters submitted by the Governor on the calendar for the next assembly.

Rule 16: All assemblies of the Council shall be held with open doors. The proceedings of each assembly shall be made public unless by a majority vote, the Councillors vote to go into an Executive session. The Council may choose to hear parties presenting opposition to nominees in Executive Session.

Rule 17: No nomination shall be acted upon by the Council until the nominee has been personally interviewed by the Councillors at a public hearing, with the exception of Notary Public, Justice of the Peace, or Public Administrator. When a nomination other than those excepted above is received by the Council, the presiding Councillor, according to the residence of the nominee, shall schedule a hearing for the nominee with Council. The Administrative Secretary shall make notifications accordingly, with date and time, to the Council and nominee. Notice of the interview should appear on the Executive Council website: www.mass.gov.

Persons with direct knowledge of the nominee wishing to testify in favor or opposition should notify the Administrative Secretary to the Council in writing at least 48 hours prior to the public hearing at the following address: Governor's Council Office, 24 Beacon Street, State House, Room 184, Boston, MA 02133 or by email, and may testify virtually or in person. The Administrative Secretary shall update the Governor's Council webpage to reflect this policy.

Upon receipt of a request to testify, the Administrative Secretary shall notify the Chairing Councillor through email and or phone, providing contact information. Written testimony will be shared to all members of Council.

Rule 18: No nomination within the judiciary shall be approved by the Council until and unless the nominee files with the Governor and Council a questionnaire as outlined by the Council.

The Council questionnaire will be reviewed and amendments to the Council questionnaire shall be drafted by members of the Rules, Policies and Practices Committee biennially, and submitted to the Council for adoption by vote by a majority of the Council members present. Recommended changes to the questionnaire shall be submitted to the Council for review fourteen (14) days prior to a vote.

Rule 19: No nomination within the judiciary shall be moved for approval or confirmation until seven (7) days following the hearing of the nominee. No contract shall be acted upon by the Council until at least seven (7) days after it shall have been submitted to the council; no nomination shall be acted upon by the Council until at least fourteen days after it shall have been submitted to the Council: allowing for at least seven (7) days before setting a Hearing, and a further seven (7) days at least before consideration for a confirmation vote.

Rule 20: When two or more members raise his or her hands to speak at the same time, the Governor or Lieutenant Governor when presiding, shall designate the Councillor entitled to the floor. Councillors shall confine themselves to the issue before the Council and avoid personalities.

Rule 21: At hearings, no Councillor shall speak more than once to the exclusion of any other Councillor who has not spoken and desires to speak on the same question. Each Councillor shall have the floor for 15 minutes, beginning with the Councillor seated to the right of the presiding Councillor's assigned seat. After each Councillor has had the floor in turn, an additional five minutes (5) may be designated at the discretion of the Chairing Councillor.

Rule 22: No Councillor shall interrupt another while speaking.

Rule 23: After a question is put to a vote no Councillor shall speak on it.

Rule 24: The Governor or Lieutenant Governor when presiding shall declare all votes. The yeas and nays may be ordered by the Governor or Lieutenant Governor when presiding or shall be ordered upon the request of any member of the Council.

Rule 25: Whenever a question is taken by the yeas and nays, the clerk shall call the names of all the members of the Council rotating the roll call, and every member present shall answer their name, unless not present.

Rule 26: In the absence of the Governor or Lieutenant Governor at a judicial nominee's interview or other proceedings of the Council, the members of the Council shall designate a presiding Councillor according to the District of Residence of the Nominee. Should the Nominee reside in a District that is vacant (no Councillor Representing), a Councillor will be designated to preside according to a rotation, beginning with District 1 and cycling through District 8 in repetition.

Rule 27: No motion to reconsider a vote shall be entertained unless it is made at the same meeting at which the original vote was taken and made by the Councillor on the losing side of the original vote.

Rule 28: The rules of parliamentary practice comprised in the revised edition of Roberts Rules of Order shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the rules of the Council.

Rule 29: Commutations and pardons shall be heard by the Council pursuant to the procedures set forth in the General Laws.

Rule 30: **(Proposed)** Witnesses, testifying in support or opposition, shall have direct knowledge of the Nominee in order to be heard at Council hearing. Those who do not have direct knowledge of the Nominee may submit written testimony for Council consideration. Such written testimony should be submitted to the Executive Secretary prior to the hearing and distributed to all members of Council.

Those without direct knowledge of the Nominee, wishing to testify to Council live during a hearing may only do so if able to make a clear and compelling showing of the reason that their live testimony would aid the Council in its deliberations. The Council member chairing the hearing, with consent of a majority of Council members present, may grant a hearing in executive session to a witness with no direct knowledge of the Nominee and a compelling reason to be heard by Council.

Rule 31: A local public hearing for a Governor's nominee may be scheduled administratively by the District Councillor where the nominee resides and posted on www.mass.gov

Rule 32: Council shall hold biennial hearings to review: Parole Board, Trial Courts, Industrial Accident Board and Industrial Accident Review Board, Appellate Tax Board. Council shall establish a Committee of no more than 3 members who shall schedule and secure witnesses for these hearings. Hearings shall be scheduled on Wednesdays in Council Chambers. Chair shall rotate according to District from 1 to 8 then repeating.

Rule 33: No rule of the Council shall be suspended except by vote of 2/3 of the members present and voting thereon. Suspension of a rule shall last for the sole session, be it Assembly or Hearing, and extinguished at the conclusion of said session. No rule of the Council shall be amended, altered, or repealed unless such proposed rule changes shall be submitted in writing to the Administrative Secretary by a member at least two weeks prior to that meeting during which such rule change shall be voted upon. No rule shall be amended, altered, or repealed except by vote of no less than 2/3 of the members present and in no case with fewer than four (4) votes in the affirmative.

Submitted to Governor's Council for review 1/15/25