

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

NO. SJC-13908

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REQUEST FOR AN ADVISORY OPINION FROM  
THE MASSACHUSETTS SENATE

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BRIEF OF AMICUS CURIAE  
MASSACHUSETTS HOUSE OF REPRESENTATIVES

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James C. Kennedy  
BBO # 658562  
Chief Legal Counsel  
House of Representatives  
State House, Room 139  
Boston, MA 02133  
Phone: (617) 722-2360  
James.Kennedy@mahouse.gov

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## **STATEMENT OF INTEREST OF AMICUS CURIAE**

The Senate has requested the opinion of this Court regarding important questions of law related to Initiative Petition No. 25-14, which is currently pending before the General Court as House No. 5004. If enacted, House No. 5004 would directly impact the operations of the House of Representatives.

### **STATEMENT OF THE CASE**

Pursuant to the requirements of art. 48 of the Amendments to the Massachusetts Constitution (“Article 48”), Initiative Petition No. 25-14, An Initiative Petition for a Law to improve Public Records (the “Initiative Petition”) was certified by the Secretary of the Commonwealth and transmitted to the House of Representatives on January 7, 2026.<sup>1</sup> The Initiative Petition was then assigned the bill number House No. 5004 and referred to the Special Joint Committee on Initiative Petitions (“Special Joint Committee”). The Special Joint Committee held a public hearing on the Initiative Petition on March 3, 2026 and the matter remains under consideration by the Special Joint Committee.

On March 12, 2026, the Senate adopted an order requesting the opinion of this Court on specific questions of law. See 2026 Senate Doc. No. 3015. The Senate has asked this Court to answer whether the Initiative Petition conforms to the

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<sup>1</sup> This brief cites to the Initiative Petition by line number, using the abbreviation “IP.”

requirements of Article 48 (Questions 1-2) and, if the Court concludes that the Initiative Petition is “properly introduced and pending,” to answer whether the Initiative Petition violates or intrude upon three provisions of the Constitution of the Commonwealth: Part II, c. 1, § 2, art. 7, of the Massachusetts Constitution (Question 3); art. 30 of the Declaration of Rights of the Massachusetts Constitution (Question 4); and art. 21 of the Declaration of Rights of the Massachusetts Constitution (Question 5).

Two statutes govern public records: G.L. c. 66 (“Chapter 66” or the “Public Records Law”), which establishes a unified scheme for the preservation and control of records and their dissemination upon request; and G.L. c. 4, § 7, Twenty-sixth (“Clause 26”), which defines the scope of public records. The definition of public records is broad and includes all manner of “documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency [or other covered entity]” unless the materials or data fall within one of twenty-three enumerated exemptions. Clause 26. The Public Records law covers a wide range of government entities, including almost all of the executive branch and all municipalities, but it explicitly “shall not apply to the records of the general court.” G.L. c. 66, § 18; see G.L. c. 66, § 6A(a) (defining the term “agency” for purposes of Chapter 66).

The Public Records Law is overseen by the supervisor of public records (the “Supervisor”), who is appointed by the Secretary of the Commonwealth and is responsible for adopting regulations to implement the law’s provisions. G.L. c. 66, § 1; G.L. c. 9, § 4 (Secretary appoints Supervisor); see 950 Code Mass. Regs. §§ 32.00 (2021). The Supervisor is tasked with creating educational materials and guides for covered agencies and municipalities, as well as forms, guidelines, and reference materials for those agencies to use and disseminate to individuals seeking access to public records. G.L. c. 66, § 1A. The law itself establishes standards for creating, maintaining, preserving, and potential disposal of records. See G.L. c. 66, §§ 3, 4, 5, 5A, 6, 7, 8, 8A, 8B.

The Public Records law requires every covered entity to “designate 1 or more employees as records access officers,” who “shall coordinate an agency’s ... response to requests for access to public records and shall facilitate the resolution of such requests by the timely and thorough production of public records.” G.L. c. 66, § 6A. The law establishes a detailed process for how requests must be submitted and how and when the records access officer (“RAO”) must respond. G.L. c. 66, § 10 (“Section 10”). Each RAO must document their compliance with this process and then submit this information to the Secretary on an annual basis. G.L. c. 66, § 6A(e).

If an agency intends to withhold production of some or all records in response to a request, whether on the basis that it believes they are exempt or because of the “magnitude or difficulty of the request,” or simply because the agency does not possess the requested documents, the RAO must respond to the requestor with a written explanation that includes certain information depending on the reason. G.L. c. 66, § 10(b). When an agency seeks to withhold based on an exemption, the RAO must “identify any records, categories of records or portions of records that the agency or municipality intends to withhold, and provide the specific reasons for such withholding, including the specific exemption or exemptions upon which the withholding is based.” G.L. c. 66, § 10(b)(iv); see also 950 Code Mass. Regs. § 32.06(2) (2021). Similarly, if the failure to produce within the allotted time is due to “magnitude or difficulty,” the RAO must provide an explanation for why they will need additional time. G.L. c. 66, § 10(b)(v). The response must also include a notice to the requestor of their right to appeal the agency’s decision to the Supervisor and their right to seek judicial review of an unfavorable decision. G.L. c. 66, § 10(b)(ix).

If an agency fails to comply with the requirements of Section 10, or if the requestor is dissatisfied with the response, they may petition the Supervisor for a determination as to whether a violation has occurred. G.L. c. 66, § 10A (“Section 10A”). Section 10A establishes procedures for the Supervisor to review the agency’s determination, and the regulations adopted by the Supervisor expand on these

procedures. See 950 Code Mass. Regs. § 32.08 (2021). After review, the Supervisor may order the agency to take action to remedy its violation. G.L. c. 66, § 10A(a). If the agency refuses or fails to comply with an order issued by the Supervisor, the Supervisor may notify the Attorney General and, after consultation, the Attorney General “may take whatever measures the attorney general considers necessary to ensure compliance,” including but not limited to filing suit against the agency. G.L. c. 66, § 10A(b).

Any aggrieved requestor may also, at any time, file a civil action in Superior Court to “enforce the requirements of [Chapter 66].” G.L. c. 66, § 10A(c). The Superior Court is empowered to “determine the propriety of any agency or municipal action de novo and may inspect the contents of any defendant agency ... record in camera,” G.L. c. 66, § 10A(d)(1)(ii), though “a presumption shall exist that each record sought is public and the burden shall be on the defendant agency ... to prove, by a preponderance of the evidence, that such record or portion of the record may be withheld in accordance with state or federal law,” G.L. c. 66, § 10A(d)(1)(iv). In such actions, the Superior Court has the explicit power to “enjoin agency ... action,” and may award attorney’s fees and costs to the requestor. G.L. c. 66, §§ 10A(d)(1)(i), 10A(d)(2). In addition to the civil remedy available to requestors, the Public Records Law also empowers the Attorney General to, “at any time, file a complaint in Suffolk

superior court with respect to agencies ... to ensure compliance with this chapter.”  
G.L. c. 66, § 10A(e).

If passed, House No. 5004 would not change these core processes. It would do two simple things with enormous consequences for the General Court. First, it would add the General Court to the agencies covered by the Public Records Law. See IP at 13-19 (amending G.L. c. 66, § 6A to include “the general court” within the definition of “agency” for purposes of Chapter 66); IP at 20-24 (amending G.L. c. 66, § 18 to remove the language explicitly excluding the General Court’s records from coverage). Second, in apparent recognition that the General Court is fundamentally different from the executive agencies and municipalities that the Public Records Law was meant to cover, it would add two new exemptions to Clause 26: new subclause (w) would cover a subset of “communications between a member of the general court, or such member’s employee, agent, or representative, and any constituent of such member,” while new subclause (x) would cover “documents relating to developing policy positions of members of the general court or the governor of the commonwealth.” IP at 4-12.

In sum, House No. 5004 would subject the General Court to the Public Records Law implemented and overseen by the Supervisor and the Secretary of the Commonwealth. The General Court’s compliance would be evaluated by the

Supervisor, the Attorney General, and ultimately the Superior Court in Suffolk County.

### **SUMMARY OF THE ARGUMENT**

The Senate requests the opinion of this Court regarding important questions of law related to House No. 5004, which would expand the scope of the Public Records Law to cover the General Court without making any substantive changes to the way in which the law is administered or enforced.

The lawmaking power granted to the people via Article 48 is as expansive as the General Court's, but it does not encompass the unicameral rulemaking powers explicitly granted to the House by Part II, c. 1, § 3, art. 10 of the Massachusetts Constitution ("Article 10") and to the Senate by Part II, c. 1, § 2, art. 7 of the Massachusetts Constitution ("Article 7"). The impact of Article 10 and Article 7 is that only the House and Senate can establish, for themselves, whether and how to maintain records and respond to requests from the public to access those records. House No. 5004 would impose upon the General Court an entire system regarding the creation, maintenance, and dissemination of records that has heretofore only applied to the executive branch and municipalities, and as such it proposes rules for each branch of the General Court. Even if the Court finds that House No. 5004 is a law and is properly pending before the General Court, the fact remains that subjecting the House and Senate to the Public Records Law's regulatory scheme

would impermissibly intrude upon each chamber's respective unicameral rulemaking powers under the Massachusetts Constitution.

Applying the Public Records Law to the General Court would also raise other constitutional issues. Chapter 66 establishes a regulatory scheme that governs the creation, retention, and disclosure of public records by executive branch agencies and municipalities. It is administered and enforced by the executive branch, in the first instance by the Supervisor, then by the Attorney General.

Such an administrative review and enforcement scheme would violate the separation of powers set forth in art. 30 of the Declaration of Rights of the Massachusetts Constitution ("Article 30"), which prohibits any branch from interfering with the functions of another branch. Laws may not vest the executive branch with control over the legislative branch, but that is exactly what House No. 5004 would do by subjecting the House and the Senate to the oversight and control of the Supervisor and the Attorney General.

House No. 5004 would also compel the disclosure of records in a manner that would violate the legislative privilege established by art. 21 of the Declaration of Rights of the Massachusetts Constitution ("Article 21"). Article 21 protects the essential role of "deliberation, speech and debate" in the legislative process by establishing the privilege to withhold internal legislative records from disclosure. House No. 5004 would force legislators to disclose such privileged records or to

engage in the burdensome process of litigating every such claim, first before the Supervisor and then potentially against the Attorney General in court. Article 21 is meant to protect members of the House and Senate from exactly such burdens.

For these reasons, this Court should answer Question 1 in the affirmative because House No. 5004 proposes a rule, not a law. If the Court answers that the initiative petition does propose a law, then it should answer Questions 3, 4, and 5 in the affirmative: House No. 5004 would violate or intrude on Articles 7, 10, 21 and 30.<sup>2</sup>

## ARGUMENT

### **I. HOUSE NO. 5004 PROPOSES RULES FOR THE HOUSE AND THE SENATE IN VIOLATION OF ARTICLE 48 AND ALSO INTRUDES INTO THE UNICAMERAL POWERS GRANTED TO BOTH CHAMBERS OF THE GENERAL COURT.**

House No. 5004 is not properly introduced and pending because it fails to propose a law, as required by Article 48. Instead, by expanding the scope of Chapter 66 to include the General Court, it functionally proposes a series of records-related rules for the House and the Senate.

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<sup>2</sup> This brief does not include an argument addressing the second question propounded by the Senate in Senate No. 3015. However, to the extent that House No. 5004 would grant the judicial branch with new and unprecedented authority to review, decide and order relief in challenges to records determinations made by the General Court, the Court should answer question two in the affirmative.

Even if this Court answers Question 1 in the negative and opines that House No. 5004 is properly introduced and pending, however, it remains the case that expanding the Public Records Law to cover the General Court would impermissibly intrude upon the unicameral powers granted to the House and the Senate to manage their own internal affairs.

**A. House No. 5004 Proposes a Rule, Not a Law, in Violation of Article 48 of the Amendments to the Massachusetts Constitution.**

Article 48 provides that the “legislative power shall continue to be vested in the general court,” but grants to the people the power of the popular initiative, “which is the power of a specified number of voters to submit constitutional amendments and laws to the people for approval or rejection.” Article 48, Definition, I. The General Court’s “legislative power” is broader than its bicameral lawmaking power and also includes certain unicameral rulemaking powers. See Paisner v. Attorney General, 390 Mass. 593 (1983). The lawmaking power granted to the people by Article 48 “is coextensive with the [General Court’s] law-making power” but it cannot intrude upon the unicameral “power to determine their own rules of proceedings” granted to both the House and the Senate. Id. at 601 (1983); see Article 7 (“The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.”); Article 10 (“The house of

representatives . . . shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house[.]”).

Paisner involved a challenge to the Attorney General’s decision not to certify a proposed initiative that would have established within the General Laws certain procedures for how the House and Senate were to conduct their internal affairs including, inter alia, the appointment of leadership roles and the operation of committees. See 390 Mass. at 596. The Court held that the proposed initiative “establishe[d] rules rather than laws because its principal purpose [was] to order the internal operations of the Senate and the House rather than to alter the legal duties of persons outside the Legislature,” and further explained that “laws govern conduct external to the legislative body, while rules govern internal procedures.” Id. at 600. Furthermore, “[l]egislative rule-making authority is a continuous power absolute and beyond the challenge of any other tribunal,” and so “each branch of each successive Legislature may proceed to make rules without seeking concurrence or approval of the other branch, or of the executive, and without being bound by action taken by an earlier Legislature.” Id. at 600. As such, the Paisner Court found that the Attorney General properly declined to certify the proposed initiative.

Paisner confirmed the bright-line rule established by Article 10 and Article 7: only the House may determine how the House conducts its internal business and

only the Senate may determine how the Senate conducts its internal business.<sup>3</sup> Inherent in this power is the ability—and responsibility—to independently manage its own operations, finances, and record-keeping both as a chamber and, as discussed below in Section II.C, for each of its own members. The impact of Article 10 and Article 7 is that only the members of each chamber, acting as a distinct body, and subject only to the Massachusetts Constitution,<sup>4</sup> can establish, for example, whether and how to (i) maintain records and (ii) respond to requests from the public for access

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<sup>3</sup> To be clear, the House does not claim that it cannot be bound by any law, whether passed by the General Court or pursuant to Article 48. Laws of general applicability can regulate certain aspects of the General Court’s behavior, just as such laws can regulate certain aspects of the courts’ behavior. For example, the House and the Senate are bound by numerous employment laws. See, e.g., G.L. c. 149, § 105A (Massachusetts Equal Pay Act). However, laws that intrude on the General Court’s independence as a branch of government—laws which seek to regulate the independence of their internal functioning by subordinating them to another branch of government, directly or indirectly—are prohibited by the explicit provisions of the Massachusetts Constitution, which is why, for example, neither the judicial or legislative branches are subject to the budgeting requirements of G.L. c. 29 or the state procurement laws of G.L. c. 30B.

<sup>4</sup> While largely silent on the issue of record creation and retention by the General Court, the Constitution does contemplate and require the creation and retention of certain records of the General Court in the form of journals of the two houses and recorded votes. See, e.g., Part II, c. 1, § 1, art. 2, of the Massachusetts Constitution (requiring votes to override gubernatorial veto to be “entered upon the public records of the commonwealth”); art. 9 of the Amendments to the Massachusetts Constitution, as annulled by Article 48, General Provisions, VIII (requiring proposed constitutional amendments “be entered on the journals of the two houses, with the yeas and nays taken thereon”); Article 48, The Referendum, II, as amended by art. 67 of the Amendments to the Massachusetts Constitution (requiring vote on emergency preamble to be recorded).

to that chamber’s records. A law cannot determine the answer to those questions for either the House or the Senate.

House No. 5004 would do exactly that. While it would not explicitly establish rules for the House or the Senate within the petition itself, the effect of the proposed changes to Chapter 66 in House No. 5004—discussed at length below—would function to establish a variety of records-related rules upon both chambers.<sup>5</sup> As such, it would displace the House and Senate’s existing and independent authority and responsibility to determine how to maintain their own respective records as well as when and how to share those records with the public. For example, during the 194<sup>th</sup> session of the General Court, the House has already established numerous internal rules that govern how documents are created, maintained, and disseminated. See, e.g., House Rule 10B (designating House Clerk as “official keeper of records” for the House)<sup>6</sup>; House Rules 17A(f) (requiring House committees to maintain accurate

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<sup>5</sup> That House No. 5004 does not explicitly state, on its face, that it is establishing rules for the General Court does not save it. The guarantee of independence enshrined in Article 10 and Article 7 would be meaningless if it could be circumvented by petitions that expand the scope of existing laws that govern the executive such that they apply to the General Court, and the clear rule established in Paisner would instead be reduced to a two-step dance: first, pass the law with the General Court exempt and then, second, pass a law that applies the first law to the General Court.

<sup>6</sup> House Rule 10B provides in full: “The Clerk shall be the official keeper of records of the House of Representatives for legislative records that remain in the office of said Clerk at the end of each biennial session, and until such time as said records are transferred to the State Archives or destroyed in accordance with law.”

records of its meetings and to post records on website of General Court); and 17B (requiring House committees to conduct recorded roll call votes that must be posted on General Court’s website within 48 hours of vote); House Rule 81(f) (requiring all House sessions to be broadcast live with recordings available via General Court’s website during the current biennial session); House Rule 87(c) (requiring House Business Manager, appointed and overseen by a House committee, to create and maintain certain records regarding business operations).<sup>7</sup> Subjecting the House to the records-related rules in Chapter 66, and the guidelines and policies established by the Supervisor of Records pursuant to that chapter, is a clear intrusion on the House’s power to govern its own proceedings.

This Court should consider the functional impact of House No. 5004, not just the specific words within the petition’s text, and answer the Senate’s first question in the affirmative: House No. 5004 proposes a rule, not a law, and so it does not conform to the requirements of Article 48.

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This rule aligns with the requirements of G.L. c. 3, § 22, which requires the Secretary of the Commonwealth to take custody of the “journals, files and papers” of the houses after the end of the session to which they relate.

<sup>7</sup> Unless otherwise specified, a reference to a specifically numbered House Rule refers to its current text as contained in 2025 House Doc. No. 2025.

**B. House No. 5004 Would Violate or Intrude Upon the Unicameral Power Given to the House and Senate to Govern Their Own Internal Affairs.**

Even if the Court concludes that House No. 5004 does in fact propose a law, the question remains whether that law would violate or intrude upon the House's Article 10 power and the Senate's Article 7 power to govern their own internal affairs. The bill would subjugate the House and Senate, including its two hundred constituent members, to the executive-centric regulatory structure established in Chapter 66.

The Public Records Law was drafted to apply only to the executive branch and to municipalities. See, e.g., G.L. c. 66, § 18; G.L. c. 66, § 6A(a). It locates the responsibility for overseeing the public records regulatory structure within an executive office—the office of the Secretary of the Commonwealth, and specifically with the Secretary's hand-picked Supervisor of Records. See G.L. c. 66, § 1; G.L. c. 9, § 4. The entire scheme hinges on the Supervisor's dual role as guide and overseer: the Supervisor sets the standards, both through providing guidelines and through issuing binding regulations, and also enforces them through the administrative appeals process. See G.L. c. 66, §§ 1, 1A; 950 Code Mass. Regs. §§ 32.00 (2021). It is right and proper for the Supervisor to manage a uniform records policy for all of the executive branch's varied agencies, departments, boards, and

other creations, as well as for cities and towns across the state;<sup>8</sup> it is no intrusion on any Constitutional power or provision for the Supervisor to act as the initial arbiter regarding disputes for those entities.

The Supervisor may not—and cannot—exercise such authority over the House or the Senate without intruding upon the authority and obligation enshrined in Article 10 and Article 7. As discussed above, the current session of the House has adopted its own set of rules regarding the maintenance and public dissemination of documents. See, e.g., House Rule 10B; House Rules 17A(f) and 17B; House Rule 81(f); House Rule 87(c). Future sessions will undoubtedly exercise their Article 10 power and adopt rules governing maintenance and public dissemination of documents, and those rules may well differ from the rules adopted by the current session. But the House’s Article 10 authority cannot coexist with a public records regime where the Supervisor’s policies regarding document creation, retention, and dissemination take precedence over the House’s own determination, in each biennial session, how best to handle these operational matters.

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<sup>8</sup> Municipalities are subordinate creations of the state. See, e.g., Commonwealth v. Hudson, 315 Mass. 335, 344 (1943) (“A town is not an independent sovereignty. It is merely a subordinate agency of State government. It is a creature of the Commonwealth, from which are derived all its powers and those of its voters and officers.”).

In sum, application of the Public Records Law to the House and to the Senate would intrude on the explicit constitutional authority given to each chamber to manage all aspects of their respective internal operations. House No. 5004 would force each biennial session of the House and Senate to either conform their own operations to the standards of an appointed officer of the executive branch, in clear violation of Article 10 and Article 7, or face the certainty of endless litigation regarding their failure to do so. The Constitution does not accommodate such an intrusion, and so this Court should answer the Senate's third question in the affirmative: House No. 5004 violates or intrudes upon each chamber's unicameral authority to set its own rules and govern its own operations.

**II. HOUSE NO. 5004 WOULD VIOLATE ARTICLES 21 AND 30 OF THE DECLARATION OF RIGHTS OF THE MASSACHUSETTS CONSTITUTION.**

The constitutional infirmities of applying Chapter 66 to the House and Senate are not limited to the displacement of each respective chambers' rules for how it manages and discloses its own records. As described above, Chapter 66 sets forth a scheme regulating the creation, retention, and disclosure of public records by executive branch agencies. This scheme applies exclusively to, and is administratively enforced by, the executive branch. House No. 5004, however, would apply this framework to the General Court, which would unconstitutionally confer on the executive branch the authority to control, in all aspects, how the

legislative branch manages and discloses its own records, including records that neither the executive nor judicial branches may compel elected members to disclose. Application of Chapter 66 to the General Court would thus violate Article 30's core constitutional protection afforded to each branch of government against interference from another branch of government as well as Article 21's protections afforded to individual members of the General Court protecting their confidential legislative communications from compelled disclosure.

**A. HOUSE 5004 WOULD VIOLATE THE SEPARATION OF POWERS GUARANTEED BY ARTICLE 30.**

**1. A Law that Creates the Potential for Interference of One Branch of Government into the Functioning of Another Branch of Government Violates Article 30.**

The separation of powers is so fundamental to our form of government that the drafters of the Massachusetts Constitution explicitly delineated a sharp division between the legislative, executive, and judicial branches. Specifically, Article 30 provides that “the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them.”

This Court has described Article 30 as calling for “a complete and rigid division of all powers among the three branches,” Opinion of the Justices to the House of Representatives, 365 Mass. 639, 640 (1974), while at the same time

recognizing that an absolute division of the three branches is not always possible, see Opinion of the Justices to the Senate, 375 Mass. 795, 813 (1978) (stating that “some flexibility in the allocation of functions among the three departments” is sometimes necessary). The “critical inquiry” in determining whether a proposed law violates Article 30’s separation of powers is whether the proposed law “would interfere with the functions of that branch of government.” Id. Where a proposed law has the potential to concentrate in one branch “indirect but very real control” over another branch, this Court has “scrupulously” protected against such interference. See Opinion of the Justices to the House of Representatives, 365 Mass. at 641, 647; Opinion of the Justices, 302 Mass. 605, 622 (1939) (“These [Article 30] limitations, though sometimes difficult of application, must be scrupulously observed.”)

Article 30’s protection of one branch of government from the possibility of interference by another branch of government is exemplified in the Court’s Opinion to the Justices to the House of Representatives in 1974. In that matter, the proposed law provided for a commission which would have had the authority to regulate the collection, processing, and dissemination of electronic data for all three branches of government. 365 Mass. at 640, 645-646. While acknowledging the laudable goals of the proposed law in promoting efficiency in government, this Court opined that

the proposed law violated Article 30 because it created the “potential for interference in the internal functioning of the Legislature” and the judiciary. Id. at 648.

An important factor animating the Court’s opinion was that the commission that would have been empowered with oversight of the electronic data processing and telecommunications of all three branches of government was not authorized to act “in a strictly service capacity.” Id. at 645-646. Unlike, say, the executive branch’s management of all state buildings, the commission would have been authorized to: (1) develop policies concerning the three branches’ data processing and telecommunications management; (2) approve, disapprove, and set priorities for data processing and telecommunications projects; and (3) exercise fiscal control over such projects. Id. 646-647. Given this authority, the Court opined that:

The bill creates an agency with power to exert control over all branches of government and thus is antithetical to the notion of separation of powers. This notion does not necessarily preclude judicial participation on a voluntary basis in the sharing of data processing facilities and services, provided that such participation does not involve internal functioning of the judicial branch.

Id. at 647.

The proposed law at issue in the Court’s 1974 opinion—which would have authorized one branch of government to set policy for and exert control over another branch of government—stands in stark contrast to laws that establish standards of conduct applicable to all public officials or to private and public entities in their role as employers. See Opinion of the Justices to the Senate, 375 Mass. at 813 (proposed

disclosure requirements in G.L. c. 268B would not constitute impermissible interference by the legislative or executive branches with the functions of the judicial branch). As this Court has explained, the General Court has great latitude in defining criminal conduct, providing for ethical rules applicable to public officials, and setting standards of conduct for employers to vindicate the legitimate interests of society; and those standards may be appropriately enforced by the executive and judicial branches. See Tran v. Commonwealth, 496 Mass. 518, 537 (2025); Commonwealth v. Pyles, 423 Mass. 717, 721 (1996).

What a law may not do in conformity with Article 30, however, is authorize one branch of government to interfere with the functions of another branch of government. This is precisely what House No. 5004 would do.

**2. House No. 5004 Would Violate Article 30 Because It Would Empower the Executive Branch with the Ability to Set Policy for and Exert Control over the Internal Functions of the Legislative Branch.**

House No. 5004 empowers the executive branch—specifically, the Secretary of the Commonwealth; the Supervisor of Records; and, on referral from the Supervisor of Records, the Attorney General—to exercise authority, control, and oversight over the creation, retention, processing, and dissemination of the records of the legislative branch, which would significantly impact its functioning.

Within Chapter 66’s public records scheme, the Secretary of the Commonwealth, Supervisor of Records, and Attorney General do not function in a

mere “service capacity.” Rather, the Supervisor of Records, appointed by the Secretary of the Commonwealth, is charged with being both the principal regulator and administrative adjudicator of public records disputes.

As to the Supervisor’s regulatory authority, Chapter 66 establishes standards for the creation, maintenance, preservation, disclosure, and disposal of records and empowers the Secretary of the Commonwealth to appoint a Supervisor of Records, who has promulgated regulations and guidance interpreting the requirements of Chapter 66 and the procedures for its own review of agency determinations. See G.L. c. 66, §§ 1, 10A; 950 Code Mass. Regs. §§ 32.00 (2021). Applying Chapter 66 to the General Court would therefore empower the Supervisor to prescribe policies governing how the General Court manages and discloses its own records, including policy for how the General Court should collect, manage, and publicly disclose the individual records of 200 elected members of the House and Senate, collectively.

Under this scheme, the House and Senate would be required to appoint a Records Access Officer for each respective chamber (and presumably for the General Court when acting jointly), who would be required to document compliance with the Supervisor’s regulations and guidance and submit annual reports to the Secretary. See G.L. c. 66, § 6A(e). The Supervisor’s policy determinations as to the legislative branch’s records management and disclosure would displace those that have been historically made by the House and Senate, both individually and jointly

when acting together, thus subjugating the legislative branch’s determinations of how records management and disclosure may, for instance, affect the confidentiality of constituents or chill legislative speech and debate. Thus, like the commission proposed in 1974 that would have had authority to develop policies that had the potential to affect the internal operations of the legislative and judicial branches, see Opinion of the Justices to the House of Representatives, 365 Mass. at 646, House No. 5004 would authorize another branch of government to “oversee, manage, and develop policy for” the legislative branch’s management and dissemination of records, id., which would have a substantial impact on how the legislative branch functions, including how members of the General Court communicate with members of the public and each other.

In addition to the Supervisor’s policy-making authority, inclusion of the General Court within Chapter 66’s public records scheme would subject the General Court’s decisions concerning disclosure of (1) its own records and (2) the individual records and communications of constitutionally elected members to the administrative review and approval of the Supervisor. See G.L. c. 66, § 10A. Pursuant to G.L. c. 66, § 10A, if a requestor disagrees with the General Court’s response to their request for documents, they may petition the Supervisor for a determination as to whether the General Court’s response was compliant with the public records law (as interpreted by the Supervisor). See id. After review, the

Supervisor would determine whether the General Court’s response was adequate and could order the General Court to remedy any deficiency that the Supervisor believes exists. Id. If the General Court refused or failed to comply with an order issued by the Supervisor pertaining to the General Court’s own records, then the Supervisor may notify the Attorney General, and the Attorney General “may take whatever measures the attorney general considers necessary to ensure compliance,” including but not limited to filing suit against the House or Senate. Id.

Pursuant to Article 30, this Court has rejected such cross-branch supervision and control over determinations that may directly or indirectly interfere with the functioning of a separate branch of government. See Opinion of the Justices to the House of Representatives, 365 Mass. at 646-647. This concern for ensuring the independence of each branch of government is amplified here, where application of Chapter 66 to the General Court also implicates the explicit constitutional protections provided to (1) each chamber of the General Court to unilaterally determine the rules by which they will operate under Article 10 and Article 7 and (2) each elected member under Article 21.

As this Court opined in 1974, the right to judicial appeal in Chapter 66’s scheme does not alleviate these concerns. See Opinion of the Justices to the House of Representatives, 365 Mass. at 647. Pursuant to Chapter 66’s scheme, unless the General Court abides by the policies promulgated, and the determinations made, by

the executive branch, it would be subject to continuous litigation brought by either the Attorney General or any member of the public in every instance in which these parties disagreed with how the General Court has managed or disclosed its own records. This would place the judiciary in a position in which it would constantly be asked “to assume the difficult and delicate duty of passing upon the validity of the acts of a coordinate branch of the government,” Doe v. Governor, 381 Mass. 702, 704 (1980) (citation omitted), thrusting it into both the daily operations of the General Court and the daily communications of its members.

Finally, the impact of House No. 5004 is not to merely set standards of conduct for public officials or for the House and Senate as employers. Rather, like the proposed law that this Court found constitutionally infirm in 1974, House No. 5004 would authorize “an agency with power to exert control over [another] branch[] of government and thus is antithetical to the notion of separation of powers.” Opinion to the Justices, 365 Mass. at 647.

And the control it would exert is real. This Court should reasonably expect that the General Court, including its 200 House and Senate members, will receive numerous daily requests. The executive branch will be the arbiter of all disagreements that may arise with members of the public concerning such requests, and in assessing whether a violation has occurred, the Supervisor will have the authority to “inspect any record or copy of a record in camera,” G.L. c. 66, § 10A(a),

thus placing, for example, sensitive records concerning constituents or private communications between members into the hands of an executive branch officer even if an exemption might ultimately apply to exempt public disclosure. Such an intrusion would significantly impact the functioning of the legislative branch and would violate Article 30.

**B. HOUSE NO. 5004 WOULD VIOLATE ARTICLE 21.**

In addition to the constitutional flaws addressed above, House No. 5004 would compel the public disclosure of legislative records in violation of Article 21, which establishes a legislative privilege to withhold documents related to a legitimate legislative purpose. Article 21 provides that “[t]he freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.” In Coffin v. Coffin, this Court ruled that Article 21 must be construed liberally in light of its purpose to protect the public’s right to have their elected representatives fulfill their responsibilities freely. 4 Mass. 1, 27 (1808).

Article 21’s protections apply not only to words spoken on the floor of the chamber, but to documents and other records that relate to legitimate legislative activity. Id. The Court in Coffin found that the protection extended “to the giving of a vote, to the making of a written report, and to every other act resulting from the

nature, and in the execution, of the office.” Id. The protection applies when a legislator is acting in their capacity as a member of the General Court and carrying out the duties of their office. Id. at 28.

Given the General Court’s exemption from the public records law, and the fact that “the tradition of legislative privilege is so well established in our polity, there is very little judicial illumination of this clause,” United States v. Johnson, 383 U.S. 169, 179 (1966), Massachusetts courts have not yet addressed the Article 21 legislative privilege in the context of the compelled disclosure of legislative records. However, relevant case law in other jurisdictions may be instructive.

In its first case interpreting or applying Article 21 since Coffin, the Court in Tran v. Commonwealth recognized the Coffin decision’s impact on the U.S. Supreme Court’s interpretation and application of the federal “speech or debate” clause. 496 Mass. at 531. The Supreme Court recognized Coffin as “perhaps, the most authoritative case in this country on the construction of the provision in regard to freedom of debate in legislative bodies.” Kilbourn v. Thompson, 103 U.S. 168, 204 (1880). The Supreme Court has found that the federal speech or debate clause “must be read broadly to effectuate its purpose of protecting the independence of the Legislative Branch,” and in “its narrowest scope, the Clause is a very large, albeit essential, grant of privilege.” United States v. Brewster, 408 U.S. 501, 516 (1972).

While this Court noted in Tran that it is not bound by the Supreme Court’s interpretation of the federal speech or debate clause, it recognized that the Supreme Court’s decisions are of interest because they “rest upon the foundation laid in Coffin regarding the scope of legislative immunity for deliberation, speech, and debate, and have adopted Coffin’s central holding that the privilege extends only to legislative acts.” Tran, 496 Mass. at 532. These Supreme Court cases “provide examples of how the principles first laid down in Coffin have been applied to various subsequent circumstances.” Id.

In Tran, this Court surveyed Supreme Court cases defining the “scope” of privileged conduct to help inform its determination that Article 21 does not protect political campaign activities. Id. at 532-535. Decisions by federal courts and the appellate courts of other states can also inform how Coffin applies to the “subsequent circumstance” of compelled disclosure. See id. at 532. Federal courts, in interpreting the federal speech or debate clause, have held that legislators and their staff have “broad immunity from compelled disclosure related to legislative activity.” Schilling v. Speaker of U.S. House of Representatives, 633 F. Supp. 3d 272, 280 (D.D.C. 2022), aff’d on other grounds sub nom. Schilling v. U.S. House of Representatives, 102 F.4th 503 (D.C. Cir. 2024); see also MINPECO, S.A. v. Conticommodity Servs., Inc., 844 F.2d 856, 861 (D.C. Cir. 1988) (declining to command the disclosure of committee correspondence). And the appellate courts of

other states, interpreting constitutional “speech and debate” language comparable to Article 21, have concluded that their speech and debate provisions bar compelled disclosure of legislative records. See, e.g., West v. Washington State Legislature, 584 P.3d 409, 416 (Wash. Ct. App. 2026) (motion for reconsideration pending); Ariz. Indep. Redistricting Comm’n v. Fields, 75 P.3d 1088, 1098 (Ariz. Ct. App. 2003).

In a 2026 Washington Appellate Court case about the application of the Washington public records law to state legislators, the court concluded that the Washington Constitution’s “speech or debate” clause “functions as a testimonial and evidentiary privilege for internal communications or records that extends to matters integral to the legislative process.” West, 584 P.3d at 415. The court further concluded that “because these objectives are implicated when a legislator is compelled to produce documents, [the Washington Constitution’s “speech or debate” clause] provides an exemption from disclosure under the [Washington public records act].” Id. at 416. The Washington court reasoned that the compelled production of documents might “chill the ardor of a member to speak and act freely in the performance of legislative functions.” Id. (quoting State v. Beno, 116 Wis. 2d 122, 142 (1984)).

While Tran reaffirmed Coffin’s understanding that Article 21 protects against both civil and criminal process, Tran, 496 Mass. at 518, the text and purpose of Article 21 does not limit itself to civil or criminal actions. The text of Article 21 is

broader and more explicitly protective than that of the federal speech or debate clause or the Washington Constitution's speech or debate clause: it protects the freedom of "deliberation" where other constitutions do not, and emphasizes the essential nature of these freedoms to the rights of the people.

Within the domain of legislative activity, public records demands that are backed by an administrative and judicial enforcement scheme are equivalent to the kind of "accusation or prosecution, action or complaint, in any other court or place whatsoever" that Article 21 explicitly bars. A legislator served with a records demand backed by executive and judicial enforcement does not just risk an adverse judgment: the legislator is forced to engage with the machinery of compliance, review, potential litigation over scope, and possible contempt proceedings. When a legislator is engaged in legitimate legislative activity, the burden of the process is the core harm identified in Tran and protected in Article 21. Tran, 496 Mass. at 534-536.

House No. 5004 would subject the General Court to the public records law without properly accounting for the General Court's constitutionally protected deliberative function. House No. 5004 violates the core constitutional protection afforded to members of the General Court in Article 21.

## CONCLUSION

For the reasons set forth above, the Court should answer that House No. 5004 proposes a rule relating to internal legislative procedures, not a law as required by Article 48, and further answer that House No. 5004 would (a) violate or intrude upon the Senate's authority to "determine its own rules of proceedings" under Section 7, (b) violate Article 30 of the Constitution of the Commonwealth, and (c) violate or intrude upon rights granted to members and staff of the General Court pursuant to Article 21 of the Constitution of the Commonwealth.

Respectfully submitted,

/s/ James C. Kennedy  
James C. Kennedy  
Chief Legal Counsel  
House of Representatives  
State House, Room 139  
Phone: (617) 722-2360  
BBO # 658562

Dated: April 3, 2026

## CERTIFICATE OF COMPLIANCE

I, James C. Kennedy, hereby certify that the foregoing Brief of Amicus Curiae, Massachusetts House of Representatives complies with the rules of Court that pertain to the filing of briefs, including, but not limited to Rules 17 and 20. The brief uses Times New Roman 14-point font and was composed in Microsoft Word. The brief contains 7,477 non-excluded words, which was ascertained using Microsoft Word's word count function.

/s/ James C. Kennedy  
James C. Kennedy  
BBO # 658562  
Chief Legal Counsel  
House of Representatives  
State House, Room 139  
Boston, MA 02133  
Phone: (617) 722-2360  
James.Kennedy@mahouse.gov

Dated: April 3, 2026

## CERTIFICATE OF SERVICE

I, James C. Kennedy, hereby certify that on April 3, 2026, I caused to be filed, via e-fileMA, the foregoing Brief of Amicus Curiae, Massachusetts House of Representatives in No. SJC-13908, Request for an Advisory Opinion from the Massachusetts Senate, in addition to a copy via email to:

James DiTullio  
Counsel to the Senate  
State House, Room 200  
Boston, MA 02133  
James.Ditullio@masenate.gov

/s/ James C. Kennedy  
James C. Kennedy  
BBO # 658562  
Chief Legal Counsel  
House of Representatives  
State House, Room 139  
Boston, MA 02133  
Phone: (617) 722-2360  
James.Kennedy@mahouse.gov

Dated: April 3, 2026

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Massachusetts General Laws Annotated

Constitution or Form of Government for the Commonwealth of Massachusetts [Annotated]

Part the First a Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts

M.G.L.A. Const. Pt. 1, Art. 21

Art. XXI. Freedom of deliberation, speech and debate in the legislature

Currentness

ART. XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

M.G.L.A. Const. Pt. 1, Art. 21, MA CONST Pt. 1, Art. 21

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Part the First a Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts

M.G.L.A. Const. Pt. 1, Art. 30

Art. XXX. Separation of legislative, executive and judicial departments

Currentness

ART. XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

M.G.L.A. Const. Pt. 1, Art. 30, MA CONST Pt. 1, Art. 30

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Chapter I. The Legislative Power  
Section I. The General Court

M.G.L.A. Const. Pt. 2, C. 1, § 1, Art. 2

Art. II. Approval of bill or resolve by governor; veto; passage over  
veto; failure of governor to return bill or resolve within ten days

Currentness

ART. II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within ten days after it shall have been presented, the same shall have the force of a law.

M.G.L.A. Const. Pt. 2, C. 1, § 1, Art. 2, MA CONST Pt. 2, C. 1, § 1, Art. 2  
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Chapter I. The Legislative Power  
Section II. Senate

M.G.L.A. Const. Pt. 2, C. 1, § 2, Art. 7

Art. VII. President; officers; rules of proceedings

Currentness

ART. VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

M.G.L.A. Const. Pt. 2, C. 1, § 2, Art. 7, MA CONST Pt. 2, C. 1, § 2, Art. 7

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Chapter I. The Legislative Power  
Section III. House of Representatives

M.G.L.A. Const. Pt. 2, C. 1, § 3, Art. 10

Art. X. House as judge of returns; elections and qualifications of its  
members; officers; rules; punishment for offenses; privileges of members

Currentness

ART. X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house: They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly, or contemptuous behavior, in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house. And no member of the house of representatives shall be arrested, or held to bail on mesne process, during his going unto, returning from, or his attending the general assembly.

M.G.L.A. Const. Pt. 2, C. 1, § 3, Art. 10, MA CONST Pt. 2, C. 1, § 3, Art. 10  
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Articles of Amendment

M.G.L.A. Const. Amend. Art. 9

Art. IX. Amendments to the constitution

Currentness

<Amendment Article IX was annulled by Amendment Article XLVIII, General Provisions, Part VIII.>

M.G.L.A. Const. Amend. Art. 9, MA CONST Amend. Art. 9  
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## Editor's and Revisor's Notes (1)

### HISTORICAL NOTES

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted April 9, 1821.

This article was superseded in 1918 by Amend. Art. 48, Init., Pt. 4 and was specifically annulled by Amend. Art. 48, Gen.Prov., Pt. 8.

Amend. Art. 48, Init., Pt. 4 relates to legislative action on proposed constitutional amendments.

The Ninth Article of Amendment, as originally adopted in 1821, provided:

“Art. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two thirds of the members of the house of representatives present and voting thereon; then it shall be the duty of the general court to submit such proposed amendment or amendments to the people: and if they shall be approved and ratified by a majority of the qualified voters voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.”

Massachusetts General Laws Annotated  
Constitution or Form of Government for the Commonwealth of Massachusetts [Annotated]  
Articles of Amendment  
Art. XLVIII. Initiative and Referendum  
I. Definition.

M.G.L.A. Const. Amend. Art. 48, Pt. 1, Def.

I. DEFINITION

Currentness

Legislative power shall continue to be vested in the general court; but the people reserve to themselves the popular initiative, which is the power of a specified number of voters to submit constitutional amendments and laws to the people for approval or rejection; and the popular referendum, which is the power of a specified number of voters to submit laws, enacted by the general court, to the people for their ratification or rejection.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Pt. 1, Def., MA CONST Amend. Art. 48, Pt. 1, Def.  
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Massachusetts General Laws Annotated  
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the Initiative.  
II. Initiative Petitions.

M.G.L.A. Const. Refs & Annos  
Currentness

M.G.L.A. Const. Refs & Annos, MA CONST Refs & Annos  
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the Initiative.  
II. Initiative Petitions. (Refs & Annos)

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 2, § 1

Section 1. Contents

Currentness

An initiative petition shall set forth the full text of the constitutional amendment or law, hereinafter designated as the measure, which is proposed by the petition.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 2, § 1, MA CONST Amend. Art. 48, Init., Pt. 2, § 1  
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Articles of Amendment  
Art. XLVIII. Initiative and Referendum  
the Initiative.  
II. Initiative Petitions. (Refs & Annos)

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 2, § 2

Section 2. Excluded matters

Currentness

No measure that relates to religion, religious practices or religious institutions; or to the appointment, qualification, tenure, removal, recall or compensation of judges; or to the reversal of a judicial decision; or to the powers, creation or abolition of courts; or the operation of which is restricted to a particular town, city or other political division or to particular districts or localities of the commonwealth; or that makes a specific appropriation of money from the treasury of the commonwealth, shall be proposed by an initiative petition; but if a law approved by the people is not repealed, the general court shall raise by taxation or otherwise and shall appropriate such money as may be necessary to carry such law into effect.

Neither the eighteenth amendment of the constitution, as approved and ratified to take effect on the first day of October in the year nineteen hundred and eighteen, nor this provision for its protection, shall be the subject of an initiative amendment.

No proposition inconsistent with any one of the following rights of the individual, as at present declared in the declaration of rights, shall be the subject of an initiative or referendum petition: The right to receive compensation for private property appropriated to public use; the right of access to and protection in courts of justice; the right of trial by jury; protection from unreasonable search, unreasonable bail and the law martial; freedom of the press; freedom of speech; freedom of elections; and the right of peaceable assembly.

No part of the constitution specifically excluding any matter from the operation of the popular initiative and referendum shall be the subject of an initiative petition; nor shall this section be the subject of such a petition.

The limitations on the legislative power of the general court in the constitution shall extend to the legislative power of the people as exercised hereunder.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 2, § 2, MA CONST Amend. Art. 48, Init., Pt. 2, § 2  
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the Initiative.  
II. Initiative Petitions. (Refs & Annos)

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 2, § 3

Section 3. Mode of Originating

Currentness

Such petition shall first be signed by ten qualified voters of the commonwealth and shall be submitted to the attorney-general not later than the first Wednesday of the August before the assembling of the general court into which it is to be introduced, and if he shall certify that the measure and the title thereof are in proper form for submission to the people, and that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections, and that it contains only subjects not excluded from the popular initiative and which are related or which are mutually dependent, it may then be filed with the secretary of the commonwealth. The secretary of the commonwealth shall provide blanks for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary, as determined by the attorney-general, of the proposed measure as such summary will appear on the ballot together with the names and residences of the first ten signers. All initiative petitions, with the first ten signatures attached, shall be filed with the secretary of the commonwealth not earlier than the first Wednesday of the September before the assembling of the general court into which they are to be introduced, and the remainder of the required signatures shall be filed not later than the first Wednesday of the following December.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 2, § 3, MA CONST Amend. Art. 48, Init., Pt. 2, § 3  
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M.G.L.A. Const. Amend. Art. 48, Init., Pt. 2, § 4

Section 4. Transmission to the General Court

Currentness

If an initiative petition, signed by the required number of qualified voters, has been filed as aforesaid, the secretary of the commonwealth shall, upon the assembling of the general court, transmit it to the clerk of the house of representatives, and the proposed measure shall then be deemed to be introduced and pending.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 2, § 4, MA CONST Amend. Art. 48, Init., Pt. 2, § 4  
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III. Legislative Action. General Provisions.

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 3, § 1

Section 1. Reference to Committee

Currentness

If a measure is introduced into the general court by initiative petition, it shall be referred to a committee thereof, and the petitioners and all parties in interest shall be heard, and the measure shall be considered and reported upon to the general court with the committee's recommendations, and the reasons therefor, in writing. Majority and minority reports shall be signed by the members of said committee.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 3, § 1, MA CONST Amend. Art. 48, Init., Pt. 3, § 1  
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III. Legislative Action. General Provisions.

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 3, § 2

Section 2. Legislative Substitutes

Currentness

The general court may, by resolution passed by yea and nay vote, either by the two houses separately, or in the case of a constitutional amendment by a majority of those voting thereon in joint session in each of two years as hereinafter provided, submit to the people a substitute for any measure introduced by initiative petition, such substitute to be designated on the ballot as the legislative substitute for such an initiative measure and to be grouped with it as an alternative therefor.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 3, § 2, MA CONST Amend. Art. 48, Init., Pt. 3, § 2  
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IV. Legislative Action on Proposed Constitutional Amendments.

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 4, § 1

Section 1. Definition

Currentness

A proposal for amendment to the constitution introduced into the general court by initiative petition shall be designated an initiative amendment, and an amendment introduced by a member of either house shall be designated a legislative substitute or a legislative amendment.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 4, § 1, MA CONST Amend. Art. 48, Init., Pt. 4, § 1  
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IV. Legislative Action on Proposed Constitutional Amendments.

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 4, § 2

Section 2. Joint Session

Currentness

If a proposal for a specific amendment of the constitution is introduced into the general court by initiative petition signed 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, or if in case of a proposal for amendment introduced into the general court by a member of either house, consideration thereof in joint session is called for by vote of either house, such proposal shall, not later than the second Wednesday in May, be laid before a joint session of the two houses, at which the president of the senate shall preside; and if the two houses fail to agree upon a time for holding any joint session hereby required, or fail to continue the same from time to time until final action has been taken upon all amendments pending, the governor shall call such joint session or continuance thereof.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 4, § 2, MA CONST Amend. Art. 48, Init., Pt. 4, § 2  
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IV. Legislative Action on Proposed Constitutional Amendments.

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 4, § 3

Section 3. Amendment of Proposed Amendments

Currentness

A proposal for an amendment to the constitution introduced by initiative petition shall be voted upon in the form in which it was introduced, unless such amendment is amended by vote of three-fourths of the members voting thereon in joint session, which vote shall be taken by call of the yeas and nays if called for by any member.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 4, § 3, MA CONST Amend. Art. 48, Init., Pt. 4, § 3  
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IV. Legislative Action on Proposed Constitutional Amendments.

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 4, § 4

Section 4. Legislative Action

Currentness

Final legislative action in the joint session upon any amendment shall be taken only by call of the yeas and nays, which shall be entered upon the journals of the two houses; and an unfavorable vote at any stage preceding final action shall be verified by call of the yeas and nays, to be entered in like manner. At such joint session a legislative amendment receiving the affirmative votes of a majority of all the members elected, or an initiative amendment receiving the affirmative votes of not less than one-fourth of all the members elected, shall be referred to the next general court.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 4, § 4, MA CONST Amend. Art. 48, Init., Pt. 4, § 4  
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IV. Legislative Action on Proposed Constitutional Amendments.

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 4, § 5

Section 5. Submission to the People

Currentness

If in the next general court a legislative amendment shall again be agreed to in joint session by a majority of all the members elected, or if an initiative amendment or a legislative substitute shall again receive the affirmative votes of at least one-fourth of all the members elected, such fact shall be certified by the clerk of such joint session to the secretary of the commonwealth, who shall submit the amendment to the people at the next state election. Such amendment shall become part of the constitution if approved, in the case of a legislative amendment, by a majority of the voters voting thereon, or if approved, in the case of an initiative amendment or a legislative substitute, by voters equal in number to at least thirty per cent of the total number of ballots cast at such state election and also by a majority of the voters voting on such amendment.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 4, § 5, MA CONST Amend. Art. 48, Init., Pt. 4, § 5  
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V. Legislative Action on Proposed Laws.

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 5, § 1

Section 1. Legislative Procedure

Currentness

If an initiative petition for a law is introduced into the general court, signed 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, a vote shall be taken by yeas and nays in both houses before the first Wednesday of May upon the enactment of such law in the form in which it stands in such petition. If the general court fails to enact such law before the first Wednesday of May, and if such petition is completed by filing with the secretary of the commonwealth, not earlier than the first Wednesday of the following June nor later than the first Wednesday of the following July, 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, in addition to those signing such initiative petition, which signatures must have been obtained after the first Wednesday of May aforesaid, then the secretary of the commonwealth shall submit such proposed law to the people at the next state election. If it shall be approved by voters equal in number to at least thirty per cent of the total number of ballots cast at such state election and also by a majority of the voters voting on such law, it shall become law, and shall take effect in thirty days after such state election or at such time after such election as may be provided in such law.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 5, § 1, MA CONST Amend. Art. 48, Init., Pt. 5, § 1  
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V. Legislative Action on Proposed Laws.

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 5, § 2

Section 2. Amendment by Petitioners

Currentness

If the general court fails to pass a proposed law before the first Wednesday of May, a majority of the first ten signers of the initiative petition therefor shall have the right, subject to certification by the attorney-general filed as hereinafter provided, to amend the measure which is the subject of such petition. An amendment so made shall not invalidate any signature attached to the petition. If the measure so amended, signed by a majority of the first ten signers, is filed with the secretary of the commonwealth before the first Wednesday of the following June, together with a certificate signed by the attorney-general to the effect that the amendment made by such proposers is in his opinion perfecting in its nature and does not materially change the substance of the measure, and if such petition is completed by filing with the secretary of the commonwealth, not earlier than the first Wednesday of the following June nor later than the first Wednesday of the following July, 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 in addition to those signing such initiative petition, which signatures must have been obtained after the first Wednesday of May aforesaid, then the secretary of the commonwealth shall submit the measure to the people in its amended form.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 5, § 2, MA CONST Amend. Art. 48, Init., Pt. 5, § 2  
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VI. Conflicting and Alternative Measures.

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 6  
Currentness

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;i(Const & Art & XLVIII & “Pt. II” & 1).>

If in any judicial proceeding, provisions of constitutional amendments or of laws approved by the people at the same election are held to be in conflict, then the provisions contained in the measure that received the largest number of affirmative votes at such election shall govern.

A constitutional amendment approved at any election shall govern any law approved at the same election.

The general court, by resolution passed as hereinbefore set forth, may provide for grouping and designating upon the ballot as conflicting measures or as alternative measures, only one of which is to be adopted, any two or more proposed constitutional amendments or laws which have been or may be passed or qualified for submission to the people at any one election: provided, that a proposed constitutional amendment and a proposed law shall not be so grouped, and that the ballot shall afford an opportunity to the voter to vote for each of the measures or for only one of the measures, as may be provided in said resolution, or against each of the measures so grouped as conflicting or as alternative. In case more than one of the measures so grouped shall receive the vote required for its approval as herein provided, only that one for which the largest affirmative vote was cast shall be deemed to be approved.

M.G.L.A. Const. Amend. Art. 48, Init., Pt. 6, MA CONST Amend. Art. 48, Init., Pt. 6  
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the Referendum.  
I. When Statutes Shall Take Effect.

M.G.L.A. Const. Amend. Art. 48, Ref., Pt. 1  
Currentness

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

No law passed by the general court shall take effect earlier than ninety days after it has become a law, excepting laws declared to be emergency laws and laws which may not be made the subject of a referendum petition, as herein provided.

M.G.L.A. Const. Amend. Art. 48, Ref., Pt. 1, MA CONST Amend. Art. 48, Ref., Pt. 1  
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II. Emergency Measures.

M.G.L.A. Const. Amend. Art. 48, Ref., Pt. 2  
Currentness

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

A law declared to be an emergency law shall contain a preamble setting forth the facts constituting the emergency, and shall contain the statement that such law is necessary for the immediate preservation of the public peace, health, safety or convenience. A separate vote, which shall be recorded, shall be taken on the preamble, and unless the preamble is adopted by two-thirds of the members of each House voting thereon, the law shall not be an emergency law. Upon the request of two members of the Senate or of five members of the House of Representatives, the vote on the preamble in such branch shall be taken by call of the yeas and nays. But if the governor, at any time before the election at which it is to be submitted to the people on referendum, files with the secretary of the commonwealth a statement declaring that in his opinion the immediate preservation of the public peace, health, safety or convenience requires that such law should take effect forthwith and that it is an emergency law and setting forth the facts constituting the emergency, then such law, if not previously suspended as hereinafter provided, shall take effect without suspension, or if such law has been so suspended such suspension shall thereupon terminate and such law shall thereupon take effect: but no grant of any franchise or amendment thereof, or renewal or extension thereof for more than one year shall be declared to be an emergency law.

M.G.L.A. Const. Amend. Art. 48, Ref., Pt. 2, MA CONST Amend. Art. 48, Ref., Pt. 2  
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the Referendum.  
III. Referendum Petitions.

M.G.L.A. Const. Amend. Art. 48, Ref., Pt. 3, § 1

Section 1. Contents

Currentness

A referendum petition may ask for a referendum to the people upon any law enacted by the general court which is not herein expressly excluded.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Ref., Pt. 3, § 1, MA CONST Amend. Art. 48, Ref., Pt. 3, § 1  
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III. Referendum Petitions.

M.G.L.A. Const. Amend. Art. 48, Ref., Pt. 3, § 2

Section 2. Excluded Matters

Currentness

No law that relates to religion, religious practices or religious institutions; or to the appointment, qualification, tenure, removal or compensation of judges; or to the powers, creation or abolition of courts; or the operation of which is restricted to a particular town, city or other political division or to particular districts or localities of the commonwealth; or that appropriates money for the current or ordinary expenses of the commonwealth or for any of its departments, boards, commissions or institutions shall be the subject of a referendum petition.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Ref., Pt. 3, § 2, MA CONST Amend. Art. 48, Ref., Pt. 3, § 2  
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the Referendum.  
III. Referendum Petitions.

M.G.L.A. Const. Amend. Art. 48, Ref., Pt. 3, § 3

Section 3. Mode of Petitioning for the Suspension of a Law and a Referendum thereon

Currentness

A petition asking for a referendum on a law, and requesting that the operation of such law be suspended, shall first be signed by ten qualified voters and shall then be filed with the secretary of the commonwealth not later than thirty days after the law that is the subject of the petition has become law. The secretary of the commonwealth shall provide blanks for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed law as such summary will appear on the ballot together with the names and residences of the first ten signers. If such petition is completed by filing with the secretary of the commonwealth not later than ninety days after the law which is the subject of the petition has become law a number of signatures of qualified voters equal in number to not less than two per cent of the entire vote cast for governor at the preceding biennial state election, then the operation of such law shall be suspended, and the secretary of the commonwealth shall submit such law to the people at the next state election, if sixty days intervene between the date when such petition is filed with the secretary of the commonwealth and the date for holding such state election; if sixty days do not so intervene, then such law shall be submitted to the people at the next following state election, unless in the meantime it shall have been repealed; and if it shall be approved by a majority of the qualified voters voting thereon, such law shall, subject to the provisions of the constitution, take effect in thirty days after such election, or at such time after such election as may be provided in such law; if not so approved such law shall be null and void; but no such law shall be held to be disapproved if the negative vote is less than thirty per cent of the total number of ballots cast at such state election.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

M.G.L.A. Const. Amend. Art. 48, Ref., Pt. 3, § 3, MA CONST Amend. Art. 48, Ref., Pt. 3, § 3  
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III. Referendum Petitions.

M.G.L.A. Const. Amend. Art. 48, Ref., Pt. 3, § 4

Section 4. Petitions for Referendum on an Emergency Law or a Law the Suspension of which is not asked for  
Currentness

A referendum petition may ask for the repeal of an emergency law or of a law which takes effect because the referendum petition does not contain a request for suspension, as aforesaid. Such petition shall first be signed by ten qualified voters of the commonwealth, and shall then be filed with the secretary of the commonwealth not later than thirty days after the law which is the subject of the petition has become law. The secretary of the commonwealth shall provide blanks for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary of the proposed law as such summary will appear on the ballot together with the names and residences of the first ten signers. If such petition filed as aforesaid is completed by filing with the secretary of the commonwealth not later than ninety days after the law which is the subject of the petition has become law a number of signatures of qualified voters equal in number to not less than one and one half per cent of the entire vote cast for governor at the preceding biennial state election protesting against such law and asking for a referendum thereon, than the secretary of the commonwealth shall submit such law to the people at the next state election, if sixty days intervene between the date when such petition is filed with the secretary of the commonwealth and the date for holding such state election. If sixty days do not so intervene, then it shall be submitted to the people at the next following state election, unless in the meantime it shall have been repealed; and if it shall not be approved by a majority of the qualified voters voting thereon, it shall, at the expiration of thirty days after such election, be thereby repealed; but no such law shall be held to be disapproved if the negative vote is less than thirty per cent of the total number of ballots cast at such state election.

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & "Pt. II" & 1).>

M.G.L.A. Const. Amend. Art. 48, Ref., Pt. 3, § 4, MA CONST Amend. Art. 48, Ref., Pt. 3, § 4  
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General Provisions.  
I. Identification and Certification of Signatures.

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 1  
Currentness

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

Provision shall be made by law for the proper identification and certification of signatures to the petitions hereinbefore referred to, and for penalties for signing any such petition, or refusing to sign it, for money or other valuable consideration, and for the forgery of signatures thereto. Pending the passage of such legislation all provisions of law relating to the identification and certification of signatures to petitions for the nomination of candidates for state offices or to penalties for the forgery of such signatures shall apply to the signatures to the petitions herein referred to. The general court may provide by law that no co-partnership or corporation shall undertake for hire or reward to circulate petitions, may require individuals who circulate petitions for hire or reward to be licensed, and may make other reasonable regulations to prevent abuses arising from the circulation of petitions for hire or reward.

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 1, MA CONST Amend. Art. 48, Gen. Prov., Pt. 1  
Current through amendments approved February 1, 2024.

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Massachusetts General Laws Annotated  
Constitution or Form of Government for the Commonwealth of Massachusetts [Annotated]  
Articles of Amendment  
Art. XLVIII. Initiative and Referendum  
General Provisions.  
II. Limitation on Signatures.

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 2  
Currentness

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

Not more than one-fourth of the certified signatures on any petition shall be those of registered voters of any one county.

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 2, MA CONST Amend. Art. 48, Gen. Prov., Pt. 2  
Current through amendments approved February 1, 2024.

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Massachusetts General Laws Annotated  
 Constitution or Form of Government for the Commonwealth of Massachusetts [Annotated]  
 Articles of Amendment  
 Art. XLVIII. Initiative and Referendum  
 General Provisions.  
 III. Form of Ballot.

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 3  
 Currentness

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
 s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

A fair, concise summary, as determined by the attorney general, subject to such provision as may be made by law, of each proposed amendment to the constitution, and each law submitted to the people, shall be printed on the ballot, and the secretary of the commonwealth shall give each question a number and cause such question, except as otherwise authorized herein, to be printed on the ballot in the following form:--

In the case of an amendment to the constitution:

Do you approve of the adoption of an amendment  
 to the constitution summarized below, (here state,  
 in distinctive type, whether approved or disap-  
 proved by the general court, and by what vote  
 thereon)?

	YES.	
	NO.	

**(Set forth summary here)**

In the case of a law: Do you approve of a law  
 summarized below, (here state, in distinctive type,  
 whether approved or disapproved by the general  
 court, and by what vote thereon)?

	YES.	
	NO.	

**(Set forth summary here)**

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 3, MA CONST Amend. Art. 48, Gen. Prov., Pt. 3  
 Current through amendments approved February 1, 2024.

Massachusetts General Laws Annotated  
Constitution or Form of Government for the Commonwealth of Massachusetts [Annotated]  
Articles of Amendment  
Art. XLVIII. Initiative and Referendum  
General Provisions.  
IV. Information for Voters.

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 4  
Currentness

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

The secretary of the commonwealth shall cause to be printed and sent to each person eligible to vote in the commonwealth or to each residence of one or more persons eligible to vote in the commonwealth the full text of every measure to be submitted to the people, together with a copy of the legislative committee's majority reports, if there be such, with the names of the majority and minority members thereon, a statement of the votes of the general court on the measure, and a fair, concise summary of the measure as such summary will appear on the ballot; and shall, in such manner as may be provided by law, cause to be prepared and sent other information and arguments for and against the measure.

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 4, MA CONST Amend. Art. 48, Gen. Prov., Pt. 4  
Current through amendments approved February 1, 2024.

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Massachusetts General Laws Annotated  
Constitution or Form of Government for the Commonwealth of Massachusetts [Annotated]  
Articles of Amendment  
Art. XLVIII. Initiative and Referendum  
General Provisions.  
V. The Veto Power of the Governor.

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 5  
Currentness

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

The veto power of the governor shall not extend to measures approved by the people.

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 5, MA CONST Amend. Art. 48, Gen. Prov., Pt. 5  
Current through amendments approved February 1, 2024.

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Massachusetts General Laws Annotated  
Constitution or Form of Government for the Commonwealth of Massachusetts [Annotated]  
Articles of Amendment  
Art. XLVIII. Initiative and Referendum  
General Provisions.  
VI. The General Court's Power of Repeal.

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 6  
Currentness

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

Subject to the veto power of the governor and to the right of referendum by petition as herein provided, the general court may amend or repeal a law approved by the people.

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 6, MA CONST Amend. Art. 48, Gen. Prov., Pt. 6  
Current through amendments approved February 1, 2024.

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Massachusetts General Laws Annotated  
Constitution or Form of Government for the Commonwealth of Massachusetts [Annotated]  
Articles of Amendment  
Art. XLVIII. Initiative and Referendum  
General Provisions.  
VII. Amendment Declared to be Self-Executing.

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 7  
Currentness

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;i(Const & Art & XLVIII & “Pt. II” & 1).>

This article of amendment to the constitution is self-executing, but legislation not inconsistent with anything herein contained may be enacted to facilitate the operation of its provisions.

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 7, MA CONST Amend. Art. 48, Gen. Prov., Pt. 7  
Current through amendments approved February 1, 2024.

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Massachusetts General Laws Annotated  
Constitution or Form of Government for the Commonwealth of Massachusetts [Annotated]  
Articles of Amendment  
Art. XLVIII. Initiative and Referendum  
General Provisions.  
VIII. Articles IX and XLII of Amendments of the Constitution Annulled.

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 8  
Currentness

<Each part and section of a part under Article XLVIII has been set out as a separate document. For Part II, § 1 enter:  
s;tc;ci(Const & Art & XLVIII & “Pt. II” & 1).>

Article IX and Article XLII of the amendments of the constitution are hereby annulled.

M.G.L.A. Const. Amend. Art. 48, Gen. Prov., Pt. 8, MA CONST Amend. Art. 48, Gen. Prov., Pt. 8  
Current through amendments approved February 1, 2024.

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Massachusetts General Laws Annotated  
Constitution or Form of Government for the Commonwealth of Massachusetts [Annotated]  
Articles of Amendment

M.G.L.A. Const. Amend. Art. 67

Art. LXVII. Amendment of Forty-eighth Article of Amendment in relation to emergency measures

Currentness

ART. LXVII. Article XLVIII of the Amendments to the Constitution is hereby amended by striking out, in that part entitled “II. Emergency Measures”, under the heading “The Referendum”, the words “A separate vote shall be taken on the preamble by call of the yeas and nays, which shall be recorded, and unless the preamble is adopted by two-thirds of the members of each House voting thereon, the law shall not be an emergency law; but” and substituting the following:--A separate vote, which shall be recorded, shall be taken on the preamble, and unless the preamble is adopted by two-thirds of the members of each House voting thereon, the law shall not be an emergency law. Upon the request of two members of the Senate or of five members of the House of Representatives, the vote on the preamble in such branch shall be taken by call of the yeas and nays. But

M.G.L.A. Const. Amend. Art. 67, MA CONST Amend. Art. 67  
Current through amendments approved February 1, 2024.

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Massachusetts General Laws Annotated

Part I. Administration of the Government (Ch. 1-182)

Title I. Jurisdiction and Emblems of the Commonwealth, the General Court, Statutes and Public Documents (Ch. 1-5)

Chapter 3. The General Court

M.G.L.A. 3 § 22

§ 22. Journals and papers; custody; copies as evidence

Effective: January 1, 2013

Currentness

The journals, files and papers of the senate and of the house of representatives shall be in the custody of their respective clerks during the session to which they relate and after that session they shall be in the custody of the state secretary. The clerk of each branch shall at all times have access to the journals, files and papers. Copies of such journals, files and papers, certified by the clerk of the branch to which they originally appertained or by the state secretary, shall be evidence in like manner as the originals.

**Credits**

Amended by St.1939, c. 508, § 3; St.2012, c. 165, § 5, eff. Jan. 1, 2013.

M.G.L.A. 3 § 22, MA ST 3 § 22

Current through Chapter 11 of the 2026 2nd Annual Session. Some sections may be more current; see credits for details.

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Proposed Legislation

Massachusetts General Laws Annotated  
Part I. Administration of the Government (Ch. 1-182)  
Title I. Jurisdiction and Emblems of the Commonwealth, the General Court, Statutes and Public Documents (Ch. 1-5)  
Chapter 4. Statutes (Refs & Annos)

M.G.L.A. 4 § 7

§ 7. Definitions of statutory terms; statutory construction

Effective: November 5, 2025

Currentness

In construing statutes the following words shall have the meanings herein given, unless a contrary intention clearly appears:

First, “Aldermen”, “board of aldermen”, “mayor and aldermen”, “city council” or “mayor” shall, in a city which has no such body or officer, mean the board or officer having like powers or duties.

Second, “Annual meeting”, when applied to towns, shall mean the annual meeting required by law to be held in the month of February, March or April.

Second A, “Appointing authority”, when used in connection with the operation of municipal governments shall include the mayor of a city and the board of selectmen of a town unless some other local office is designated as the appointing authority under the provisions of a local charter.

Third, “Assessor” shall include any person chosen or appointed in accordance with law to perform the duties of an assessor.

Third A, “Board of selectmen”, when used in connection with the operation of municipal governments shall include any other local office which is performing the duties of a board of selectmen, in whole or in part, under the provisions of a local charter.

<[ There is no clause Fourth. ]>

Fifth, “Charter”, when used in connection with the operation of city and town government shall include a written instrument adopted, amended or revised pursuant to the provisions of chapter forty-three B which establishes and defines the structure of city and town government for a particular community and which may create local offices, and distribute powers, duties and responsibilities among local offices and which may establish and define certain procedures to be followed by the city or town government. Special laws enacted by the general court applicable only to one city or town shall be deemed to have the force of a charter and may be amended, repealed and revised in accordance with the provisions of chapter forty-three B unless any such special law contains a specific prohibition against such action.

Fifth A, “Chief administrative officer”, when used in connection with the operation of municipal governments, shall include the mayor of a city and the board of selectmen in a town unless some other local office is designated to be the chief administrative officer under the provisions of a local charter.

Fifth B, “Chief executive officer”, when used in connection with the operation of municipal governments shall include the mayor in a city and the board of selectmen in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.

Sixth, “City solicitor” shall include the head of the legal department of a city or town.

Sixth A, “Coterminous”, shall mean, when applied to the term of office of a person appointed by the governor, the period from the date of appointment and qualification to the end of the term of said governor; provided that such person shall serve until his successor is appointed and qualified; and provided, further, that the governor may remove such person at any time, subject however to the condition that if such person receives notice of the termination of his appointment he shall have the right, at his request, to a hearing within thirty days from receipt of such notice at which hearing the governor shall show cause for such removal, and that during the period following receipt of such notice and until final determination said person shall receive his usual compensation but shall be deemed suspended from his office.

Seventh, “District”, when applied to courts or the justices or other officials thereof, shall include municipal.

Eighth, “Dukes”, “Dukes county” or “county of Dukes” shall mean the county of Dukes county.

Ninth, “Fiscal year”, when used with reference to any of the offices, departments, boards, commissions, institutions or undertakings of the commonwealth, shall mean the year beginning with July first and ending with the following June thirtieth.

Tenth, “Illegal gaming”, a banking or percentage game played with cards, dice, tiles, dominoes, or an electronic, electrical or mechanical device or machine for money, property, checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the state lottery commission under sections 24, 24A and 27 of chapter 10; (ii) a game conducted under chapter 23K; (iii) sports wagering conducted under chapter 23N; (iv) pari-mutuel wagering on horse races under chapters 128A and 128C; (v) a game of bingo conducted under chapter 271; and (vi) charitable gaming conducted under said chapter 271.

Eleventh, “Grantor” may include every person from or by whom a freehold estate or interest passes in or by any deed; and “grantee” may include every person to whom such estate or interest so passes.

Twelfth, “Highway”, “townway”, “public way” or “way” shall include a bridge which is a part thereof.

Thirteenth, “In books”, when used relative to the records of cities and towns, shall not prohibit the making of such records on separate leaves, if such leaves are bound in a permanent book upon the completion of a sufficient number of them to make an ordinary volume.

Fourteenth, “Inhabitant” may mean a resident in any city or town.

<[ There is no clause Fifteenth.]>

Sixteenth, “Issue”, as applied to the descent of estates, shall include all the lawful lineal descendants of the ancestor.

Seventeenth, “Land”, “lands” and “real estate” shall include lands, tenements and hereditaments, and all rights thereto and interests therein; and “recorded”, as applied to plans, deeds or other instruments affecting land, shall, as affecting registered land, mean filed and registered.

Eighteenth, “Legal holiday” shall include January first, June nineteenth, July fourth, November eleventh, and Christmas Day, or the day following when any of said days occurs on Sunday, and the third Monday in January, the third Monday in February, the

third Monday in April, the last Monday in May, the first Monday in September, the second Monday in October, and Thanksgiving Day. “Legal holiday” shall also include, with respect to Suffolk county only, Evacuation Day, on March seventeenth, and Bunker Hill Day, on June seventeenth, or the day following when said days occur on Sunday; provided, however, that all state and municipal agencies, authorities, quasi-public entities or other offices located in Suffolk county shall be open for business and appropriately staffed on Evacuation Day, on March seventeenth, and Bunker Hill Day, on June seventeenth, and that section forty-five of chapter one hundred and forty-nine shall not apply to Evacuation Day, on March seventeenth, and Bunker Hill Day, on June seventeenth, or the day following when said days occur on Sunday.

Eighteenth A, “Commemoration day” shall include March fifteenth, in honor of Peter Francisco day, May twentieth, in honor of General Marquis de Lafayette and May twenty-ninth, in honor of the birthday of President John F. Kennedy. The governor shall issue a proclamation in connection with each such commemoration day.

Eighteenth B, “Legislative body”, when used in connection with the operation of municipal governments shall include that agency of the municipal government which is empowered to enact ordinances or by-laws, adopt an annual budget and other spending authorizations, loan orders, bond authorizations and other financial matters and whether styled a city council, board of aldermen, town council, town meeting or by any other title.

Nineteenth, “Month” shall mean a calendar month, except that, when used in a statute providing for punishment by imprisonment, one “month” or a multiple thereof shall mean a period of thirty days or the corresponding multiple thereof; and “year”, a calendar year.

Nineteenth A, “Municipality” shall mean a city or town.

Twentieth, “Net indebtedness” shall mean the indebtedness of a county, city, town or district, omitting debts created for supplying the inhabitants with water and other debts exempted from the operation of the law limiting their indebtedness, and deducting the amount of sinking funds available for the payment of the indebtedness included.

Twenty-first, “Oath” shall include affirmation in cases where by law an affirmation may be substituted for an oath.

Twenty-second, “Ordinance”, as applied to cities, shall be synonymous with by-law.

Twenty-third, “Person” or “whoever” shall include corporations, societies, associations and partnerships.

Twenty-fourth, “Place” may mean a city or town.

Twenty-fifth, “Preceding” or “following”, used with reference to any section of the statutes, shall mean the section last preceding or next following, unless some other section is expressly designated in such reference.

Twenty-sixth, “Public records” shall mean all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose, or any person, corporation, association, partnership or other legal entity which receives or expends public funds for the payment or administration of pensions for any current or former employees of the commonwealth or any political subdivision as defined in section 1 of chapter 32, unless such materials or data fall within the following exemptions in that they are:

(a) specifically or by necessary implication exempted from disclosure by statute;

(b) related solely to internal personnel rules and practices of the government unit, provided however, that such records shall be withheld only to the extent that proper performance of necessary governmental functions requires such withholding;

(c) personnel and medical files or information and any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy; provided, however, that this subclause shall not apply to records related to a law enforcement misconduct investigation.

(d) inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency; but this subclause shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or may be based;

(e) notebooks and other materials prepared by an employee of the commonwealth which are personal to him and not maintained as part of the files of the governmental unit;

(f) investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest;

(g) trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy and upon a promise of confidentiality; but this subclause shall not apply to information submitted as required by law or as a condition of receiving a governmental contract or other benefit;

(h) proposals and bids to enter into any contract or agreement until the time for the opening of bids in the case of proposals or bids to be opened publicly, and until the time for the receipt of bids or proposals has expired in all other cases; and inter-agency or intra-agency communications made in connection with an evaluation process for reviewing bids or proposals, prior to a decision to enter into negotiations with or to award a contract to, a particular person;

(i) appraisals of real property acquired or to be acquired until (1) a final agreement is entered into; or (2) any litigation relative to such appraisal has been terminated; or (3) the time within which to commence such litigation has expired;

(j) the names and addresses of any persons contained in, or referred to in, any applications for any licenses to carry or possess firearms issued pursuant to chapter one hundred and forty or any firearms identification cards issued pursuant to said chapter one hundred and forty and the names and addresses on sales or transfers of any firearms, rifles, shotguns, or machine guns or ammunition therefor, as defined in said chapter one hundred and forty and the names and addresses on said licenses or cards;

<[ There is no subclause (k).]>

(l) questions and answers, scoring keys and sheets and other materials used to develop, administer or score a test, examination or assessment instrument; provided, however, that such materials are intended to be used for another test, examination or assessment instrument;

(m) contracts for hospital or related health care services between (i) any hospital, clinic or other health care facility operated by a unit of state, county or municipal government and (ii) a health maintenance organization arrangement approved under chapter one hundred and seventy-six I, a nonprofit hospital service corporation or medical service corporation organized pursuant to chapter one hundred and seventy-six A and chapter one hundred and seventy-six B, respectively, a health insurance corporation licensed under chapter one hundred and seventy-five or any legal entity that is self insured and provides health care benefits to its employees.

(n) records, including, but not limited to, blueprints, plans, policies, procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons or buildings, structures, facilities, utilities, transportation, cyber security or other infrastructure located within the commonwealth, the disclosure of which, in the reasonable judgment of the record custodian, subject to review by the supervisor of public records under subsection (c) of section 10 of chapter 66, is likely to jeopardize public safety or cyber security.

(o) the home address, personal email address and home telephone number of an employee of the judicial branch, an unelected employee of the general court, an agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of a political subdivision thereof or of an authority established by the general court to serve a public purpose, in the custody of a government agency which maintains records identifying persons as falling within those categories; provided that the information may be disclosed to an employee organization under chapter 150E, a nonprofit organization for retired public employees under chapter 180, or a criminal justice agency as defined in section 167 of chapter 6.

(p) the name, home address, personal email address and home telephone number of a family member of a commonwealth employee, contained in a record in the custody of a government agency which maintains records identifying persons as falling within the categories listed in subclause (o).

(q) Adoption contact information and indices therefore of the adoption contact registry established by section 31 of chapter 46.

(r) Information and records acquired under chapter 18C by the office of the child advocate.

(s) trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy; provided, however, that this subclause shall not exempt a public entity from disclosure required of a private entity so licensed.

(t) statements filed under section 20C of chapter 32.

(u) trade secrets or other proprietary information of the University of Massachusetts, including trade secrets or proprietary information provided to the University by research sponsors or private concerns.

(v) records disclosed to the health policy commission under subsections (b) and (e) of section 8A of chapter 6D.

(w) photographs and other personal identifying information collected under chapter 90K.

<[ Subclause (x) of clause Twenty-sixth inserted by 2025, 16, Sec. 1 effective November 5, 2025.]>

(x) the name, home address, personal email address, home telephone number or mobile telephone number and any other personal information of an individual engaged in the provision, facilitation or promotion of reproductive health care services or gender-affirming health care services, as defined in section 11I ½ of chapter 12.

Any person denied access to public records may pursue the remedy provided for in section 10A of chapter sixty-six.

Twenty-seventh, “Salary” shall mean annual salary.

Twenty-eighth, “Savings banks” shall include institutions for savings.

<[ There is no clause Twenty-ninth.]>

Thirtieth, “Spendthrift” shall mean a person who is liable to be put under guardianship on account of excessive drinking, gaming, idleness or debauchery.

Thirty-first, “State”, when applied to the different parts of the United States, shall extend to and include the District of Columbia and the several territories; and the words “United States” shall include said district and territories.

Thirty-second, “State auditor” and “state secretary” shall mean respectively the auditor of the commonwealth and the secretary of the commonwealth. “State treasurer” or “treasurer of the commonwealth” shall mean the treasurer and receiver general as used in the constitution of the commonwealth, and shall have the same meaning in all contracts, instruments, securities and other documents.

Thirty-third, “Swear” shall include affirm in cases in which an affirmation may be substituted for an oath. When applied to public officers who are required by the constitution to take oaths therein prescribed, it shall refer to those oaths; and when applied to any other officer it shall mean sworn to the faithful performance of his official duties.

Thirty-fourth, “Town”, when applied to towns or officers or employees thereof, shall include city.

Thirty-fifth, “Valuation”, as applied to a town, shall mean the valuation of such town as determined by the last preceding apportionment made for the purposes of the state tax.

Thirty-sixth, “Water district” shall include water supply district.

Thirty-seventh, “Will” shall include codicils.

Thirty-eighth, “Written” and “in writing” shall include printing, engraving, lithographing and any other mode of representing words and letters; but if the written signature of a person is required by law, it shall always be his own handwriting or, if he is unable to write, his mark.

Thirty-ninth, “Annual election”, as applied to municipal elections in cities holding such elections biennially, shall mean biennial election.

Fortieth, “Surety” or “Sureties”, when used with reference to a fidelity bond of an officer or employee of a county, city, town or district, shall mean a surety company authorized to transact business in the commonwealth.

Forty-first, “Population”, when used in connection with the number of inhabitants of a county, city, town or district, shall mean the population as determined by the last preceding national census.

<[ There is no clause Forty-second.]>

Forty-third, “Veteran” shall mean (1) any person, (a) whose last discharge or release from his wartime service as defined herein, was under honorable conditions and who (b) served in the army, navy, marine corps, coast guard, or air force of the United States, or on full time national guard duty under Titles 10 or 32 of the United States Code or under sections 38, 40 and 41 of

chapter 33 for not less than 90 days active service, at least 1 day of which was for wartime service; provided, however, than any person who so served in wartime and was awarded a service-connected disability or a Purple Heart, or who died in such service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his failure to complete 90 days of active service; (2) a member of the American Merchant Marine who served in armed conflict between December 7, 1941 and December 31, 1946, and who has received honorable discharges from the United States Coast Guard, Army, or Navy; (3) any person (a) whose last discharge from active service was under honorable conditions, and who (b) served in the army, navy, marine corps, coast guard, or air force of the United States for not less than 180 days active service; provided, however, that any person who so served and was awarded a service-connected disability or who died in such service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his failure to complete 180 days of active service.

“Wartime service” shall mean service performed by a “Spanish War veteran”, a “World War I veteran”, a “World War II veteran”, a “Korean veteran”, a “Vietnam veteran”, a “Lebanese peace keeping force veteran”, a “Grenada rescue mission veteran”, a “Panamanian intervention force veteran”, a “Persian Gulf veteran”, or a member of the “WAAC” as defined in this clause during any of the periods of time described herein or for which such medals described below are awarded.

“Spanish War veteran” shall mean any veteran who performed such wartime service between February fifteenth, eighteen hundred and ninety-eight and July fourth, nineteen hundred and two.

“World War I veteran” shall mean any veteran who (a) performed such wartime service between April sixth, nineteen hundred and seventeen and November eleventh, nineteen hundred and eighteen, or (b) has been awarded the World War I Victory Medal, or (c) performed such service between March twenty-fifth, nineteen hundred and seventeen and August fifth, nineteen hundred and seventeen, as a Massachusetts National Guardsman.

“World War II veteran” shall mean any veteran who performed such wartime service between September 16, 1940 and July 25, 1947, and was awarded a World War II Victory Medal, except that for the purposes of chapter 31 it shall mean all active service between the dates of September 16, 1940 and June 25, 1950.

“Korean veteran” shall mean any veteran who performed such wartime service between June twenty-fifth, nineteen hundred and fifty and January thirty-first, nineteen hundred and fifty-five, both dates inclusive, and any person who has received the Korea Defense Service Medal as established in the Bob Stump National Defense Authorization Act for fiscal year 2003.

“Korean emergency” shall mean the period between June twenty-fifth, nineteen hundred and fifty and January thirty-first, nineteen hundred and fifty-five, both dates inclusive.

“Vietnam veteran” shall mean (1) any person who performed such wartime service during the period commencing August fifth, nineteen hundred and sixty-four and ending on May seventh, nineteen hundred and seventy-five, both dates inclusive, or (2) any person who served at least one hundred and eighty days of active service in the armed forces of the United States during the period between February first, nineteen hundred and fifty-five and August fourth, nineteen hundred and sixty-four; provided, however, that for the purposes of the application of the provisions of chapter thirty-one, it shall also include all active service between the dates May seventh, nineteen hundred and seventy-five and June fourth, nineteen hundred and seventy-six; and provided, further, that any such person who served in said armed forces during said period and was awarded a service-connected disability or a Purple Heart, or who died in said service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his failure to complete one hundred and eighty days of active service.

“Lebanese peace keeping force veteran” shall mean any person who performed such wartime service and received a campaign medal for such service during the period commencing August twenty-fifth, nineteen hundred and eighty-two and ending when the President of the United States shall have withdrawn armed forces from the country of Lebanon.

“Grenada rescue mission veteran” shall mean any person who performed such wartime service and received a campaign medal for such service during the period commencing October twenty-fifth, nineteen hundred and eighty-three to December fifteenth, nineteen hundred and eighty-three, inclusive.

“Panamanian intervention force veteran” shall mean any person who performed such wartime service and received a campaign medal for such service during the period commencing December twentieth, nineteen hundred and eighty-nine and ending January thirty-first, nineteen hundred and ninety.

“Persian Gulf veteran” shall mean any person who performed such wartime service during the period commencing August second, nineteen hundred and ninety and ending on a date to be determined by presidential proclamation or executive order and concurrent resolution of the Congress of the United States.

“WAAC” shall mean any woman who was discharged and so served in any corps or unit of the United States established for the purpose of enabling women to serve with, or as auxiliary to, the armed forces of the United States and such woman shall be deemed to be a veteran.

None of the following shall be deemed to be a “veteran”:

(a) Any person who at the time of entering into the armed forces of the United States had declared his intention to become a subject or citizen of the United States and withdrew his intention under the provisions of the act of Congress approved July ninth, nineteen hundred and eighteen.

(b) Any person who was discharged from the said armed forces on his own application or solicitation by reason of his being an enemy alien.

(c) Any person who has been proved guilty of wilful desertion.

(d) Any person whose only service in the armed forces of the United States consists of his service as a member of the coast guard auxiliary or as a temporary member of the coast guard reserve, or both.

(e) Any person whose last discharge or release from the armed forces is dishonorable.

“Armed forces” shall include army, navy, marine corps, air force and coast guard.

“Active service in the armed forces”, as used in this clause shall not include active duty for training in the army national guard or air national guard or active duty for training as a reservist in the armed forces of the United States.

Forty-fourth, “Registered mail”, when used with reference to the sending of notice or of any article having no intrinsic value shall include certified mail.

Forty-fifth, “Pledge”, “Mortgage”, “Conditional Sale”, “Lien”, “Assignment” and like terms, when used in referring to a security interest in personal property shall include a corresponding type of security interest under chapter one hundred and six of the General Laws, the Uniform Commercial Code.

Forty-sixth, “Forester”, “state forester” and “state fire warden” shall mean the commissioner of environmental management or his designee.

Forty-seventh, “Fire fighter”, “fireman” or “permanent member of a fire department”, shall include the chief or other uniformed officer performing similar duties, however entitled, and all other fire officers of a fire department, including, without limitation,

any permanent crash crewman, crash boatman, fire controlman or assistant fire controlman employed at the General Edward Lawrence Logan International Airport, members of the 104th fighter wing fire department, members of the Devens fire department established pursuant to chapter 498 of the acts of 1993 or members of the Massachusetts military reservation fire department.

Forty-eighth, “Minor” shall mean any person under eighteen years of age.

Forty-ninth, “Full age” shall mean eighteen years of age or older.

Fiftieth, “Adult” shall mean any person who has attained the age of eighteen.

Fifty-first, “Age of majority” shall mean eighteen years of age.

Fifty-second, “Superior court” shall mean the superior court department of the trial court, or a session thereof for holding court.

Fifty-third, “Land court” shall mean the land court department of the trial court, or a session thereof for holding court.

Fifty-fourth, “Probate court”, “court of insolvency” or “probate and insolvency court” shall mean a division of the probate and family court department of the trial court, or a session thereof for holding court.

Fifty-fifth, “Housing court” shall mean a division of the housing court department of the trial court, or a session thereof for holding court.

Fifty-sixth, “District court” or “municipal court” shall mean a division of the district court department of the trial court, or a session thereof for holding court, except that when the context means something to the contrary, said words shall include the Boston municipal court department.

Fifty-seventh, “Municipal court of the city of Boston” shall mean the Boston municipal court department of the trial court, or a session thereof for holding court.

Fifty-eighth, “Juvenile court” shall mean a division of the juvenile court department of the trial court, or a session thereof for holding court.

Fifty-ninth, “Gender identity” shall mean a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person’s core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.

Sixtieth, “Age of criminal majority” shall mean the age of 18.

Sixty-first, “Offense-based tracking number” shall mean a unique number assigned by a criminal justice agency, as defined in section 167 of chapter 6, for an arrest or charge; provided, however, that any such designation shall conform to the policies of the department of state police and the department of criminal justice information services.

Sixty-second, “Race”, as applied to a prohibition on discrimination based on race, shall include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.

Sixty-third, “Protective hairstyle”, shall include, but not be limited to, braids, locks, twists, Bantu knots, hair coverings and other formations.

**Credits**

Amended by St.1934, c. 283; St.1935, c. 26; St.1936, c. 180; St.1937, c. 38; St.1938, c. 245; St.1941, c. 91, § 1; St.1941, c. 509, § 1; St.1945, c. 242, § 1; St.1945, c. 637, § 1; St.1946, c. 190; St.1948, c. 241; St.1951, c. 215, § 1; St.1953, c. 319, § 2; St.1954, c. 128, § 1; St.1954, c. 627, § 1; St.1955, c. 99, §§ 1, 2; St.1955, c. 403, § 1; St.1955, c. 683; St.1956, c. 281, §§ 1, 2; St.1957, c. 164, § 1; St.1957, c. 765, § 3; St.1958, c. 140; St.1958, c. 626, § 1; St.1960, c. 299; St.1960, c. 544, § 1; St.1960, c. 812, § 1; St.1962, c. 427, § 1; St.1962, c. 616, § 1; St.1964, c. 322; St.1965, c. 875, §§ 1, 2; St.1966, c. 716; St.1967, c. 437; St.1967, c. 844, § 23; St.1968, c. 24, § 1; St.1968, c. 531, § 1; St.1969, c. 544, § 1; St.1969, c. 831, § 2; St.1970, c. 215, § 1; St.1973, c. 925, § 1; St.1973, c. 1050, § 1; St.1974, c. 205, § 1; St.1974, c. 493, § 1; St.1975, c. 706, § 2; St.1976, c. 112, § 1; St.1976, c. 156; St.1977, c. 130; St.1977, c. 691, § 1; St.1977, c. 977; St.1978, c. 12; St.1978, c. 247; St.1978, c. 478, § 2; St.1979, c. 230; St.1982, c. 189, § 2; St.1983, c. 113; St.1984, c. 363, §§ 1 to 4; St.1985, c. 114; St.1985, c. 220; St.1985, c. 451, § 1; St.1986, c. 534, §§ 1, 2; St.1987, c. 465, §§ 1, 1A; St.1987, c. 522, § 1; St.1987, c. 587, § 1; St.1988, c. 180, § 1; St.1989, c. 665, § 1; St.1991, c. 109, §§ 1, 2; St.1992, c. 133, § 169; St.1992, c. 286, § 1; St.1992, c. 403, § 1; St.1996, c. 204, § 3; St.1996, c. 450, §§ 1 to 4; St.2002, c. 313, § 1; St.2004, c. 116, § 1, eff. Aug. 26, 2004; St.2004, c. 122, § 2, eff. Sept. 1, 2004; St.2004, c. 149, § 8, eff. July 1, 2004; St.2004, c. 349, eff. Dec. 15, 2004; St.2005, c. 130, § 1, eff. Nov. 11, 2005; St.2007, c. 109, § 1, eff. Dec. 5, 2007; St.2008, c. 176, § 2, eff. July 8, 2008; St.2008, c. 308, § 1, eff. Sept. 1, 2008; St.2008, c. 445, § 1, eff. Mar. 30, 2009; St.2010, c. 131, § 5, eff. July 1, 2010; St.2011, c. 176, § 1, eff. Feb. 16, 2012; St.2011, c. 194, § 3, eff. Nov. 22, 2011; St.2011, c. 199, § 1, eff. July 1, 2012; St.2012, c. 139, § 5, eff. July 1, 2012; St.2013, c. 38, § 4, eff. July 1, 2013; St.2014, c. 313, § 1, eff. Sept. 9, 2014; St.2016, c. 121, §§ 1 to 5, eff. Jan. 1, 2017; St.2017, c. 161, § 1, eff. Oct. 15, 2017; St.2018, c. 69, § 1, eff. April 13, 2018; St.2019, c. 41, § 4, eff. July 1, 2019; St.2020, c. 124, § 3, eff. July 24, 2020; St.2020, c. 253, § 2, eff. Dec. 31, 2020; St.2022, c. 117, § 1, eff. Oct. 24, 2022; St.2022, c. 173, § 1, eff. Aug. 10, 2022; St.2022, c. 173, § 2, eff. Aug. 10, 2023; St.2024, c. 363, § 1, eff. April 8, 2025; St.2025, c. 16, § 1, eff. Nov. 5, 2025.

M.G.L.A. 4 § 7, MA ST 4 § 7

Current through Chapter 11 of the 2026 2nd Annual Session. Some sections may be more current; see credits for details.



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Title II. Executive and Administrative Officers of the Commonwealth (Ch. 6-28a)  
Chapter 9. Department of the State Secretary (Refs & Annos)

M.G.L.A. 9 § 4

§ 4. Supervisor of public records

Effective: January 1, 2013

Currentness

The secretary shall appoint, and may remove, a competent person to be known as supervisor of public records. Said supervisor, under the supervision of the secretary, shall perform the duties required of the supervisor by law, and such other duties as the secretary determines.

**Credits**

Amended by St.2012, c. 165, § 84, eff. Jan. 1, 2013.

M.G.L.A. 9 § 4, MA ST 9 § 4

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Massachusetts General Laws Annotated  
Part I. Administration of the Government (Ch. 1-182)  
Title X. Public Records (Ch. 66-66a)  
Chapter 66. Public Records (Refs & Annos)

M.G.L.A. 66 § 1

§ 1. Supervision of public records; powers and duties

Currentness

The supervisor of public records, in this chapter called the supervisor of records, shall take necessary measures to put the records of the commonwealth, counties, cities or towns in the custody and condition required by law and to secure their preservation. He shall see that the records of churches, parishes or religious societies are kept in the custody and condition contemplated by the various laws relating to churches, parishes or religious societies, and for these purposes he may expend from the amount appropriated for expenses such amount as he considers necessary. The supervisor of records shall adopt regulations pursuant to the provisions of chapter thirty A to implement the provisions of this chapter.

**Credits**

Amended by St.1945, c. 580, § 7; St.1976, c. 438, § 1.

M.G.L.A. 66 § 1, MA ST 66 § 1

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Title X. Public Records (Ch. 66-66a)  
Chapter 66. Public Records (Refs & Annos)

M.G.L.A. 66 § 1A

§ 1A. Creation of educational materials; preparation of forms and  
reference materials; operation of website; development of best practices

Effective: January 1, 2017  
Currentness

The supervisor of records shall:

(i) create educational materials or guides for agencies and municipalities, and may make available training in order to foster awareness and compliance with this chapter; and

(ii) prepare forms, guidelines and reference materials for agencies and municipalities to use and disseminate to individuals seeking access to public records to assist them in making informed public records requests.

The supervisor of records shall make the forms, guidelines and reference materials available at no cost on a website operated by the secretary of the commonwealth. Upon request and to the extent feasible, the supervisor of public records shall assist each agency and municipality in developing best practices to facilitate compliance with this chapter and to promote access to public records.

**Credits**

Added by St.2016, c. 121, § 7, eff. Jan. 1, 2017.

M.G.L.A. 66 § 1A, MA ST 66 § 1A

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Chapter 66. Public Records (Refs & Annos)

M.G.L.A. 66 § 3

§ 3. “Record” defined; quality of paper and film; microfilm records

Effective: January 1, 2017

Currentness

The word “record” in this chapter shall mean any written or printed book or paper, or any photograph, microphotograph, map or plan. All written or printed public records shall be entered or recorded on paper made of linen rags and new cotton clippings, well sized with animal sizing and well finished or on one hundred per cent bond paper sized with animal glue or gelatin, and preference shall be given to paper of American manufacture marked in water line with the name of the manufacturer. All photographs, microphotographs, maps and plans which are public records shall be made of materials approved by the supervisor of records. Public records may be made by handwriting, or by typewriting, or in print, or by the photographic process, or by the microphotographic process, or by electronic means, or by any combination of the same. When the photographic or microphotographic process is used, the recording officer, in all instances where the photographic print or microphotographic film is illegible or indistinct, may make, in addition to said photographic or microphotographic record, a typewritten copy of the instrument, which copy shall be filed in a book kept for the purpose. In every such instance the recording officer shall cause cross references to be made between said photographic or microphotographic record and said typewritten record. If in the judgment of the recording officer an instrument offered for record is so illegible that a photographic or microphotographic record thereof would not be sufficiently legible, he may, in addition to the making of such record, retain the original in his custody, in which case a photographic or other attested copy thereof shall be given to the person offering the same for record, or to such person as he may designate.

Subject to the provisions of sections one and nine, a recording officer adopting a system which includes the photographic process or the microphotographic process shall thereafter cause all records made by either of said processes to be inspected at least once in every three years, correct any fading or otherwise faulty records and make report of such inspection and correction to the supervisor of records.

**Credits**

Amended by St.1936, c. 305; St.1941, c. 662, § 1; St.1975, c. 282; St.2016, c. 121, § 8, eff. Jan. 1, 2017.

M.G.L.A. 66 § 3, MA ST 66 § 3

Current through Chapter 11 of the 2026 2nd Annual Session. Some sections may be more current; see credits for details.

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Title X. Public Records (Ch. 66-66a)  
Chapter 66. Public Records (Refs & Annos)

M.G.L.A. 66 § 4

§ 4. Regulation of recording materials and devices; mandamus

Currentness

No ink shall be used upon any permanent public record except ink of such a standard as established and approved by the supervisor of records, and no ribbon, pad or other device used for printing by typewriting machines, or stamping pad, or any ink contained in such ribbon, pad, device, stamping pad or carbon paper, shall be used upon any permanent public record, nor shall any photographic machine or device or chemical used in connection therewith be used in making any permanent public record, except such as has been approved by the supervisor of records, who may cancel his approval if he finds that any article so approved is inferior to the standard established by him. The supreme judicial or superior court shall have jurisdiction in mandamus, on petition of the supervisor of records and pursuant to section five of chapter two hundred and forty-nine, to order compliance with the provisions of this section.

**Credits**

Amended by St.1950, c. 310; St.1973, c. 1050, § 2; St.1977, c. 80, § 2.

M.G.L.A. 66 § 4, MA ST 66 § 4

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Chapter 66. Public Records (Refs & Annos)

M.G.L.A. 66 § 5

§ 5. Municipal records; copies

Currentness

County commissioners, city councils and selectmen may cause copies of records of counties, cities or towns, of town proprietaries, of proprietors of plantations, townships or common lands, relative to land situated in their county, city or town or of easements relating thereto, to be made for their county, city or town, whether such records are within or without the commonwealth, and such records within the commonwealth may be delivered by their custodians to any county, city or town for such copying. City councils and selectmen may also cause copies to be made of the records of births, baptisms, marriages and deaths kept by a church or parish in their city or town.

M.G.L.A. 66 § 5, MA ST 66 § 5

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Chapter 66. Public Records (Refs & Annos)

M.G.L.A. 66 § 5A

§ 5A. Records of meetings of boards and commissions; contents

Currentness

The records, required to be kept by sections eleven A of chapter thirty A, nine F of chapter thirty-four and twenty-three B of chapter thirty-nine, shall report the names of all members of such boards and commissions present, the subjects acted upon, and shall record exactly the votes and other official actions taken by such boards and commissions; but unless otherwise required by the governor in the case of state boards, commissions and districts, or by the county commissioners in the case of county boards and commissions, or the governing body thereof in the case of a district, or by ordinance or by-law of the city or town, in the case of municipal boards, such records need not include a verbatim record of discussions at such meetings.

**Credits**

Added by St.1958, c. 626, § 10. Amended by St.1960, c. 437, § 6; St.1964, c. 323, § 2; St.1982, c. 83.

M.G.L.A. 66 § 5A, MA ST 66 § 5A

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M.G.L.A. 66 § 6

§ 6. Records of public proceedings; preparation; custody

Currentness

Every department, board, commission or office of the commonwealth or of a county, city or town, for which no clerk is otherwise provided by law, shall designate some person as clerk, who shall enter all its votes, orders and proceedings in books and shall have the custody of such books, and the department, board, commission or office shall designate an employee or employees to have the custody of its other public records. Every sole officer in charge of a department or office of the commonwealth or of a county, city or town having public records in such department or office shall have the custody thereof.

M.G.L.A. 66 § 6, MA ST 66 § 6

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M.G.L.A. 66 § 6A

§ 6A. Records access officers; designation; powers and duties

Effective: January 1, 2017

Currentness

(a) Each agency and municipality shall designate 1 or more employees as records access officers. In a municipality, the municipal clerk, or the clerk's designees, or any designee of a municipality that the chief executive officer of the municipality may appoint, shall serve as records access officers. For the purposes of this chapter the term "agency" shall mean any entity, other than a municipality, that is identified in clause twenty-sixth of section 7 of chapter 4 as possessing "public records," as defined therein.

(b) A records access officer shall coordinate an agency's or a municipality's response to requests for access to public records and shall facilitate the resolution of such requests by the timely and thorough production of public records. Each records access officer shall:

(i) assist persons seeking public records to identify the records sought;

(ii) assist the custodian of records in preserving public records in accordance with all applicable laws, rules, regulations and schedules; and

(iii) prepare guidelines that enable a person seeking access to public records in the custody of the agency or municipality to make informed requests regarding the availability of such public records electronically or otherwise.

Guidelines shall be updated periodically and shall include a list of categories of public records maintained by the agency or municipality. Each agency and municipality that maintains a website shall post the guidelines on its website.

(c) Each agency and municipality shall post in a conspicuous location at its offices and on its website, if any, the name, title, business address, business telephone number, and business email address of each records access officer. The designation of 1 or more records access officers shall not be construed to prohibit employees who have been previously authorized to make public records or information available to the public from continuing to do so. Any employee responsible for making public records available shall provide the records in accordance with this chapter.

(d) The records access officer shall provide the public records to a requestor by electronic means unless the record is not available in electronic form or the requestor does not have the ability to receive or access the records in a usable electronic form. The

records access officer shall, to the extent feasible, provide the public record in the requestor's preferred format or, in the absence of a preferred format, in a searchable, machine readable format. The records access officer shall not be required to create a new public record in order to comply with a request, provided that furnishing a segregable portion of a public record shall not be deemed to be creation of a new record. If the public record requested is available on a public website pursuant to subsection (b) of section 19 of this chapter, section 14C of chapter 7 or any other appropriately indexed and searchable public website, the records access officer may furnish the public record by providing reasonable assistance in locating the requested record on the public website. An electronically produced document submitted to an agency or municipality for use in deliberations by a public body shall be provided in an electronic format at the time of submission.

(e) Each records access officer of an agency shall document each request for public records submitted to the records access officer. The records access officer shall document:

(i) the nature of the request and the date on which the request was received;

(ii) the date on which a response is provided to the requestor;

(iii) the date on which a public record is provided to the requestor;

(iv) the number of hours required to fulfill the request;

(v) fees charged to the person making the request, if any;

(vi) petitions submitted under clause (iv) of subsection (d) of section 10;

(vii) requests appealed under section 10A;

(viii) the time required to comply with supervisor of records orders under said section 10A; and

(ix) the final adjudication of any court proceedings under subsection (d) of said section 10A.

Nothing in this subsection shall require a records access officer to disclose information otherwise protected from public access. The secretary of the commonwealth shall prescribe a form for recording such information and shall annually collect the information from the records access officers, post the information on a website maintained by the secretary and report the same to the clerks of the house of representatives and senate.

(f) The supervisor of records shall document appeals filed under section 10A, including:

(i) the date the request was submitted to the records access officer;

(ii) the date the records access officer responded;

(iii) the amount of fees charged to the requestor, if any;

(iv) petitions made pursuant to clause (iv) of subsection (d) of section 10;

(v) the time required to comply with supervisor of records orders under said section 10A; and

(vi) the final adjudication of any court proceedings under subsection (d) of said section 10A.

Nothing in this subsection shall require the supervisor to disclose information otherwise protected from public access. The secretary of the commonwealth shall prescribe a form for recording such information and shall post the information on a website maintained by the secretary.

**Credits**

Added by St.2016, c. 121, § 9, eff. Jan. 1, 2017.

M.G.L.A. 66 § 6A, MA ST 66 § 6A

Current through Chapter 11 of the 2026 2nd Annual Session. Some sections may be more current; see credits for details.

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M.G.L.A. 66 § 7

§ 7. Custody of old and other records

Effective: November 25, 2025  
Currentness

<[ Text of section effective until November 25, 2025. For text effective November 25, 2025, see below.]>

Every town clerk shall have the custody of all records of proprietors of towns, townships, plantations or common lands, if the towns, townships, plantations or common lands to which such records relate, or the larger part thereof, are within his town and the proprietors have ceased to be a body politic. The state secretary, clerks of the county commissioners and city or town clerks shall respectively have the custody of all other public records of the commonwealth or of their respective counties, cities or towns, if no other disposition of such records is made by law or ordinance, and shall certify copies thereof.

**§ 7. Custody of old and other records**

<[ Text of section as amended by 2025, 73, Sec. 24 effective November 25, 2025. For text effective until November 25, 2025, see above.]>

Every town clerk shall have the custody of all records of proprietors of towns, townships, plantations or common lands, if the towns, townships, plantations or common lands to which such records relate, or the larger part thereof, are within his town and the proprietors have ceased to be a body politic. The state secretary, clerks of the county commissioners and city or town clerks shall respectively have the custody of all other public records of the commonwealth or of their respective counties, cities or towns, if no other disposition of such records is made by law or ordinance, and shall certify copies thereof. Subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the American Recovery and Reinvestment Act of 2009, Public Law 111-5, 42 C.F.R. Part 2, 42 U.S.C. 290dd-2 and 45 C.F.R. Parts 160, 162 and 164, all records from state institutions for individuals with intellectual or developmental disabilities or mental health conditions in the commonwealth shall be open to public inspection and available for copying after the expiration of 75 years from creation of the record.

**Credits**

Amended by St.2025, c. 73, § 24, eff. Nov. 25, 2025.

M.G.L.A. 66 § 7, MA ST 66 § 7

Current through Chapter 11 of the 2026 2nd Annual Session. Some sections may be more current; see credits for details.

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M.G.L.A. 66 § 8

§ 8. Preservation and destruction of records, books and papers

Currentness

Every original paper belonging to the files of the commonwealth or of any county, city or town, bearing date earlier than the year eighteen hundred and seventy, every book of registry or record, except books which the supervisor of public records determines may be destroyed, every town warrant, every deed to the commonwealth or to any county, city or town, every report of an agent, officer or committee relative to bridges, public ways, sewers or other state, county or municipal interests not required to be recorded in a book and not so recorded, shall be preserved and safely kept; and every other paper belonging to such files shall be kept for seven years after the latest original entry therein or thereon, unless otherwise provided by law or unless such records are included in disposal schedules approved by the records conservation board for state records or by the supervisor of public records for county, city, or town records; and no such paper shall be destroyed without the written approval of the supervisor of records. Notwithstanding the foregoing, the register of deeds in any county may, without such written approval, destroy any papers pertaining to attachments or to the dissolution or discharge thereof in the files of his office following the expiration of twenty years after the latest original entry therein or thereon, unless otherwise specifically provided by law, and he may destroy all original instruments left for record and not called for within five years after the recording thereof.

**Credits**

Amended by St.1943, c. 128; St.1949, c. 395, § 2; St.1962, c. 427, § 3; St.1974, c. 141.

M.G.L.A. 66 § 8, MA ST 66 § 8

Current through Chapter 11 of the 2026 2nd Annual Session. Some sections may be more current; see credits for details.

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Massachusetts General Laws Annotated  
Part I. Administration of the Government (Ch. 1-182)  
Title X. Public Records (Ch. 66-66a)  
Chapter 66. Public Records (Refs & Annos)

M.G.L.A. 66 § 8A

§ 8A. Destruction of certain records by city and town clerks if micro-photographed

Currentness

Any provision of general or special law to the contrary notwithstanding, the clerk of any city or town, with the written approval of the supervisor of records, may destroy any index of instruments made by any clerk of such city or town under the provision of law now embodied in section fifteen of chapter forty-one or any original record made by any such clerk under any of the provisions of law now embodied in section eleven of chapter two hundred and nine, section three of chapter two hundred and fifty-five, or any similar statute; provided, that such index or record, as the case may be, has been, or shall have been, micro-photographed, and that twenty years has, or shall have, expired after the making of such index or record. The micro-photograph of any index or record so destroyed shall have the same force and effect as the original index or record from which such micro-photograph was made.

**Credits**

Added by St.1951, c. 56.

M.G.L.A. 66 § 8A, MA ST 66 § 8A

Current through Chapter 11 of the 2026 2nd Annual Session. Some sections may be more current; see credits for details.

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Massachusetts General Laws Annotated  
Part I. Administration of the Government (Ch. 1-182)  
Title X. Public Records (Ch. 66-66a)  
Chapter 66. Public Records (Refs & Annos)

M.G.L.A. 66 § 8B

§ 8B. Destruction or disposal of records in accordance with chapter 93I

Effective: October 31, 2007

Currentness

Records or documents required to be destroyed or disposed of in this chapter shall be destroyed or disposed of in the manner set forth in chapter 93I.

**Credits**

Added by St.2007, c. 82, § 1, eff. Oct. 31, 2007.

M.G.L.A. 66 § 8B, MA ST 66 § 8B

Current through Chapter 11 of the 2026 2nd Annual Session. Some sections may be more current; see credits for details.

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Massachusetts General Laws Annotated  
Part I. Administration of the Government (Ch. 1-182)  
Title X. Public Records (Ch. 66-66a)  
Chapter 66. Public Records (Refs & Annos)

M.G.L.A. 66 § 10

§ 10. Inspection and copies of public records; requests; written responses; extension of time; fees

Effective: January 1, 2017

Currentness

(a) A records access officer appointed pursuant to section 6A, or a designee, shall at reasonable times and without unreasonable delay permit inspection or furnish a copy of any public record as defined in clause twenty-sixth of section 7 of chapter 4, or any segregable portion of a public record, not later than 10 business days following the receipt of the request, provided that:

(i) the request reasonably describes the public record sought;

(ii) the public record is within the possession, custody or control of the agency or municipality that the records access officer serves; and

(iii) the records access officer receives payment of a reasonable fee as set forth in subsection (d).

A request for public records may be delivered to the records access officer by hand or via first class mail at the record officer's business address, or via electronic mail to the address posted by the agency or municipality that the records access officer serves.

(b) If the agency or municipality does not intend to permit inspection or furnish a copy of a requested record, or the magnitude or difficulty of the request, or of multiple requests from the same requestor, unduly burdens the other responsibilities of the agency or municipality such that the agency or municipality is unable to do so within the timeframe established in subsection (a), the agency or municipality shall inform the requestor in writing not later than 10 business days after the initial receipt of the request for public records. The written response shall be made via first class or electronic mail and shall:

(i) confirm receipt of the request;

(ii) identify any public records or categories of public records sought that are not within the possession, custody, or control of the agency or municipality that the records access officer serves;

(iii) identify the agency or municipality that may be in possession, custody or control of the public record sought, if known;

(iv) identify any records, categories of records or portions of records that the agency or municipality intends to withhold, and provide the specific reasons for such withholding, including the specific exemption or exemptions upon which the withholding is based, provided that nothing in the written response shall limit an agency's or municipality's ability to redact or withhold information in accordance with state or federal law;

(v) identify any public records, categories of records, or portions of records that the agency or municipality intends to produce, and provide a detailed statement describing why the magnitude or difficulty of the request unduly burdens the other responsibilities of the agency or municipality and therefore requires additional time to produce the public records sought;

(vi) identify a reasonable timeframe in which the agency or municipality shall produce the public records sought; provided, that for an agency, the timeframe shall not exceed 15 business days following the initial receipt of the request for public records and for a municipality the timeframe shall not exceed 25 business days following the initial receipt of the request for public records; and provided further, that the requestor may voluntarily agree to a response date beyond the timeframes set forth herein;

(vii) suggest a reasonable modification of the scope of the request or offer to assist the requestor to modify the scope of the request if doing so would enable the agency or municipality to produce records sought more efficiently and affordably;

(viii) include an itemized, good faith estimate of any fees that may be charged to produce the records; and

(ix) include a statement informing the requestor of the right of appeal to the supervisor of records under subsection (a) of section 10A and the right to seek judicial review of an unfavorable decision by commencing a civil action in the superior court under subsection (c) of section 10A.

(c) If the magnitude or difficulty of a request, or the receipt of multiple requests from the same requestor, unduly burdens the other responsibilities of the agency or municipality such that an agency or municipality is unable to complete the request within the time provided in clause (vi) of subsection (b), a records access officer may, as soon as practical and within 20 business days after initial receipt of the request, or within 10 business days after receipt of a determination by the supervisor of public records that the requested record constitutes a public record, petition the supervisor of records for an extension of the time for the agency or municipality to furnish copies of the requested record, or any portion of the requested record, that the agency or municipality has within its possession, custody or control and intends to furnish. The records access officer shall, upon submitting the petition to the supervisor of records, furnish a copy of the petition to the requestor. Upon a showing of good cause, the supervisor of records may grant a single extension to an agency not to exceed 20 business days and a single extension to a municipality not to exceed 30 business days. In determining whether the agency or municipality has established good cause, the supervisor of records shall consider, but shall not be limited to considering:

(i) the need to search for, collect, segregate or examine records;

(ii) the scope of redaction required to prevent unlawful disclosure;

(iii) the capacity or the normal business hours of operation of the agency or municipality to produce the request without the extension;

(iv) efforts undertaken by the agency or municipality in fulfilling the current request and previous requests;

(v) whether the request, either individually or as part of a series of requests from the same requestor, is frivolous or intended to harass or intimidate the agency or municipality; and

(vi) the public interest served by expeditious disclosure.

If the supervisor of records determines that the request is part of a series of contemporaneous requests that are frivolous or designed to intimidate or harass, and the requests are not intended for the broad dissemination of information to the public about actual or alleged government activity, the supervisor of records may grant a longer extension or relieve the agency or municipality of its obligation to provide copies of the records sought. The supervisor of records shall issue a written decision regarding a petition submitted by a records access officer under this subsection within 5 business days following receipt of the petition. The supervisor of records shall provide the decision to the agency or municipality and the requestor and shall inform the requestor of the right to seek judicial review of an unfavorable decision by commencing a civil action in the superior court.

(d) A records access officer may assess a reasonable fee for the production of a public record except those records that are freely available for public inspection. The reasonable fee shall not exceed the actual cost of reproducing the record. Unless expressly provided for otherwise, the fee shall be determined in accordance with the following:

(i) the actual cost of any storage device or material provided to a person in response to a request for public records under subsection (a) may be included as part of the fee, but the fee assessed for standard black and white paper copies or printouts of records shall not exceed 5 cents per page, for both single and double-sided black and white copies or printouts;

(ii) if an agency is required to devote more than 4 hours of employee time to search for, compile, segregate, redact or reproduce the record or records requested, the records access officer may also include as part of the fee an hourly rate equal to or less than the hourly rate attributed to the lowest paid employee who has the necessary skill required to search for, compile, segregate, redact or reproduce a record requested, but the fee (A) shall not be more than \$25 per hour; (B) shall not be assessed for the first 4 hours of work performed; and (C) shall not be assessed for time spent segregating or redacting records unless such segregation or redaction is required by law or approved by the supervisor of records under clause (iv);

(iii) if a municipality is required to devote more than 2 hours of employee time to search for, compile, segregate, redact or reproduce a record requested, the records access officer may include as part of the fee an hourly rate equal to or less than the hourly rate attributed to the lowest paid employee who has the necessary skill required to search for, compile, segregate, redact or reproduce the record requested but the fee (A) shall not be more than \$25 per hour unless such rate is approved by the supervisor of records under clause (iv); (B) shall not be assessed for the first 2 hours of work performed where the responding municipality has a population of over 20,000 people; and (C) shall not be assessed for time spent segregating or redacting records unless such segregation or redaction is required by law or approved by the supervisor of records under clause (iv);

(iv) the supervisor of records may approve a petition from an agency or municipality to charge for time spent segregating or redacting, or a petition from a municipality to charge in excess of \$25 per hour, if the supervisor of records determines that (A) the request is for a commercial purpose; or (B) the fee represents an actual and good faith representation by the agency or municipality to comply with the request, the fee is necessary such that the request could not have been prudently completed

without the redaction, segregation or fee in excess of \$25 per hour and the amount of the fee is reasonable and the fee is not designed to limit, deter or prevent access to requested public records; provided, however, that:

1. in making a determination regarding any such petition, the supervisor of records shall consider the public interest served by limiting the cost of public access to the records, the financial ability of the requestor to pay the additional or increased fees and any other relevant extenuating circumstances;

2. an agency or municipality, upon submitting a petition under this clause, shall furnish a copy of the petition to the requestor;

3. the supervisor of records shall issue a written determination with findings regarding any such petition within 5 business days following receipt of the petition by the supervisor of public records; and

4. the supervisor of records shall provide the determination to the agency or municipality and the requestor and shall inform the requestor of the right to seek judicial review of an unfavorable decision by commencing a civil action in the superior court;

(v) the records access officer may waive or reduce the amount of any fee charged under this subsection upon a showing that disclosure of a requested record is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requestor, or upon a showing that the requestor lacks the financial ability to pay the full amount of the reasonable fee;

(vi) the records access officer may deny public records requests from a requester who has failed to compensate the agency or municipality for previously produced public records;

(vii) the records access officer shall provide a written notification to the requester detailing the reasons behind the denial, including an itemized list of any balances attributed to previously produced records;

(viii) a records access officer may not require the requester to specify the purpose for a request, except to determine whether the records are requested for a commercial purpose or whether to grant a request for a fee waiver; and

(ix) as used in this section “commercial purpose” shall mean the sale or resale of any portion of the public record or the use of information from the public record to advance the requester’s strategic business interests in a manner that the requester can reasonably expect to make a profit, and shall not include gathering or reporting news or gathering information to promote citizen oversight or further the understanding of the operation or activities of government or for academic, scientific, journalistic or public research or education

(e) A records access officer shall not charge a fee for a public record unless the records access officer responded to the requestor within 10 business days under subsection (b).

(f) As used in this section, “employee time” means time required by employees or necessary vendors, including outside legal counsel, technology and payroll consultants or others as needed by the municipality.

**Credits**

Amended by St.1948, c. 550, § 5; St.1973, c. 1050, § 3; St.1976, c. 438, § 2; St.1978, c. 294; St.1982, c. 189, § 1; St.1982, c. 477; St.1983, c. 15; St.1991, c. 412, § 55; St.1992, c. 286, § 146; St.1996, c. 39, § 1; St.1996, c. 151, § 210; St.1998, c. 238; St.2000, c. 159, § 133; St.2004, c. 149, § 124, eff. July 1, 2004; St.2008, c. 176, § 61, eff. July 8, 2008; St.2010, c. 256, §§ 58, 59, eff. Nov. 4, 2010. Recodified by St.2016, c. 121, § 10, eff. Jan. 1, 2017.

M.G.L.A. 66 § 10, MA ST 66 § 10

Current through Chapter 11 of the 2026 2nd Annual Session. Some sections may be more current; see credits for details.

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Massachusetts General Laws Annotated  
Part I. Administration of the Government (Ch. 1-182)  
Title X. Public Records (Ch. 66-66a)  
Chapter 66. Public Records (Refs & Annos)

M.G.L.A. 66 § 10A

§ 10A. Petition for determination of violation of Sec. 10; enforcement by Attorney General; civil actions

Effective: January 1, 2017

Currentness

(a) If an agency or municipality fails to comply with a requirement of section 10 or issues a response the requestor believes in violation of section 10, the person who submitted the initial request for public records may petition the supervisor of records for a determination as to whether a violation has occurred. In assessing whether a violation has occurred, the supervisor of records may inspect any record or copy of a record in camera; provided, however, that where a record has been withheld on the basis of a claim of the attorney-client privilege, the supervisor of records shall not inspect the record but shall require, as part of the decision making process, that the agency or municipality provide a detailed description of the record, including the names of the author and recipients, the date, the substance of such record, and the grounds upon which the attorney-client privilege is being claimed. If an agency or municipality elects to provide a record, claimed to be subject to the attorney-client privilege, to the supervisor of records for in camera inspection, said inspection shall not waive any legally applicable privileges, including without limitation, the attorney-client privilege and the attorney work product privilege. The supervisor of records shall issue a written determination regarding any petition submitted in accordance with this section not later than 10 business days following receipt of the petition by the supervisor of records. Upon a determination by the supervisor of records that a violation has occurred, the supervisor of records shall order timely and appropriate relief. A requestor, aggrieved by an order issued by the supervisor of records or upon the failure of the supervisor of records to issue a timely determination, may obtain judicial review only through an action in superior court seeking relief in the nature of certiorari under section 4 of chapter 249 and as prescribed in subsection (d).

(b) If an agency or municipality refuses or fails to comply with an order issued by the supervisor of records, the supervisor of records may notify the attorney general who, after consultation with the supervisor of records, may take whatever measures the attorney general considers necessary to ensure compliance. If the attorney general files an action to compel compliance, the action shall be filed in Suffolk superior court with respect to state agencies and, with respect to municipalities, in the superior court in the county in which the municipality is located. The attorney general shall designate an individual within the office of the attorney general to serve as a primary point of contact for the supervisor of records. In addition to any other duties the attorney general may impose, the designee shall serve as a primary point of contact within the office of the attorney general regarding notice from the supervisor of records that an agency or municipality has refused or failed to comply with an order issued by the supervisor of records.

(c) Notwithstanding the procedure in subsections (a) or (b), a requestor may initiate a civil action to enforce the requirements of this chapter. Any action under this subsection shall be filed in Suffolk superior court with respect to agencies and, with respect to municipalities, in the superior court in the county in which the municipality is located. The superior court shall have available all remedies at law or in equity; provided, however, that any damages awarded shall be consistent with subsection (d).

(d)(1) In any action filed by a requestor pursuant to this section:

(i) the superior court shall have jurisdiction to enjoin agency or municipal action;

(ii) the superior court shall determine the propriety of any agency or municipal action de novo and may inspect the contents of any defendant agency or municipality record in camera, provided, however, that the in camera review shall not waive any legally applicable privileges, including without limitation, the attorney-client privilege and the attorney work product privilege;

(iii) the superior court shall, when feasible, expedite the proceeding;

(iv) a presumption shall exist that each record sought is public and the burden shall be on the defendant agency or municipality to prove, by a preponderance of the evidence, that such record or portion of the record may be withheld in accordance with state or federal law.

(2) The superior court may award reasonable attorney fees and costs in any case in which the requester obtains relief through a judicial order, consent decree, or the provision of requested documents after the filing of a complaint. There shall be a presumption in favor of an award of fees and costs unless the agency or municipality establishes that:

(i) the supervisor found that the agency or municipality did not violate this chapter;

(ii) the agency or municipality reasonably relied upon a published opinion of an appellate court of the commonwealth based on substantially similar facts;

(iii) the agency or municipality reasonably relied upon a published opinion by the attorney general based on substantially similar facts;

(iv) the request was designed or intended to harass or intimidate; or

(v) the request was not in the public interest and made for a commercial purpose unrelated to disseminating information to the public about actual or alleged government activity.

If the superior court determines that an award of reasonable attorney fees or costs is not warranted, the judge shall issue written findings specifying the reasons for the denial.

(3) If the superior court awards reasonable attorneys' fees and other litigation costs reasonably incurred to the requestor, it shall order the agency or municipality to waive any fee assessed under subsection (d) of section 10. If the superior court does not award reasonable attorneys' fees and other litigation costs reasonably incurred to the requestor, it may order the agency or municipality to waive any fee assessed under said subsection (d) of said section 10. Whether the superior court determines to waive any fee assessed under said subsection (d) of said section 10, it shall issue findings specifying the basis for such decision.

(4) If a requestor has obtained judgment in superior court in a case under this section and has demonstrated that the defendant agency or municipality, in withholding or failing to timely furnish the requested record or any portion of the record or in assessing

an unreasonable fee, did not act in good faith, the superior court may assess punitive damages against the defendant agency or municipality in an amount not less than \$1,000 nor more than \$5,000, to be deposited into the Public Records Assistance Fund established in section 35DDD of chapter 10.

(e) Notwithstanding any other provision of this chapter, the attorney general may, at any time, file a complaint in Suffolk superior court with respect to agencies and, with respect to municipalities, in the superior court in the county in which the municipality is located, to ensure compliance with this chapter and may further intervene as of right in any action filed in accordance with this section. In any action filed or in which the attorney general has intervened under this subsection, paragraphs (1) and (4) of subsection (d) shall apply and any public records the court orders produced shall be provided without a fee.

**Credits**

Added by St.2016, c. 121, § 10, eff. Jan. 1, 2017.

M.G.L.A. 66 § 10A, MA ST 66 § 10A

Current through Chapter 11 of the 2026 2nd Annual Session. Some sections may be more current; see credits for details.



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Massachusetts General Laws Annotated  
Part I. Administration of the Government (Ch. 1-182)  
Title X. Public Records (Ch. 66-66a)  
Chapter 66. Public Records (Refs & Annos)

M.G.L.A. 66 § 18

§ 18. Application of chapter

Effective: March 1, 2023

Currentness

This chapter shall not apply to the records of the general court, nor shall declarations, affidavits and other papers filed by claimants in the office of the secretary of veterans' services or records kept by the secretary for reference by the officials of his office, be public records.

**Credits**

Amended by St.1945, c. 393, § 6; St.2022, c. 144, § 24, eff. Mar. 1, 2023.

M.G.L.A. 66 § 18, MA ST 66 § 18

Current through Chapter 11 of the 2026 2nd Annual Session. Some sections may be more current; see credits for details.

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Massachusetts General Laws Annotated  
Part I. Administration of the Government (Ch. 1-182)  
Title XXI. Labor and Industries (Ch. 149-154)  
Chapter 149. Labor and Industries (Refs & Annos)

M.G.L.A. 149 § 105A

§ 105A. Discrimination on basis of gender in payment of wages prohibited;  
enforcement; unlawful practices; good faith self-evaluation of payment practices

Effective: July 1, 2018

Currentness

(a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:--

“Comparable work”, work that is substantially similar in that it requires substantially similar skill, effort and responsibility and is performed under similar working conditions; provided, however, that a job title or job description alone shall not determine comparability.

“Working conditions”, shall include the environmental and other similar circumstances customarily taken into consideration in setting salary or wages, including, but not limited to, reasonable shift differentials, and the physical surroundings and hazards encountered by employees performing a job.

“Wages”, shall include all forms of remuneration for employment.

(b) No employer shall discriminate in any way on the basis of gender in the payment of wages, or pay any person in its employ a salary or wage rate less than the rates paid to its employees of a different gender for comparable work; provided, however, that variations in wages shall not be prohibited if based upon: (i) a system that rewards seniority with the employer; provided, however, that time spent on leave due to a pregnancy-related condition and protected parental, family and medical leave, shall not reduce seniority; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production, sales, or revenue; (iv) the geographic location in which a job is performed; (v) education, training or experience to the extent such factors are reasonably related to the particular job in question; or (vi) travel, if the travel is a regular and necessary condition of the particular job.

An employer who is paying a wage differential in violation of this section shall not reduce the wages of any employee solely in order to comply with this section.

An employer who violates this section shall be liable to the employee affected in the amount of the employee's unpaid wages, and in an additional equal amount of liquidated damages. Action to recover such liability may be maintained in any court of competent jurisdiction by any 1 or more employees for and on their own behalf, or on behalf of other employees similarly situated. Any agreement between the employer and any employee to work for less than the wage to which the employee is entitled under this section shall not be a defense to an action. An employee's previous wage or salary history shall not be a defense to an action. The court shall, in addition to any judgment awarded to the plaintiff, award reasonable attorneys' fees to be paid by the defendant and the costs of the action.

The attorney general may also bring an action to collect unpaid wages on behalf of 1 or more employees, as well as an additional equal amount of liquidated damages, together with the costs of the action and reasonable attorneys' fees. Such costs and attorneys' fees shall be paid to the commonwealth. The attorney general shall not be required to pay any filing fee or other cost in connection with such action.

If an employee recovers unpaid wages under this section and also files a complaint or brings an action under 29 U.S.C. section 206(d) which results in an additional recovery under federal law for the same violation, the employee shall return to the employer the amounts recovered under this section, or the amounts recovered under federal law, whichever is less.

Any action based upon or arising under sections 105A to 105C, inclusive, shall be instituted within 3 years after the date of the alleged violation. For the purposes of this section, a violation occurs when a discriminatory compensation decision or other practice is adopted, when an employee becomes subject to a discriminatory compensation decision or other practice or when an employee is affected by application of a discriminatory compensation decision or practice, including each time wages are paid, resulting in whole or in part from such a decision or practice.

Notwithstanding the requirements of section 5 of chapter 151B, a plaintiff shall not be required to file a charge of discrimination with the Massachusetts commission against discrimination as a prerequisite to bringing an action under this section.

(c) It shall be an unlawful practice for an employer to:

(1) require, as a condition of employment, that an employee refrain from inquiring about, discussing or disclosing information about either the employee's own wages, or about any other employee's wages. Nothing in this subsection shall obligate an employer to disclose an employee's wages to another employee or a third party;

(2) seek the wage or salary history of a prospective employee from the prospective employee or a current or former employer or to require that a prospective employee's prior wage or salary history meet certain criteria; provided, however, that: (i) if a prospective employee has voluntarily disclosed such information, a prospective employer may confirm prior wages or salary or permit a prospective employee to confirm prior wages or salary; and (ii) a prospective employer may seek or confirm a prospective employee's wage or salary history after an offer of employment with compensation has been negotiated and made to the prospective employee;

(3) discharge or in any other manner retaliate against any employee because the employee: (i) opposed any act or practice made unlawful by this section; (ii) made or indicated an intent to make a complaint or has otherwise caused to be instituted any proceeding under this section; (iii) testified or is about to testify, assist or participate in any manner in an investigation or proceeding under this section; or (iv) disclosed the employee's wages or has inquired about or discussed the wages of any other employee.

No employer shall contract with an employee to avoid complying with this subsection, or by any other means exempt itself from this subsection; provided, however, that an employer may prohibit a human resources employee, a supervisor, or any other employee whose job responsibilities require or allow access to other employees' compensation information, from disclosing such information without prior written consent from the employee whose information is sought or requested, unless the compensation information is a public record as defined in clause 26 of section 7 of chapter 4.

This subsection shall be enforced in the same manner as subsection (b); provided, however, that an action based on a violation of clause (2) of this subsection may be brought by or on behalf of 1 or more applicants for employment; and provided, further, that in any action brought under this subsection, the plaintiff may also recover any damages incurred.

(d) An employer against whom an action is brought alleging a violation of subsection (b) and who, within the previous 3 years and prior to the commencement of the action, has both completed a self-evaluation of its pay practices in good faith and can demonstrate that reasonable progress has been made towards eliminating wage differentials based on gender for comparable work, if any, in accordance with that evaluation, shall have an affirmative defense to liability under subsection (b) and to any pay discrimination claim under section 4 of chapter 151B. For purposes of this subsection, an employer's self-evaluation may be of the employer's own design, so long as it is reasonable in detail and scope in light of the size of the employer, or may be consistent with standard templates or forms issued by the attorney general.

An employer who has completed a self-evaluation in good faith within the previous 3 years and prior to the commencement of the action, and can demonstrate that reasonable progress has been made towards eliminating wage differentials based on gender for comparable work in accordance with that evaluation, but cannot demonstrate that the evaluation was reasonable in detail and scope, shall not be entitled to an affirmative defense, but shall not be liable for liquidated damages under this section.

Evidence of a self-evaluation or remedial steps undertaken in accordance with this subsection shall not be admissible in any proceeding as evidence of a violation of this section or section 4 of chapter 151B that occurred prior to the date the self-evaluation was completed or that occurred either (i) within 6 months thereafter or (ii) within 2 years thereafter if the employer can demonstrate that it has developed and begun implementing in good faith a plan to address any wage differentials based on gender for comparable work.

An employer who has not completed a self-evaluation shall not be subject to any negative or adverse inference as a result of not having completed a self-evaluation.

(e) The attorney general may issue regulations interpreting and applying this section.

#### **Credits**

Added by St.1945, c. 584, § 3. Amended by St.1947, c. 565; St.1951, c. 180; St.1980, c. 131, § 6; St.1996, c. 151, § 400; St.2016, c. 177, § 2, eff. July 1, 2018.

M.G.L.A. 149 § 105A, MA ST 149 § 105A

Current through Chapter 11 of the 2026 2nd Annual Session. Some sections may be more current; see credits for details.

Code of Massachusetts Regulations  
Title 950: Office of the Secretary of the Commonwealth  
Chapter 32.00: Public Records Access

CMR T. 950, Ch. 32.00, Refs & Annos  
Currentness

The Massachusetts Administrative Code titles are current through Register No. 1567, dated February 13, 2026. Some sections may be more current; see credits for details.

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Code of Massachusetts Regulations  
Title 950: Office of the Secretary of the Commonwealth  
Chapter 32.00: Public Records Access (Refs & Annos)

950 CMR 32.01

32.01: Scope and Purpose

Currentness

(1) 950 CMR 32.00 describes the practices and procedures of the Division of Public Records relative to the requirements of governmental entities or political subdivisions of the Commonwealth with respect to disclosure of public records, reporting requirements for certain records access officers and ensuring that disputes regarding access to particular records are resolved expeditiously and fairly. 950 CMR 32.00 shall not limit the availability of other remedies provided by law.

(2) The Division of Public Records is under the supervision of the Supervisor of Public Records. The Supervisor may amend and rescind such rules, forms and orders as are contemplated by the provisions of the Massachusetts General Laws and as are necessary to carry out their purposes.

(3) The Supervisor of Public Records may authorize exceptions to 950 CMR 32.00 with respect to any specific requirement provided that such exceptions to 950 CMR 32.00 are in conformity with the provisions of the Massachusetts General Laws.

The Massachusetts Administrative Code titles are current through Register No. 1567, dated February 13, 2026. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 950, § 32.01, 950 MA ADC 32.01

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Code of Massachusetts Regulations  
Title 950: Office of the Secretary of the Commonwealth  
Chapter 32.00: Public Records Access (Refs & Annos)

950 CMR 32.02

32.02: Definitions

Currentness

For the purposes of 950 CMR 32.00 unless the context otherwise requires, the following terms shall have the meanings indicated:

Advisory Opinion. An opinion issued by the Supervisor of Public Records intended to provide guidance on issues related to public records access and retention.

Agency. Any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth that is identified in M.G.L. c. 66, § 6A and c. 4, § 7, clause Twenty-sixth and makes or receives “public records”, as defined in 950 CMR 32.02. Agency includes any person, corporation, association, partnership or other legal entity which receives or expends public funds for the payment or administration of pensions for any current or former employees of the commonwealth or any political subdivision as defined in M.G.L. c. 32, § 1.

Business Day. Monday through Friday. Business day does not include Saturdays, Sundays, legal holidays, or other weekdays where a custodian's office is closed unexpectedly.

Commercial Purpose. The sale or resale of any portion of the public record or the use of information from the public record to advance the requester's strategic business interests in a manner that the requester can reasonably expect to make a profit including in addition to the foregoing, obtaining names and addresses from the public record for the purpose of solicitation. It does not include gathering or reporting news or gathering information to promote citizen oversight or further the understanding of the operation or activities of government or for academic, scientific, journalistic, or public research or education.

Custodian. Any governmental entity that makes or receives public records.

Division. Division of Public Records, Office of the Secretary of the Commonwealth of Massachusetts.

Governmental Entity. Any agency or municipality as defined in 950 CMR 32.02. It includes any quasi-governmental agency that is considered a body politic and corporate or public instrumentality. It does not include the legislature and the judiciary.

Municipality. Cities and towns, local housing, redevelopment or similar authorities. A consortium, consolidation or combination of entities within a single political subdivision of the commonwealth or among multiple political subdivisions of the commonwealth shall be deemed a municipality.

Public Record. All books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by a governmental entity unless such materials or data fall within one or more of the exemptions found within M.G.L. c. 4, § 7, clause Twenty-sixth or other legally applicable privileges.

Records Access Officer. The employee designated within a governmental entity to perform duties described in 950 CMR 32.00 including coordinating a response to requests for access to public records, assisting individuals seeking public records in identifying the records requested, and preparing guidelines that enable requesters to make informed requests regarding the availability of such public records electronically or otherwise.

Requester. Any person or entity seeking to inspect or obtain copies of public records.

Redact. To delete, or otherwise expurgate that part of a public record that is exempt from disclosure under M.G.L. c. 4, § 7, clause Twenty-sixth or other legally applicable privileges from non-exempt material.

Search Time. The time needed to locate and identify, pull from the files, copy and reshelve or refile a public record. However, it shall not include the time expended to create the original record.

Secretary. The Secretary of the Commonwealth of Massachusetts.

Segregation Time. The time used to review records to determine what portions are subject to redaction or withholding under M.G.L. c. 4, § 7, clause Twenty-sixth or other legally applicable privileges. Segregation time shall not include time expended to review record for accuracy and correct errors.

Supervisor. Supervisor of Public Records or Supervisor of Records.

Withhold. To hold back from disclosure a record under M.G. L. c. 4, § 7, clause Twenty-sixth or other legally applicable privileges.

The Massachusetts Administrative Code titles are current through Register No. 1567, dated February 13, 2026. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 950, § 32.02, 950 MA ADC 32.02

Code of Massachusetts Regulations  
Title 950: Office of the Secretary of the Commonwealth  
Chapter 32.00: Public Records Access (Refs & Annos)

950 CMR 32.03

32.03: General Provisions

Effective: June 11, 2021

Currentness

(1) Division Mailing Address and Electronic Mail Address. All communications shall be addressed or delivered to:

Supervisor of Records

Division of Public Records

Office of the Secretary of the Commonwealth

One Ashburton Place, Room 1719

Boston, Massachusetts 02108 or: [pre@sec.state.ma.us](mailto:pre@sec.state.ma.us)

Electronic communication is strongly encouraged and is the preferred method of correspondence.

(2) Division Business Hours. The regular hours of the Division are from 8:45 A.M. to 5:00 P.M. each business day.

(3) Computation of Time. Unless otherwise provided, the computation of time referred to in 950 CMR 32.00 shall begin with the first business day following the date of receipt of any request, regardless of form.

(4) Presumptions. In all proceedings pursuant to 950 CMR 32.00, there shall be a presumption that the record sought is public.

### Credits

History: 1445 Mass. Reg. 89, amended eff. Jun. 11, 2021.

The Massachusetts Administrative Code titles are current through Register No. 1567, dated February 13, 2026. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 950, § 32.03, 950 MA ADC 32.03

Code of Massachusetts Regulations  
Title 950: Office of the Secretary of the Commonwealth  
Chapter 32.00: Public Records Access (Refs & Annos)

950 CMR 32.04

32.04: Records Access Officers

Effective: June 11, 2021

Currentness

- (1) Each agency and municipality shall designate one or more employees as records access officer(s).
- (2) In a municipality, the municipal clerk, or the clerk's designees, or any designee of a municipality that the chief executive officer of the municipality may appoint, shall serve as records access officers.
- (3) The designation of a records access officer shall not be construed to prohibit employees who have been previously authorized by the agency or municipality to make public records or information available to the public from continuing to do so in accordance with 950 CMR 32.00.
- (4) Each agency and municipality shall post in a conspicuous location at its offices and on its website, if any, the name, title, business address, business telephone number, and business email address of each records access officer.
- (5) A records access officer shall:
  - (a) coordinate the custodian's response to requests for access to public records and shall facilitate the resolution of such requests by the timely and thorough production of public records;
  - (b) assist persons seeking public records to identify the records sought;
  - (c) assist the custodian in preserving public records in accordance with all applicable laws, rules, regulations and retention schedules;
  - (d) to the extent feasible, provide public records to a requester in electronic format unless the record is not available in electronic form or the requester does not have the ability to receive or access the records in electronic format and if feasible, in the requester's preferred format. In the absence of a preferred format, the records shall be provided in a searchable machine-readable form;

Where the requester is an individual held in custody in any correctional facility, as defined in M.G.L. c. 125, § 1(d), the records access officer shall presume that the requester does not have the ability to receive or access records in usable electronic form;

(e) to the extent feasible, furnish the public records by providing reasonable assistance in locating the records on an appropriately indexed and searchable public website;

(f) prepare guidelines of the agency or municipality that enable the person seeking access to public records in the custody of the agency or municipality to make informed requests regarding the availability of such public records electronically or otherwise. The guidelines shall include a list of categories of public records maintained by the agency or municipality and such list shall be updated periodically; each agency or municipality that maintains a website shall post the guidelines on its website; and

(g) a municipal records access officer shall, to the extent feasible, post commonly available public record documents on a website maintained by the municipality. The website copy shall not be deemed the record copy for retention purposes.

### **Credits**

History: 1445 Mass. Reg. 89, amended eff. Jun. 11, 2021.

The Massachusetts Administrative Code titles are current through Register No. 1567, dated February 13, 2026. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 950, § 32.04, 950 MA ADC 32.04

Code of Massachusetts Regulations  
Title 950: Office of the Secretary of the Commonwealth  
Chapter 32.00: Public Records Access (Refs & Annos)

950 CMR 32.05

32.05: Additional Records Access Officer Responsibilities

Effective: June 11, 2021

Currentness

(1) Agency Records Access Officers. The requirements of 950 CMR 32.05(1) shall apply only to agency records access officers.

(a) agency designation of primary and secondary records access officers; reporting requirements:

1. each agency shall designate one primary records access officer responsible for reporting information to the Secretary pursuant to M.G.L. c. 66, § 6A(e) and 950 CMR 32.05(1)(c).

2. a primary records access officer shall submit a notification of such designation to the Division electronically in a manner determined by the Division.

3. the primary records access officer may notify the secondary record access officers to facilitate reporting such information.

4. the primary records access officer shall electronically notify the Secretary of the designation of secondary records access officers electronically in a manner determined by the Division.

5. the agency shall maintain and update information regarding primary and secondary records access officers electronically, including changes in personnel identified as primary and secondary records access officers, in a manner determined by the Division.

(b) agency records access officers shall electronically report to the Secretary the information described in 950 CMR 32.05(1)(c)1. through 9. in a manner determined by the Secretary.

(c) an agency records access officer shall report to the Secretary with respect to written requests for public records and responses to these requests for each calendar year ending December 31<sup>st</sup>:

1. the nature of each request and the date on which each request was received;

2. the date on which a response is provided to the requester;

3. the date on which a public record is provided to the requester;
4. the number of hours required to fulfill the request;
5. fees charged to the requester, if any;
6. records access officer petitions to the Supervisor submitted under M.G.L. c. 66, § 10(d)(iv), and 950 CMR 32.06(4)(g) and (h);
7. requests appealed to the Supervisor under M.G.L. c. 66, § 10A, and 950 CMR 32.08(1);
8. the time required to comply with the Supervisor's orders under M.G.L. c. 66, § 10A; and
9. the final adjudication of any associated court proceedings under M.G.L. c. 66, § 10A(d).

(d) the Supervisor may make exceptions to the reporting requirement in 950 CMR 32.05(1)(c) for particular classes of records, such as:

1. certified copies of records;
2. registry of deeds records;
3. incorporation records;
4. vital records; and
5. criminal offender record information requested by the offender, representative, or other authorized recipient.

(e) all information must be provided in accordance with 950 CMR 32.05(1) by February 1<sup>st</sup> of the calendar year following the date of the request.

(f) an agency shall provide on a searchable website electronic copies, accessible in a commonly available electronic format, of the following types of records, provided that any agency may withhold any record or portion thereof in accordance with state or federal law:

1. final opinions, decisions, orders, or votes from agency proceedings;

2. annual reports;
3. notices of regulations proposed under M.G.L. c. 30A;
4. notices of hearings;
5. winning bids for public contracts;
6. awards of federal, state and municipal government grants;
7. minutes of open meetings;
8. agency budgets; and
9. any public record information of significant interest that the agency deems appropriate to post, such determination to be made by each agency on a case-by-case basis.

(g) an agency shall post records online pursuant to 950 CMR 32.05(1)(f) as soon as practicable on a website maintained by the agency. The website copy shall not be deemed the record copy for retention purposes. 950 CMR 32.05(1)(f) and (g) shall apply only to records made or received on or after January 1, 2017.

(h) an agency may fulfill the requirements of 950 CMR 32.05(1)(f) and (g) by providing links to other agency websites that provide access to the categories of records described in 950 CMR 32.05(1)(f)1. through 9.; provided, however, that the website is searchable and provides electronic copies, accessible in a commonly available electronic format.

### **Credits**

History: 1445 Mass. Reg. 89, amended eff. Jun. 11, 2021.

The Massachusetts Administrative Code titles are current through Register No. 1567, dated February 13, 2026. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 950, § 32.05, 950 MA ADC 32.05

Code of Massachusetts Regulations  
Title 950: Office of the Secretary of the Commonwealth  
Chapter 32.00: Public Records Access (Refs & Annos)

950 CMR 32.06

32.06: Rights of Access

Effective: June 11, 2021

Currentness

(1) Requests for Public Records.

(a) requests for public records may be made orally, in person, to a records access officer or custodian, or may be written. Telephone requests may be accepted at the discretion of the records access officer.

(b) requests for public records shall include a reasonable description of the requested record to the records access officer so that the records can be identified and located promptly.

(c) written requests may be delivered by a requester to the business address or designated website or email address of a records access officer or custodian:

1. by hand;
2. by mail;
3. electronically; or
4. by facsimile, if custodian has facsimile access.

(d) a records access officer shall not require a particular form be used by requesters, but may make forms available for requesters.

(e) a person shall not be required to make a personal inspection of the record prior to receiving a copy.

(f) calculation of time will commence only for requests that are made in accordance with 950 CMR 32.06(1).

(2) Records Access Officer Response to Requests for Records.

(a) a records access officer or designee shall permit inspection or provide or furnish a copy of all public records within the custody and control of the custodian at reasonable times and without unreasonable delay under M.G.L. c. 66, § 10(a).

(b) if applicable, a records access officer shall provide a written response under M.G.L. c. 66, § 10(b) to a request for public records no later than the tenth business day following the receipt of a request notwithstanding the applicability of any petition filed pursuant to 950 CMR 32.06(4).

(c) a records access officer shall not charge a fee for the provision of a public record unless the records access officer responded to the requester within ten business days following receipt of the request under M.G.L. c. 66, § 10(b).

(d) if a records access officer intends to provide records, access to such records must be provided no later than the tenth business day following the receipt of a request, unless an extension of time is permitted in a manner consistent with 950 CMR 32.06(2)(i) and (4).

(e) if a request is received on a Saturday, Sunday, legal holiday or day when the custodian's office is unexpectedly closed, the receipt will be deemed received on the following business day.

(f) a records access officer may delay provision of records until all fees related to such requests are paid in full by the person seeking access to the requested records in accordance with 950 CMR 32.07.

(g) a records access officer shall, when appropriate, suggest a reasonable modification of the scope of the request or offer to assist the requester to modify the scope of the request if doing so would enable the agency or municipality to produce records sought more efficiently and affordably.

(h) a records access officer may not require the requester to specify the purpose for a request except:

1. to determine whether the records are requested for a commercial purpose; or
2. to determine whether to grant a request for a fee waiver.

(i) a records access officer shall identify a reasonable timeframe in which it shall produce the public records sought in a manner consistent with M.G.L. c. 66, § 10(b)(vi), provided that the requester may voluntarily agree to a response date beyond these timeframes.

(3) Denial by Records Access Officer.

(a) a records access officer shall provide written notice by first class mail or electronic mail to a requester of any denial of access to records.

(b) a records access officer shall provide such written notice of denial of access within ten business days following receipt of a request for public records in accordance with 950 CMR 32.06(2)(b).

(c) such written notice of denial shall include:

1. the date of the request;
2. identification of any records sought that are not within the possession, custody, or control of the agency or municipality the records access officer serves;
3. identification of the agency or municipality that may be in possession, custody or control of the public record sought, if known to the records access officer;
4. identification of any records, categories of records or portions of records that the agency or municipality intends to withhold;
5. identification of any specific exemption to the Public Records Law or common law privilege that applies to the withheld record or records;
6. identification of the applicability of each cited exemption or privilege to each portion of the withheld record or records;
7. identification of any portions of responsive records that the agency or municipality intends to produce; and
8. a statement informing the requester of the right of administrative appeal to the Supervisor under 950 CMR 32.08(1) and the right to seek judicial review of an unfavorable decision by commencing a civil action in the superior court.

(d) where a record has been withheld based on a claim of the attorney-client privilege the records access officer shall provide in its written denial a detailed description of the record, including the names of the author and recipients, and in general terms, the subject matter of the withheld information.

(4) Petition for Modification or Waiver by a Records Access Officer to the Supervisor.

(a) petitions requesting an extension of time to furnish copies of the requested records or waive statutory limits to fees from a records access officer to the Supervisor shall be in writing and delivered to the Supervisor in accordance with 950 CMR 32.03(1). A copy of the petition shall be provided by the records access officer to the requester. The Supervisor shall issue a written determination with findings regarding any such petition within five business days following receipt of a records access officer petition.

(b) petitions filed under 950 CMR 32.06(4) do not affect the requirement that a records access officer shall provide an initial response to a requester within ten business days following receipt of a request for public records, pursuant to 950 CMR 32.06(2)(a) or (b). Failure to comply with 950 CMR 32.06(4) will result in a waiver of the right to assess fees for public records.

(c) all such petitions shall be considered public records both in the custody of the records access officer and the Supervisor.

(d) petitions seeking an extension of time to furnish copies of the requested records must be made by a records access officer within 20 business days following receipt of a request for public records, or within ten business days following the records access officer's receipt of a determination by the Supervisor that a requested record constitutes a public record.

(e) a petition for extension of time described in 950 CMR 32.06(4)(d) shall include a brief narrative detailing why an extension of time is necessary. Upon a showing of good cause, the Supervisor may grant a single extension. For an agency, such extension may not exceed 20 business days from the date of the grant of the extension by the Supervisor. For a municipality, such extension may not exceed 30 business days from the date of the grant of the extension by the Supervisor.

(f) if, when reviewing a petition for extension of time described in 950 CMR 32.06(4)(d), the Supervisor determines that the request is part of a series of contemporaneous requests that are frivolous or designed to intimidate or harass, and the requests are not intended for the broad dissemination of information to the public about actual or alleged government activity, the Supervisor may grant a longer extension or relieve the custodian of its obligation to provide copies of the records sought.

(g) petitions seeking a waiver of statutory limits to fees assessed to segregate and/or redact public records must be made within ten business days following receipt of a request for public records.

(h) a petition seeking a waiver of statutory limits to fees described in 950 CMR 32.06(4)(g) must be made in accordance with the following:

1. any records access officer may petition the Supervisor to charge for time spent segregating or redacting records.
2. only a municipal records access officer may petition the Supervisor for permission to charge fees in excess of the maximum hourly rate of \$25 per hour for time required to comply with a request.
3. records access officers shall not petition the Supervisor seeking a waiver associated with the provisions of 950 CMR 32.07(2)(l)1. and (m)1.
4. a records access officer shall respond to a request within five business days of receipt of the Supervisor's determination regarding a petition submitted under 950 CMR 32.06(4)(g).

#### Credits

History: 1445 Mass. Reg. 89, amended eff. Jun. 11, 2021.

The Massachusetts Administrative Code titles are current through Register No. 1567, dated February 13, 2026. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 950, § 32.06, 950 MA ADC 32.06

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Code of Massachusetts Regulations  
Title 950: Office of the Secretary of the Commonwealth  
Chapter 32.00: Public Records Access (Refs & Annos)

950 CMR 32.07

32.07: Copies of Records; Fees

Effective: June 11, 2021

Currentness

(1) Copies of Paper and Electronic Records.

(a) upon request, a requester shall be entitled to receive in hand, by mail, by facsimile or electronically one copy of a public record or any desired portion of a public record.

(b) as an alternative to obtaining copies of records from a records access officer a requester shall be permitted, to the extent feasible, and at reasonable times:

1. view and inspect records; or
2. use a personal device such as a camera or portable scanner to copy records.

(c) the records access officer shall presume that a requester prefers copies provided in machine-readable electronic form, when electronic form is available, unless the requester specifies an alternative preference.

(d) the records access officer must provide electronic records in native form when possible.

(e) when designing or acquiring an electronic record keeping system or database, the records access officer, in cooperation, with the custodian shall ensure, to the extent feasible that:

1. newly acquired or implemented electronic record keeping systems or databases are capable of providing data in a commonly available electronic, machine readable format; and
2. the newly acquired or implemented electronic record keeping system allows for information storage and retrieval methods permitting retrieval of public portions of records to provide maximum public access.

(f) furnishing a segregable portion of a public record shall not be deemed to be creation of a new record. This applies to a responsive record in the form of an extract of existing data, as such data exists at the time of the request and is segregable from nonresponsive and exempt data.

(2) Fees.

(a) a records access officer may assess a reasonable fee for the production of a public record, except those records that are freely available for public inspection, subject to the provisions of 950 CMR 32.04(5)(d). A records access officer shall inform a requester of the availability of records online to avoid delays and fees associated with the provision of public records.

(b) if fees are being assessed, a records access officer shall provide a written, itemized, good faith estimate of any fees that may be charged to produce the records prior to complying with a public records request within ten business days following receipt of a request.

(c) the reasonable fee for reproduction shall not exceed the actual cost of reproducing the record.

(d) a fee shall not be assessed for time spent segregating or redacting records, unless such segregation or redaction is required by law or approved by the Supervisor under 950 CMR 32.06(4)(g) and (h).

(e) the charge for black and white paper copies or printouts of records of any size susceptible to ordinary means of production shall not exceed \$0.05 per page, for both single and double-sided black and white copies or printouts.

(f) a records access officer shall not assess a copying fee for electronic copies or copies of public records transmitted *via* facsimile.

(g) the actual cost of any storage device or material provided to a person in response to a request for public records may be included as part of the fee.

(h) for copies of public records not susceptible to ordinary means of reproduction, the actual cost incurred in providing a copy may be assessed.

(i) a records access officer shall assess no fee greater than the lowest hourly rate of a person capable of compiling, segregating, redacting and reproducing a requested record, subject to the requirements of 950 CMR 32.07.

(j) a records access officer may assess the actual cost of postage to mail copies of public records, provided:

1. the requester specifically requests that records be mailed or is unable to receive copies in person; and
2. the records access officer shall charge the lowest cost available for such mailings, at the discretion of the requester.

(k) Waiver of Fees. Records access officers may waive or reduce the amount of any assessed fee upon a showing that:

1. disclosure of a requested record is in the public interest;
2. the request for records is not primarily in the commercial interest of the requester; or
3. the requester lacks the financial ability to pay the full amount of the reasonable fee.

(l) Agency Records Access Officers.

1. an agency records access officer shall not assess a fee for the first four hours of time spent searching for, compiling, segregating, redacting and reproducing a requested record.
2. an agency records access officer shall not assess a fee for time spent segregating and redacting a requested record, unless such segregation or redaction is required by law or approved by the Supervisor under 950 CMR 32.06(4)(g) and (h).
3. an agency records access officer shall assess no fee of more than \$25 per hour for the cost to comply with a request for public records.

(m) Municipal Records Access Officers.

1. a municipal records access officer shall not assess a fee for the first two hours of time spent searching for, compiling, segregating, redacting and reproducing a requested record in a municipality with a population of over 20,000.
2. a municipal records access officer in a municipality with a population of 20,000 persons or fewer may assess a fee for the first two hours of time spent compiling, segregating, redacting and reproducing a requested record, provided:
  - i. population data shall be determined by the decennial U.S. Census; and
  - ii. it shall be the burden of the municipal records access officer to provide population data information in responses in which it seeks to assess such fees.
3. a municipal records access officer shall assess no fee of more than \$25 per hour for the cost to comply with a request for public records, unless approved by the Supervisor under 950 CMR 32.06(4)(g) and (h).
4. a municipal records access officer shall not assess a fee for time spent segregating and redacting a requested record, unless such segregation or redaction is required by law or approved by the Supervisor under 950 CMR 32.06(4)(g) and (h).

(n) Failure to Pay Fee. A records access officer may provide written notice denying access to public records to a requester who has failed to compensate the custodian for previously produced public records, provided:

1. a fee estimate for a previous request was prepared in compliance with 950 CMR 32.00 and the requester agreed to pay the previous fee;
2. the written notice details the reasons for denial, including an itemized list of any balances attributed to previously produced records.

### **Credits**

History: 1445 Mass. Reg. 89, amended eff. Jun. 11, 2021.

The Massachusetts Administrative Code titles are current through Register No. 1567, dated February 13, 2026. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 950, § 32.07, 950 MA ADC 32.07

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Code of Massachusetts Regulations  
Title 950: Office of the Secretary of the Commonwealth  
Chapter 32.00: Public Records Access (Refs & Annos)

950 CMR 32.08

32.08: Appeals

Effective: June 11, 2021

Currentness

(1) Appeal to the Supervisor.

(a) a requester may petition the Supervisor for failure by a records access officer to comply with a requirement of 950 CMR 32.00.

(b) an oral request, while valid as a public record request, shall not be the basis of an appeal under 950 CMR 32.08.

(c) petitions for appeal of a response by a records access officer must be made within 90 calendar days of the date of the response by a records access officer.

(d) petitions for appeal of a failure to respond within the timeliness requirements of 950 CMR 32.00 must be made within 90 calendar days of the request.

(e) all petitions for appeal shall be in writing and shall specifically describe the nature of the requester's objections to the response or failure to timely respond.

(f) requesters shall provide to the Supervisor complete copies of all correspondence associated with the petition, including:

1. a complete copy of the letter by which the request was made, including in the case of electronic communications all header information indicating time, date, subject, sender and recipient email addresses; and

2. a complete copy of all written responses associated with requests subject to the petition for appeal, including in the case of electronic communications all header information indicating time, date, subject, sender and recipient email addresses.

(g) in petitioning the Supervisor, the requester shall provide a copy of such petition to the records access officer associated with such petition.

(h) if the requester's petition for appeal is related to a previous appeal to the Supervisor, the requester's petition shall refer to the previous appeal number.

(2) Dispositions of Appeals and Records Access Officer Petitions.

(a) the Supervisor shall issue a written determination regarding any petition submitted in accordance with 950 CMR 32.08(1) not later than ten business days following receipt of the petition. The Supervisor shall issue a written determination regarding any petition submitted in accordance with M.G. L. c. 66, § 10(c)(vi) and M.G. L. c. 66, § 10(d)(iv) within five business days following receipt of the petition. If necessary, additional time may be granted as agreed upon by both the requester and the records custodian.

(b) the Supervisor may deny an appeal for, among other reasons if, in the opinion of the Supervisor:

1. the public records in question are the subjects of disputes in active litigation, administrative hearings or mediation;
2. the request is designed or intended to harass, intimidate, or assist in the commission of a crime;
3. the public records request is made solely for a commercial purpose; or
4. the requester has failed to comply with the provisions of 950 CMR 32.08(2).

(c) upon a determination by the Supervisor that a violation has occurred, the Supervisor shall order timely and appropriate relief.

(3) Hearings and Conferences.

(a) the Supervisor may conduct a hearing pursuant to the provisions of 801 CMR 1.00: *Standard Adjudicatory Rules of Practice and Procedure*. The decision to hold a hearing shall be solely in the discretion of the Supervisor.

1. said rules shall govern the conduct and procedure of all hearings conducted pursuant to 950 CMR 32.08.
2. nothing in 950 CMR 32.08 shall limit the Supervisor from employing any administrative means available to resolve summarily any appeal arising under 950 CMR 32.00.

(b) the Supervisor may order conferences for the purpose of clarifying and simplifying issues and otherwise facilitating or expediting the investigation or proceeding. The decision to hold a conference shall be solely in the discretion of the Supervisor.

(4) In Camera Inspections and Submissions of Data.

(a) the Supervisor may require an inspection of the requested record(s) in camera during any investigation or any proceeding initiated pursuant to 950 CMR 32.08.

(b) the Supervisor may require the records access officer to produce other records and information necessary to reach a determination pursuant to 950 CMR 32.08.

(c) the Supervisor does not maintain custody of documents received from a records access officer submitted for an in camera review. The documents submitted for an in camera review do not fall within the definition of public records. M.G.L. c. 4, § 7(26).

(d) upon a determination of the public record status of the documents, they are promptly returned to the custodian, and no copies shall be retained by the Supervisor.

(e) any public record request made to the Division for records being reviewed in camera would necessarily be denied, as the office would not be the custodian of those records.

(f) attorney-client privileged records voluntarily submitted to Supervisor:

1. a records access officer may voluntarily submit documents to the Supervisor for in camera review;
2. such submission shall not waive any legally applicable privileges claimed by the agency or municipality.

(5) Custodial Indexing of Records.

(a) the Supervisor may require a records access officer or custodian to compile an index of the requested records within the context of a public records appeal under 950 CMR 32.08.

(b) said index shall be a public record and shall meet the following requirements:

1. the index shall be contained in one document, complete in itself;
2. the index shall adequately describe each withheld record or redaction from a released record;
3. the index must state the exemption or exemptions claimed for each withheld record or each redaction of a record; and

4. the descriptions of the withheld material and the exemption or exemptions claimed for the withheld material must be sufficiently specific to permit the Supervisor to make a reasoned judgment as to whether the material is exempt.

(c) nothing in 950 CMR 32.08 shall preclude the Supervisor from employing alternative or supplemental procedures to meet the particular circumstances of each appeal.

**Credits**

History: 1445 Mass. Reg. 89, amended eff. Jun. 11, 2021.

The Massachusetts Administrative Code titles are current through Register No. 1567, dated February 13, 2026. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 950, § 32.08, 950 MA ADC 32.08

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Code of Massachusetts Regulations  
Title 950: Office of the Secretary of the Commonwealth  
Chapter 32.00: Public Records Access (Refs & Annos)

950 CMR 32.09

32.09: Enforcement of Orders

Currentness

A records access officer shall promptly take such steps as may be necessary to comply with an order of the Supervisor. If a records access officer fails to comply with an order issued by the Supervisor, the Supervisor, upon the Supervisor's initiative, may notify the Attorney General to ensure compliance.

The Massachusetts Administrative Code titles are current through Register No. 1567, dated February 13, 2026. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 950, § 32.09, 950 MA ADC 32.09

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Code of Massachusetts Regulations  
Title 950: Office of the Secretary of the Commonwealth  
Chapter 32.00: Public Records Access (Refs & Annos)

950 CMR 32.10

32.10: Advisory Opinions

Currentness

Advisory opinions from the Supervisor may be requested. However, it shall be in the Supervisor's discretion whether to issue an advisory opinion. The Supervisor has and will continue to provide a staff member on call every day during regular business hours to offer informal information to any person, whether a requester or custodian.

The Massachusetts Administrative Code titles are current through Register No. 1567, dated February 13, 2026. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 950, § 32.10, 950 MA ADC 32.10

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**The Commonwealth of Massachusetts**

INITIATIVE PETITION OF DANIELLE SUSAN ALLEN AND OTHERS.

OFFICE OF THE SECRETARY.

BOSTON, January 7, 2026.

Timothy Carroll  
*Clerk of the House of Representatives*  
State House  
Boston, Massachusetts 02133

Sir: — I herewith transmit to you, in accordance with the requirements of Article XLVIII of the Amendments to the Constitution “An Initiative Petition for a Law to Improve Access to Public Records,” signed by ten qualified voters and filed with this department on or before December 3, 2025, together with additional signatures of qualified voters in the number of 89,013, being a sufficient number to comply with the provisions of said Article.

Sincerely,

WILLIAM FRANCIS GALVIN  
*Secretary of the Commonwealth.*

AN INITIATIVE PETITION.

Pursuant to Article XLVIII of the Amendments to the Constitution of the Commonwealth, as amended, the undersigned qualified voters of the Commonwealth, ten in number at least, hereby petition for the enactment into law of the following measure:

**HOUSE . . . . . No. 5004**

---

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act to improve access to public records.

*Be it enacted by the People, and by their authority, as follows:*

1           SECTION 1. The first paragraph of Clause Twenty-Sixth of Section 7 of Chapter 4 of the  
2 General Laws is hereby amended by inserting after the words “chapter 32” the following phrase  
3 “or by the general court, or by the office of the governor of the commonwealth,”.

4           SECTION 2. Said Clause Twenty-Sixth of Section 7 of Chapter 4 of the General Laws is  
5 hereby further amended by inserting the following new subparagraphs following subparagraph  
6 (v):-

7 (w) communications between a member of the general court, or such member’s employee, agent,  
8 or representative, and any constituent of such member; provided, however, that the  
9 communications reasonably relate to a constituent’s request for assistance in obtaining  
10 government-provided benefits or services or otherwise interacting with a state or federal agency.

11 (x) communications, memoranda, drafts or other documents relating to developing policy  
12 positions of members of the general court or the governor of the commonwealth.

13           SECTION 3. The third sentence of the first paragraph of Section 6A of Chapter 66 of the  
14 General Laws is hereby amended by striking said third sentence and inserting in place thereof the  
15 following:-

16 For the purposes of this chapter the term "agency" shall mean any entity, other than a  
17 municipality, that is identified in clause twenty-sixth of section 7 of chapter 4 as possessing  
18 "public records," as defined therein, including the general court and the office of the governor of  
19 the commonwealth.

20           SECTION 4. Section 18 of Chapter 66 of the General Laws is hereby amended by  
21 striking said Section 18 and inserting in place thereof the following:-

22 Section 18. Declarations, affidavits and other papers filed by claimants in the office of the  
23 secretary of veterans' services or records kept by the secretary for reference by the officials of  
24 their office, shall not be considered public records for the purposes of this chapter.

25           SECTION 5. This act shall take effect on January 1, 2027.

FIRST TEN SIGNERS

<u>NAME</u>	<u>RESIDENCE</u>	<u>CITY OR TOWN</u>
Danielle Susan Allen	102 Otis Street, #2	Cambridge
Diana Fay DiZoglio	30 Olive Street	Methuen
Philip John Edmundson	55 Cottage Street	Hingham
Jennifer Ann Nassour	12 Mountview Road	Wellesley
Rachel A. Poliner	44 Clement Avenue	Boston
Vivian Birchall	16 Wampus Avenue, #14	Acton
Kate Kavanagh	409 Old Bedford Road	Concord
Kevin Pitney Johnson	131 Windsor Road	Newton
Peter D. Enrich	56 North Tabor Farm Road	Chilmark
Richard Jeffrey Lyman	41 Turkey Shore Road	Ipswich

CERTIFICATE OF THE ATTORNEY GENERAL.

September 3, 2025.

Honorable William Francis Galvin  
*Secretary of the Commonwealth*  
One Ashburton Place, Room 1705  
Boston, Massachusetts 02108

Re: Initiative Petition No. 25-14: Initiative Petition for a Law to Improve  
Access to Public Records

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

ANDREA JOY CAMPBELL,  
*Attorney General.*

## SUMMARY OF 25-14

This proposed law would make most records held by the Legislature and the Office of the Governor public records under the Massachusetts Public Records Law. This proposed law would exempt documents related to the development of public policy and communications between legislators and their constituents, if those communications are reasonably related to a constituent's request for assistance in obtaining government-provided benefits or services or interacting with a government agency.

**SENATE . . . . . No. 3015**

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Senate, March 12, 2026 -- (Filed by Ms. Friedman) Order relative to requesting the opinions of the Honorable Justices of the Supreme Judicial Court on important questions of law relative to the public records law

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**The Commonwealth of Massachusetts**

Senate, March 12, 2026.



\_\_\_\_\_  
**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
\_\_\_\_\_

*Whereas*, Initiative Petition 25-14 has been filed and certified, in accordance with Article XLVIII of the Amendments to the Constitution of the Commonwealth, seeking passage of legislation, House No. 5004 entitled “An Act to improve access to public records,” hereinafter referred to as “the petition,” which is pending before the General Court; and

*Whereas*, The petition purports to amend certain provisions of the General Laws to extend application of Chapter 66 of the General Laws, hereinafter referred to as “the public records law,” to the General Court and the office of the Governor; and

*Whereas*, The petition seeks to supersede the authority granted by the Constitution of the Commonwealth to each house of the General Court to make its own rules and manage its own proceedings, including the authority to manage and maintain its records; and

*Whereas*, By extending application of the public records law to the General Court, the petition purports to grant the Secretary of the Commonwealth and the Attorney General the authority to oversee and direct the General Court’s compliance with the public records law; and

*Whereas*, By extending application of the public records law to the General Court, the petition purports to grant the judicial branch new and unprecedented authority to review and invalidate determinations made by the General Court concerning the management and maintenance of its own records and order relief, including, but not limited to, injunctions, attorneys’ fees and costs and punitive damages, against the General Court in such matters; and

*Whereas*, By extending application of the public records law to the General Court, the petition imposes duties on the General Court that may violate or intrude upon rights granted to members and staff of the General Court pursuant to Part I, Article XXI of the Constitution of the Commonwealth, namely freedom of deliberation, speech and debate; and

*Whereas*, Grave doubt exists as to whether the petition proposes a law within the meaning of Article XLVIII, The Initiative, Part II, Section 3 of the Amendments to the Constitution of the Commonwealth; and

*Whereas*, Grave doubt further exists as to whether the petition relates “to the powers . . . of courts,” which is an excluded subject matter under Article XLVIII, The Initiative, Part II, Section 2 of the Amendments to the Constitution of the Commonwealth; and

*Whereas*, Grave doubt further exists as to whether the petition, if enacted, would comply with certain provisions of the Constitution of the Commonwealth, including, but not limited to, the Senate’s constitutional authority to make its own rules and manage its own proceedings, separation of powers and legislative immunity and privilege; now therefore be it

*Ordered*, That the opinions of the Honorable Justices of the Supreme Judicial Court be required by the Senate on the following important questions of law:-

1. Does the petition, which proposes statutory changes relating to the retention of and access to records of the General Court, propose a rule relating to internal legislative procedures, not a law, and is, therefore, not properly introduced and pending before the General Court under Article XLVIII, The Initiative, Part II, Section 3 of the Amendments to the Constitution of the Commonwealth?
2. Does the petition relate “to the powers . . . of courts,” insofar as it grants the judicial branch new and unprecedented authority to review, decide and order relief in challenges to records determinations made by the General Court, and is thus excluded from the initiative process under Article XLVIII, The Initiative, Part II, Section 2 of the Amendments to the Constitution of the Commonwealth?
3. If the petition is properly introduced and pending, does the petition, by amending the public records law to include the General Court within its ambit, violate or intrude upon the Senate’s authority to “determine its own rules of proceedings” for its records under Part II, Chapter 1, Section 2, Article VII of the Constitution of the Commonwealth?
4. If the petition is properly introduced and pending, does the petition’s grant of authority over the records of the General Court—and to supersede legislative rules and proceedings related to those records—to the judicial branch and to executive branch officers, including the Secretary of the Commonwealth and Attorney General, violate Part I, Article XXX of the Constitution of the Commonwealth?

5. If the petition is properly introduced and pending, does the petition violate or intrude upon rights granted to members and staff of the General Court pursuant to Part I, Article XXI of the Constitution of the Commonwealth, namely freedom of deliberation, speech and debate?



13 [Adopted Jan. 12, 1983; Amended Jan. 11, 1985; Jan. 12, 1987; Jan. 14, 1997; May 16,  
14 2000.]

15 2. The Speaker shall preserve decorum and order in the House Chamber. While in the House  
16 Chamber, members, staff and guests shall be required to dress in proper and appropriate attire  
17 and be courteous and professional when using electronic devices. The committee on Operations,  
18 Facilities and Security, in consultation with the Speaker, may establish policies and procedures  
19 for the preservation of decorum and order in the galleries of the House Chamber to ensure that  
20 the House may conduct its business without undue disruption.

21 Members, staff and guests shall not take photographs or videos of, or in, the House Chamber  
22 during formal or informal sessions unless otherwise permitted by this Rule. Members may take  
23 photographs at their assigned seats in the chamber during formal or informal sessions; provided,  
24 however, that any photographs or video taken by members during formal or informal sessions  
25 shall not include images of any other member, staff or guest without their express written  
26 consent.

27 The Speaker may permit photographs or videos during special occasions, which shall include,  
28 but shall not be limited to, swearing-in ceremonies and addresses by constitutional officers or  
29 other dignitaries. The use of audio-visual aids including, without limitation, videos, computers,  
30 posters, displays or charts shall be permitted only upon approval of the Speaker.

31 The Speaker also may speak to points of order in preference to other members; and shall  
32 decide all questions of order, subject to an appeal to the House. [2.] (2.) [With regard to appeals,  
33 see Rule 77.]

34 [Amended Jan. 11, 1985; Jan. 9, 2003; Jan. 20, 2011; Jan. 29, 2015; Jan. 30, 2019; Feb. 25,  
35 2025.]

36 3. The Speaker shall declare all votes, subject to verification as hereinafter provided. [3.] (55.)  
37 [See Rules 49 to 53, inclusive.]

38 [Amended Jan. 11, 1985.]

39 4. In all cases the Speaker may vote. [4.] (3.)

40 [Amended Jan. 11, 1985.]

41 4A. There shall be a Speaker pro Tempore. The Speaker pro Tempore shall assist the Speaker  
42 in the coordination of policy development and the ceremonial functions of the House and shall  
43 perform such duties assigned to them by the Speaker. Upon a vacancy in the office of Speaker,  
44 the office of Speaker pro Tempore shall be considered vacant.

45 [Adopted Jan. 26, 2005, Amended, Jan. 23, 2007; Jan. 30, 2019; Feb. 25, 2025.]

46 4B. (a) As used in this Rule, the following words shall have the following meanings:-

47 “Earned income”, income derived from salaries, wages, tips and commissions for performing  
48 services as an employee of an employer.

49 “Unearned income”, all other income that is not earned income.

50 (b) The Speaker shall not receive earned income for:

51 (1) affiliating with or being employed by a firm, partnership, association, corporation or other  
52 entity that provides professional services involving a fiduciary relationship;

53 (2) permitting their name to be used by such a firm, partnership, association, corporation or  
54 other entity;

55 (3) receiving compensation for practicing a profession that involves a fiduciary relationship;  
56 or

57 (4) serving as an officer or member of the board of an association, corporation or other entity.

58 (c) The provisions of this rule shall take effect on August 1, 2017.

59 [Added Feb. 2, 2017; Amended Jan 30, 2019.]

60 5. The Speaker may appoint a member to perform the duties of the Chair. In the event the  
61 Speaker fails to appoint a member to perform the duties of the Chair, the Speaker pro Tempore  
62 shall be the Acting Speaker until the Speaker otherwise provides or until a vacancy in the office  
63 of Speaker occurs. In the event that the Speaker pro Tempore is absent or is unable to perform  
64 the duties of Acting Speaker, the Majority Leader, the Assistant Majority Leader, the Second  
65 Assistant Majority Leader or other designee shall be the Acting Speaker. [7.] (4.)

66 [Amended April 18, 1979; Jan. 11, 1985; Jan. 14, 1997; Jan. 26, 2005.]

67 6. In case of a vacancy in the office of Speaker, or in case the Speaker or the member named  
68 by said Speaker in accordance with the preceding rule is absent at the hour to which the House  
69 stands adjourned, the senior member present shall call the House to order, and shall preside until  
70 a Speaker is elected, which shall be the first business in order. [8.] (5.)

71 [Amended Jan. 11, 1985, Amended, Jan. 23, 2007.]

72 7. At the beginning of the first year of the two-year General Court, the Speaker may, unless  
73 the House otherwise directs, appoint a Chaplain; and the Speaker may fill any vacancy in the  
74 office of Chaplain. [7A.] (4.)

75 [Amended Jan. 11, 1985; Jan. 29, 2015.]

76 **SCHEDULING.**

77 7A. There shall be appointed a standing committee on Steering, Policy and Scheduling  
78 consisting of eleven members. The committee shall not be subject to the provisions of Rule 17A,  
79 but shall be authorized to meet from time to time at the call of the Chair for the purpose of  
80 assisting the members of the House of Representatives in identifying the major matters pending  
81 before the General Court, the relative urgency and priority for consideration of such matters, and  
82 alternative methods of responding to such matters by the General Court. Said committee shall  
83 schedule legislative matters in a manner that will provide for an even distribution and orderly  
84 consideration of reports of legislative committees on the daily Calendar.

85 The committee on Steering, Policy and Scheduling shall not be authorized to recommend  
86 changes or amendments to legislation or recommend that a matter ought to pass or ought not to  
87 pass, but shall only report asking to be discharged from further consideration of a bill, and  
88 recommending that it be referred or recommitted to another committee; provided, however, that  
89 it shall not recommend that a matter be referred or recommitted to the committee on Rules or the  
90 committees on Rules of the two branches, acting concurrently, or what date a matter shall be  
91 scheduled for consideration by the House and placed in the Orders of the Day. All reports by the  
92 committee on petitions filed or approved by the voters of a city or town, or by the mayor and city  
93 council, or other legislative body of a city or the town meeting of a town with respect to a law

94 relating to that city or town shall be read and considered by the House at a formal or informal  
95 session before being accepted, rejected or otherwise acted upon. Any such petition and any  
96 attachment to the petition shall be filed in both paper and electronic format approved by the  
97 Clerk.

98 All matters received from the Senate or reported from standing committees of the House and  
99 joint standing committees of the General Court shall, unless subject to provisions of any other  
100 House or joint rules, be referred to the committee on Steering, Policy and Scheduling. All  
101 matters reported by said committee on Steering, Policy and Scheduling recommending that a  
102 matter shall be scheduled for consideration by the House shall be placed in the Orders of the Day  
103 for the next sitting. Said committee may report on a legislative matter within thirty days  
104 following the day the matter was referred. If the committee fails to report a matter within thirty  
105 days following the date of its reference, the Clerk shall place the matter on the Calendar of the  
106 House as if it had been scheduled for consideration by said committee on Steering, Policy and  
107 Scheduling.

108 [Adopted Jan. 14, 1997; Amended Jan. 26, 1999; Jan. 24, 2001; Jan. 9, 2003; Jan. 26, 2005.]

109 7B. The committee on Rules shall be authorized to originate and report special orders for the  
110 scheduling and consideration of legislation on the floor of the House. Said committee shall not  
111 be subject to the notification provisions contained in Rule 17A but may hold public hearings and  
112 shall accept testimony only from the members of the House. A majority of the members  
113 appointed to the committee shall constitute a quorum. When reported, such orders may be  
114 amended by a two-thirds vote of the members present and voting, and shall be subject to  
115 approval by a majority of the members of the House present and voting. Debate on the question

116 on adoption of such orders shall be limited to one hour. No orders adopted pursuant to this  
117 paragraph shall limit the powers of the Speaker as provided in Rules 1 to 6, inclusive. Such  
118 orders shall not be subject to reconsideration.

119 The committee on Rules shall not be subject to the provisions of Rule 17A, but may meet in  
120 private to discuss or consider the appointment, discipline or dismissal of any individual the  
121 committee is authorized by law or rule to appoint, discipline or dismiss.

122 [Adopted Jan. 14, 1997; Amended Jan. 24, 2001; Feb. 11, 2009; Jan. 30, 2019; Feb. 1, 2023.]

123 7C. The committee on Rules may consider and make recommendations designed to improve  
124 and expedite the business and procedures of the House and its committees, and to recommend to  
125 the House any amendments to the Rules deemed necessary; provided that a majority of the  
126 members of the House present and voting shall be required to approve such recommendations.

127 The committee shall be privileged to report at any time.

128 [Adopted Jan. 14, 1997.]

129 7D. The Speaker shall, in consultation with the committee on Rules and the committee on  
130 Steering, Policy and Scheduling, establish a committee scheduling system that minimizes to the  
131 greatest extent possible scheduling conflicts for members of committees.

132 The Speaker shall determine a schedule for the House for each week relative to formal and  
133 informal sessions and shall make such schedule available to the members in writing or by  
134 electronic mail by 5:00 P.M. on Friday of the preceding week; provided, however, that the  
135 Speaker may make, notwithstanding the provisions of Rule 7A, changes in the schedules to  
136 facilitate the business of the House in an efficient and timely fashion. The Speaker shall

137 communicate notice of any such scheduling change to the members in writing or by electronic  
138 mail as soon as practicable, and whenever possible, the Speaker shall provide such notice not  
139 less than twenty-four hours before the event so rescheduled is set to commence.

140 [Adopted Jan. 14, 1997; January 9, 2003; Jan. 30, 2019.]

141 **MONITORS.**

142 8. Two monitors shall be appointed by the Speaker for each division of the House, whose  
143 duty it shall be to see to the due observance of the rules, and, on request of the Speaker, to return  
144 the number of votes and members in their respective divisions. [9.]

145 9. If a member transgresses any of the rules after being notified thereof by a monitor, it shall  
146 be the duty of such monitor to report the case to the House.

147 It shall be the duty of a monitor to report their knowledge of the occurrence of a member  
148 voting for another member, in their division of the House, to the Speaker of the House and to the  
149 Minority Leader. [10.] [See Rules 16 and 16A.]

150 [Amended Jan. 9, 1991; May 5, 1993; Feb. 11, 2009; Jan. 30, 2019.]

151 9A. There shall be established a Floor Division Committee for each of the four divisions of  
152 the House. The Speaker shall appoint a Floor Division chairperson for each of the four divisions.  
153 Said committee shall consist of the members assigned to the respective divisions.

154 In order to create a continuous flow of debate, each chairperson shall be responsible for  
155 reviewing the daily Calendar and providing advance notice to committee members in the  
156 respective divisions of all matters scheduled for consideration in the Orders of the Day. Said  
157 committee chairpersons shall provide information to members of their committees on pending

158 legislation and other matters of business before the House, and shall serve as the primary liaison  
159 between their respective committees and the Speaker of the House. The committee chairpersons  
160 shall advise the Speaker on operational matters, including session coordination, debate, and  
161 remote voting, as necessary, and other critical business before the House. The committee  
162 chairpersons shall facilitate discussions among committee members and ensure that committee  
163 members are fully equipped to engage in informed and productive debate.

164 [Adopted Jan. 14, 1997; Amended Feb. 25, 2025.]

165 **CLERK.**

166 10. The Clerk shall keep the Journal of the House. The Clerk shall enter therein a record of  
167 each day's proceedings and, whenever practicable, submit it to the Speaker and the Minority  
168 Leader before the hour fixed for the next sitting, and shall cause the same to be available daily in  
169 a format to be determined by the Clerk; and provided further that a copy of said Journal shall  
170 also be made available to each member of the House. Any objection to the Journal shall be made  
171 before the House proceeds to the consideration of the Orders of the Day. [11.] (6.)

172 [Amended Jan. 12, 1981; Jan 11, 1985; Jan. 17, 1995; Jan. 9, 2003.]

173 10A. The Clerk shall be the official parliamentarian of the House of Representatives.

174 [Adopted Jan. 9, 1991.]

175 10B. The Clerk shall be the official keeper of records of the House of Representatives for  
176 legislative records that remain in the office of said Clerk at the end of each biennial session, and  
177 until such time as said records are transferred to the State Archives or destroyed in accordance  
178 with law.

179 [Adopted Jan. 29, 2015.]

180 11. Every question of order with the decision thereof shall be entered at large in the Journal,  
181 and shall be noted in an appendix, which shall also contain the rules of the House and of the two  
182 branches. [12.] (6.)

183 12. The Clerk shall prepare and make available on each day of formal session a Calendar of  
184 matters in order for consideration and such other memoranda as the House or the Speaker may  
185 direct. The Clerk shall prepare a Calendar on which shall appear any question on passage of a  
186 bill or resolve notwithstanding the objections of Their Excellency the Governor which may be  
187 considered forthwith at the direction of the House or Speaker.

188 When, in the determination of the Clerk, a volume of matters exists for the next legislative  
189 day, the Clerk shall be authorized to prepare and cause to be made available an advance calendar  
190 of the matters in order of consideration for the next legislative day and such other memoranda as  
191 the House or Speaker may direct. The Clerk may indicate on the advance calendar that the  
192 matters contained therein are subject to change.

193 The Clerk shall be authorized to dispense with preparing and making available a Calendar for  
194 designated formal sessions of the House only after two-thirds of the members present and voting  
195 consent thereto on a recorded yea and nay vote. Debate on this question shall be limited to fifteen  
196 minutes, no member shall speak more than three minutes, and such question shall not be subject  
197 to reconsideration.

198 The Clerk shall dispense with preparing and making available a Calendar for designated  
199 Informal Sessions of the House.

200 As soon as practicable whenever the Clerk prepares a Calendar or advance Calendar under  
201 this rule, they shall also cause a true copy thereof to be posted on the website of the General  
202 Court that is generally available to all members and their staff, and reasonably promptly  
203 thereafter the Clerk shall cause the members and their staff to be notified of the same by way of  
204 electronic mail. [13.] (7.)

205 [Amended Jan. 12, 1983; Jan. 11, 1985; Jan. 12, 1987; May 5, 1993; Jan. 17, 1995; Jan. 24,  
206 2001; Jan. 9, 2003; Jan. 26, 2005, Jan. 23, 2007; Jan. 30, 2019; Feb. 1, 2023.]

207 13. Any objection to the Calendar shall be made and disposed of before the House proceeds to  
208 the consideration of the Orders of the Day. [14.]

209 13A. The Clerk shall make available to all members electronically and, to the public via the  
210 website of the General Court, the text of all dockets and bills introduced and admitted for  
211 consideration in the House.

212 [Adopted, Feb. 11, 2009; Jan. 30, 2019; July 7, 2021; Feb. 1, 2023.]

213 **COUNSEL.**

214 13B. (a) The House shall employ a full-time Counsel pursuant to section 51 of chapter 3 of  
215 the General Laws. The committee on Rules shall appoint a qualified person to act as Counsel at  
216 such compensation as the committee on Rules shall approve.

217 Counsel shall serve a term of two years from the date of appointment, unless the Counsel  
218 sooner resigns, retires or is removed; provided, however, that the Counsel may only be removed:  
219 (i) for misfeasance, malfeasance or nonfeasance, as determined by the Director of Human

220 Resources appointed pursuant to Rule 90 and approved by a majority vote of the committee on  
221 Rules; or (ii) by a majority roll call vote of the House.

222 Counsel may employ such legal and other assistants as may be necessary in the discharge of  
223 Counsel's duties, subject to the approval of the committee on Rules, and may expend with like  
224 approval such sums as may be necessary for the discharge of their duties.

225 (b) Counsel shall be the chief legal officer of the House and shall perform all duties generally  
226 required of a counsel to an organization and specifically those required pursuant to any general  
227 or special law, rule, regulation, or order of the House. Counsel shall provide legal and legislative  
228 drafting services to all members regardless of party or seniority.

229 [Added Jan. 30, 2019; Feb. 25, 2025.]

### 230 **HOUSE BUSINESS MANAGER.**

231 13C. (a) The House shall employ a full-time House Business Manager. The committee on  
232 Operations, Facilities and Security shall appoint a qualified person to act as House Business  
233 Manager at such compensation as the committee on Operations, Facilities and Security shall  
234 approve.

235 Subject to the approval of the committee on Operations, Facilities and Security, the House  
236 Business Manager may employ such assistants as may be necessary in the discharge of their  
237 duties and may expend with like approval such sums as may be necessary for the discharge of  
238 their duties.

239 (b) The House Business Manager shall be the chief finance manager of the House and shall  
240 report to the committee on Operations, Facilities and Security, which shall provide oversight of

241 the House Business Manager generally and approval of any decisions made by the House  
242 Business Manager having a substantial impact on the House of Representatives, as determined  
243 by the committee. The House Business Manager shall perform all duties generally required of a  
244 finance manager to an organization and specifically those required pursuant to House Rules or as  
245 directed by the committee on Operations, Facilities and Security. Such duties shall include,  
246 without limitation, overseeing the provision of outside, independent audits of House financial  
247 accounts pursuant to House Rule 85A; the execution and management of all procurements  
248 pursuant to House Rule 87; the maintenance of and adherence to internal control policies and  
249 procedures related to the House’s finances and administration; and the maintenance of House  
250 invoices, receipts, vouchers, contracts, and related documentation.

251 [Adopted Feb. 25, 2025.]

252 **MEMBERS.**

253 14. No member shall stand up, to the inconvenience of others, while a member is speaking; or  
254 be involved in disturbing conversation while another member is speaking in debate; or pass  
255 unnecessarily between the Speaker of the House and the member speaking; or stand in the  
256 passages, or in the area in front of the Chair; or stand at the Clerk’s desk while a roll call is in  
257 progress. [16.]

258 [Amended Jan. 12, 1987; Jan. 9, 1989; Jan. 26, 1999.]

259 14A. [Adopted Feb. 11, 2009; Omitted Jan. 29, 2015.]

260 15. When it appears to the Chair that the presence of a quorum is endangered, the Chair shall  
261 order the doors closed. If a quorum is doubted the Chair shall order the doors closed and  
262 thereafter no member shall enter or leave the House until an initial determination has been made

263 as to the presence of a quorum or lack thereof; and thereafter, provided that no quorum is  
264 present, no member shall leave the House unless by permission of the Chair, but members shall  
265 be admitted, at any time.

266 Upon the doubting of a quorum and after ascertaining that a quorum is not present, the  
267 Speaker may order a recorded attendance roll call to be taken by use of the electronic roll call  
268 system.

269 Said roll call, if ordered, shall be taken at a time determined by the Speaker.

270 Members answering a quorum call shall vote “YES” on the roll call system. [17.] (11.)

271 [Amended Jan. 12, 1981; Feb. 22, 1982; Jan. 12, 1983; Jan. 12, 1987; Jan. 9, 1991.]

272 **ETHICS.**

273 16. There shall be appointed a committee on Ethics as authorized by Rule 17. The committee  
274 shall consist of 11 members, 7 of whom shall be appointed by the Speaker, 4 of whom shall be  
275 appointed by the Minority Leader.

276 A member appointed to the committee shall not be considered to be a member of the  
277 committee subsequent to the declaration of candidacy for any other state or federal elective  
278 office.

279 The committee shall investigate and evaluate, (i) at the direction of the Speaker, (ii) by a  
280 sworn written complaint filed and delivered by a member, officer or employee to the chair, (iii)  
281 or by a majority vote of the members appointed to the Ethics committee, any matters relative to  
282 alleged violations of Rule 16A by a member, officer or employee.

283        Upon the receipt of a sworn written complaint, at the direction of the Speaker or by a majority  
284        vote of the members appointed to the Ethics committee, the committee shall notify any person  
285        named of the nature of the alleged violation and a list of prospective witnesses, and also shall  
286        notify said person of the final disposition and the recommendations, if any, of the committee.

287        Any member, officer, or employee of the House named relative to an alleged violation shall  
288        be afforded the opportunity to appear before the committee on Ethics with counsel.

289        All proceedings including the filing of the initial complaint shall be considered confidential  
290        information.

291        If the alleged violation received in the manner described above is deemed to have merit by a  
292        majority vote of the members appointed to the committee, the committee shall file a report with  
293        the Clerk of the House. Said report shall be a public document. The committee shall not disclose  
294        any allegation deemed to be frivolous or without merit.

295        If a majority appointed finds that any member, officer, or employee of the House has violated  
296        any provision of Rule 16A, a majority appointed may, in the case of a member, recommend a  
297        reprimand, censure, removal from a committee or position of authority, including leadership,  
298        chair or vice chair, or expulsion; and in the case of an officer or employee, a majority appointed  
299        may recommend a reprimand, suspension, or removal from employment.

300        Should such an alleged violation be filed with the committee regarding a member or members  
301        of the House Ethics committee, said member or members shall not participate in the committee  
302        deliberations on said alleged violation.

303 Any member, officer, or employee of the House may request in writing from the House  
304 committee on Ethics or from the Counsel to the House appointed pursuant to Rule 13B a  
305 confidential written advisory opinion on the requirements of chapters 268A and 268B of the  
306 General Laws as well as an opinion on any other general or special law, rule or regulation  
307 applicable to their official position or concerning any contemplated personal action which may  
308 conflict with their official position. The committee on Ethics or the Counsel to the House shall  
309 issue confidential written advisory opinions and clarification in response to said written request.

310 No member, officer or employee of the House shall be penalized in any manner for having  
311 acted within the guidelines of a written advisory opinion from the House committee on Ethics or  
312 from the Counsel to the House appointed pursuant to Rule 13B, provided that all pertinent facts  
313 are stated in the request for an advisory opinion.

314 A written advisory opinion from the House committee on Ethics or from the Counsel to the  
315 House appointed pursuant to Rule 13B shall be a defense in any proceeding arising from said  
316 opinion or advice unless material facts were omitted or misstated by the person in the request of  
317 the opinion.

318 The chair of the Ethics committee may convene the committee at any time.

319 The chair shall also convene the committee at the written request of at least 5 members of the  
320 committee.

321 The committee may, upon the written and signed report of two-thirds of the members of the  
322 committee, file a special report containing legislation without said legislation being founded  
323 upon petition which shall be referred under the provisions of Rule 24 and consistent with the  
324 provisions of Joint Rule 13, to the appropriate joint standing committee. Any special report

325 containing legislation filed pursuant to this paragraph shall be germane to subject matters  
326 regularly considered by the committee. The committee shall not include in any such special  
327 report a bill that would have a fiscal impact as described in Rule 33.

328 Upon convening of the first annual session of the General Court and after the adoption of  
329 rules, all members, officers and employees of the House shall be provided with a current copy of  
330 the Code of Ethics contained in Rule 16A. [19.] (12A.)

331 [Amended Jan. 12, 1987; May 5, 1993; Jan. 17, 1995; Mar. 6, 1995; Jan. 14, 1997; Jan. 20,  
332 2011; Feb. 11, 2009; Jan. 29, 2015; Jan. 30, 2019; July 7, 2021; Feb. 25, 2025.]

333 **CODE OF ETHICS.**

334 16A. (1.) While members, officers and employees should not be denied those opportunities  
335 available to all other citizens to acquire and retain private, economic and other interests;  
336 members, officers, and employees should exercise prudence in any and all such endeavors and  
337 make every reasonable effort to avoid transactions, activities, or obligations, which are in  
338 substantial conflict with or will substantially impair their independence of judgment.

339 (2.) No member, officer or employee shall solicit or accept any compensation or political  
340 contribution other than that provided for by law for the performance of official legislative duties.

341 (3.) No member, officer or employee shall serve as a legislative agent as defined in section 39  
342 of chapter 3 of the General Laws regarding any legislation before the General Court.

343 (4.) No member, officer or employee shall receive any compensation or permit any  
344 compensation to accrue to their beneficial interest by virtue of influence improperly exerted from  
345 their official position in the House.

346 (5.) No member, officer or employee shall accept employment or engage in any business or  
347 professional activity, which will require the disclosure of confidential information gained in the  
348 course of, and by reason of, their official position.

349 (6.) No member, officer or employee shall willfully and knowingly disclose or use  
350 confidential information gained in the course of their official position to further their own  
351 economic interest or that of any other person.

352 (7.) Except as provided in Rule 49, no member shall cast a vote for any other member, nor  
353 shall any officer or employee vote for any member, except that the Clerk or an assistant Clerk  
354 may record a vote for a member who votes late under the provisions of Rule 52, or is prohibited  
355 from voting from his desk due to a malfunction of the electronic roll call voting system; provided  
356 the Clerk's action shall not be construed as voting for said member.

357 (8.) No member shall use profane, insulting, or abusive language in the course of public  
358 debate in the House Chamber or in testimony before any committee of the General Court.

359 (9.) No member, officer or employee shall employ anyone from public funds who does not  
360 perform tasks which contribute substantially to the work of the House and which are  
361 commensurate with the compensation received. Unless their personnel record indicates  
362 otherwise, no officer or full-time employee of the House shall engage in any outside business  
363 activity during regular business hours, whether the House is in session or not, and all employees  
364 of the House are assumed to be full-time.

365 (10.) No member, officer or employee shall accept or solicit compensation for non-legislative  
366 services which is in excess of the usual and customary value of such services.

367 (11.) No member, officer or employee shall accept or solicit an honorarium for a speech,  
368 writing for publication, or other activity from any person, organization or enterprise having a  
369 direct interest in legislation or matters before any agency, authority, board or commission of the  
370 Commonwealth which is in excess of the usual and customary value of such services.

371 (12.) No member, officer or employee shall knowingly accept any gifts from any legislative  
372 or executive agent as prohibited by law. No member, officer or employee shall knowingly accept  
373 any gift from any person or entity having a direct interest in legislation before the General Court  
374 as prohibited by law. (For the purposes of this paragraph, the terms “gift” and “person” shall be  
375 the same as their definitions in section 1 of chapter 268B of the General Laws).

376 (13.) No member shall convert campaign funds to personal use in excess of reimbursements  
377 for legitimate and verifiable campaign expenditures. Members shall consider all proceeds from  
378 testimonial dinners and other fundraising activities as campaign funds.

379 (14.) No member shall serve on any committee or vote on any question in which their private  
380 right is immediately concerned, distinct from the public interest. [19.]

381 (15.) No member, officer or employee shall violate the confidentiality of any proceeding  
382 before the Ethics committee. [19A.]

383 (16.) Members, officers and employees may utilize public resources to support charitable and  
384 community service activities consistent with the Conflict of Interest Law, G.L. c. 268A, pursuant  
385 to policies established by committee on Human Resources and Employee Engagement pursuant  
386 to Rule 90(h)(2).

387 [Amended Jan. 12, 1981; May 5, 1993; Jan. 24, 2001; Feb. 11, 2009; Jan. 29, 2015; Jan. 30,  
388 2019; Jul. 7, 2021; Feb. 1, 2023; Feb. 25, 2025.]

389 16B. The committee on Human Resources and Employee Engagement shall develop and  
390 conduct an ethics law training program for every member, officer and employee of the House;  
391 provided further, that said training program shall include, without limitation, a review of the  
392 requirements and prohibitions of chapter 268A and chapter 268B of the General Laws, and the  
393 regulations of the State Ethics Commission, as they apply to legislators and legislative staff; and  
394 provided further, that said training program shall be offered virtually or in-person and shall be  
395 mandatory for all members, officers and employees.

396 [Adopted Jan. 9, 2003, Amended Feb. 11, 2009; Jan 20, 2011; Jul. 7, 2021.]

397 16C. Bills involving lobbyists' reporting laws, and laws pertaining to the ethical conduct of  
398 public officials shall, after their first reading, be referred to the committee on Ethics, for report  
399 on their relation to the ethics laws of the Commonwealth. No new provisions shall be added to  
400 such measures by the committee, unless directly pertaining to ethics. [Adopted Feb. 11, 2009.]

401 **COMMITTEES.**

402 17. At the beginning of the first year of the two-year General Court, standing committees  
403 shall be appointed as follows:

404 A committee on Rules;

405 (to consist of 15 members).

406 A committee on Ways and Means;

407 (to consist of 35 members).

408 A committee on Bills in the Third Reading;

409 (to consist of 3 members).

410 A committee of each Floor Division;

411 (to consist of the members of each division).

412 A committee on Ethics;

413 (to consist of 11 members).

414 A committee on Human Resources and Employee Engagement;

415 (to consist of 13 members).

416 A committee on Post Audit and Oversight;

417 (to consist of 11 members).

418 A committee on Steering, Policy and Scheduling;

419 (to consist of 11 members).

420 A committee on Climate Action and Sustainability;

421 (to consist of 11 members).

422 A committee on Federal Funding, Policy and Accountability;

423 (to consist of 11 members).

424 A committee on Operations, Facilities and Security;

425 (to consist of 11 members).

426 A committee on Intergovernmental Affairs;

427 (to consist of 11 members).

428 Committee meetings, insofar as practicable, shall not be scheduled in conflict with formal  
429 sessions of the House of Representatives. [20.] (12, 12A, 12B.)

430 [Amended March 6, 1979; Sept. 16, 1981; Jan. 11, 1985; Jan. 12, 1987; May 5, 1993; Oct. 6,  
431 1993; May 23, 1996; Jan. 14, 1997; Jul. 17, 2003; Jan. 26, 2005, Feb. 11, 2009; Jan. 29, 2015;  
432 Jul. 7, 2021; Feb. 25, 2025.]

433 17A. (a) For the purposes of this rule, the following terms shall, unless the context clearly  
434 requires otherwise, have the following meanings:

435 “Deliberation”, a verbal exchange between a quorum of members of a committee attempting  
436 to arrive at a decision on any public business within its jurisdiction.

437 “Emergency”, a sudden generally unexpected occurrence or set of circumstances demanding  
438 immediate action.

439 “Executive conference”, any meeting or part of a meeting of a committee which is closed to  
440 certain persons for deliberation on certain matters.

441 “Executive session”, any meeting or part of a meeting of a committee wherein the committee  
442 is voting on legislation and where public participation is limited to observance.

443 “Meeting”, any corporal convening and deliberation of a committee for which a quorum is  
444 required in order to make a decision at which any public policy matter over which the committee  
445 has supervision, control, jurisdiction or advisory power is discussed or considered; provided,  
446 however, that “meeting” shall not include an on-site visitation or inspection of any project or  
447 program.

448 “Quorum”, a simple majority of a committee unless otherwise defined by constitution, rule or  
449 law applicable to such committee; provided further, that a quorum shall be presumed to be  
450 present unless otherwise doubted.

451 (b) All meetings, except executive conferences, of House standing and special committees,  
452 shall be open to the public and any person shall be permitted to attend any meeting except as  
453 otherwise provided pursuant to this rule or Rule 7A. All meetings of House standing and special  
454 committees open to the public shall be conducted in-person with the option of remote  
455 participation available to the public; provided, however, that the members of such committees  
456 shall be physically present at the hearing location where in-person public testimony is offered.  
457 All House standing and special committees, in the conduct of their hearings, shall utilize, to the  
458 extent practicable, online platforms or systems that allow for synchronous, audio-visual  
459 communication between the members of the committee and individuals offering testimony  
460 remotely. All hearings of House standing and special committees shall be publicly livestreamed  
461 on the official website of the General Court which shall display and transmit, in real-time, the  
462 audio-visual attributes of public testimony offered remotely; provided further, that said  
463 livestream shall be archived on the official website of the General Court for the duration of the  
464 legislative session. The chairperson of any House standing or special committee conducting a  
465 hearing shall use best efforts to prioritize the testimony of those physically present at the hearing

466 location and may, in their discretion, allow individuals participating in-person a greater amount  
467 of time to testify than those participating remotely. All notices of hearings shall include  
468 instructions on how to offer testimony both in-person and remotely. The chairperson of a House  
469 standing or special committee shall record the attendance of members during committee hearings  
470 and shall cause the attendance to be published on the official website of the General Court  
471 alongside the livestream of the hearing archived on said website.

472 No quorum of a committee shall meet in private for the purpose of deliberation except as  
473 provided pursuant to this rule.

474 No executive session shall be held until: (i) the committee has first convened in an open  
475 session for which notice has been given; (ii) the presiding officer has stated the authorized  
476 purpose of the executive session; (iii) a majority of the members of the committee present have  
477 voted to go into executive session and the vote of each member has been recorded on a roll call  
478 vote and entered into the minutes: and (iv) the presiding officer has stated before the executive  
479 session if the committee will reconvene after the executive session.

480 (c) Executive conferences shall be held only for the following purposes: (i) to discuss the  
481 reputation, character, physical condition or mental health rather than the professional  
482 competence of a member, officer or employee; (ii) to consider the discipline or dismissal of, or to  
483 hear complaints or charges brought against a member, officer or employee; (iii) to discuss  
484 strategy with respect to litigation if an executive session or other open meeting may have a  
485 detrimental effect on the legal position of the committee; or (iv) to consider the purchase,  
486 exchange, lease or value of real property, if such discussions may have a detrimental effect on  
487 the negotiating position of the Commonwealth or a person, firm or corporation.

488 A member, officer or employee subject to an executive conference pursuant to clause (i) or  
489 clause (ii) shall be notified in writing no less than 48 hours prior to the proposed executive  
490 conference; provided, however, that upon agreement of the parties involved, the notification  
491 requirements of clause (i) and clause (ii) may be waived. Upon request of the member, officer or  
492 employee subject to an executive conference pursuant to clause (i) or clause (ii) the executive  
493 conference shall be open to the public.

494 A member, officer or employee subject to an executive conference pursuant to clause (i) or  
495 clause (ii) shall have the right to: (a) be present at such executive conference during discussions  
496 or considerations which involve that member, officer or employee; (b) have counsel or a  
497 representative of their own choosing present and attending for the purpose of advising said  
498 member, officer or employee; provided, however, that said counsel or representative shall not  
499 actively participate in the executive conference; and (c) to speak on their own behalf to the  
500 committee assembled in executive conference.

501 (d) This rule shall not apply to any chance meeting or social meeting at which matters relating  
502 to official business are discussed so long as no final agreement is reached. No chance meeting or  
503 social meeting shall be used in circumvention of the spirit or requirements of this section to  
504 discuss or act upon a matter over which the committee has supervision, control, jurisdiction, or  
505 advisory power.

506 (e) Except pursuant to an emergency, a notice and agenda of every meeting of a committee  
507 subject to this rule shall be filed with the Clerk of the House, publicly posted by the Clerk on the  
508 bulletin board outside the Clerk's Office and in such other places as are designated in advance  
509 for such purpose by said Clerk, made available to all members electronically and made available

510 to the public via the website of the General Court at least 72 hours prior to the time of such  
511 meeting and a list of the bills, petitions, and resolutions to be considered for a vote or other  
512 action by the committee. The notice shall include the date, time and place of such meeting. Such  
513 filing and posting shall be the responsibility of the committee scheduling such meeting. If public  
514 testimony is being solicited, agendas shall include an electronic mail address and physical mail  
515 address for the submission of testimony and instructions on how the public may participate  
516 remotely, and the committee shall make reasonable efforts to ensure diversity among those from  
517 whom testimony is solicited. The notice and posting requirements shall not apply to executive  
518 conferences held pursuant to clause (i) or clause (ii) of subsection (c) of this rule unless the  
519 member, officer or employee subject to the executive conference requests that the executive  
520 conference be open to the public.

521 (f) A committee shall maintain accurate records of its meetings and hearings setting forth the  
522 date, time and place thereof, and recording any action taken at each meeting, hearing, executive  
523 conference or executive session. All votes requested to be taken in executive sessions shall be  
524 recorded roll call votes and shall become a part of the record of said executive sessions. The  
525 record of each meeting shall be available to the public on the official website of the General  
526 Court; provided, however, that the records of any executive conference shall remain confidential  
527 as long as publication may defeat the lawful purposes of the executive conference.

528 (g) Upon prior notification and approval of the chair, a meeting of a committee may be  
529 recorded by a person in attendance by means of a recorder or any other means of audio/visual  
530 reproduction; provided, however, that said recording shall not interfere with the conduct of the  
531 meeting. Executive conferences conducted pursuant to clause (i) or clause (ii) of subsection (c)  
532 of this rule shall not be recorded unless upon the request of the member, officer or employee who

533 is subject to said executive conference, and then only at such member's, officer's or employee's  
534 expense. Executive conferences conducted pursuant to clause (iii) or (iv) of subsection (c) of this  
535 rule may be recorded at the discretion of the chair.

536 (h) Copies of all redrafted bills that are to be voted on at an executive session by the House  
537 Ways and Means Committee shall be available to all members of the committee electronically in  
538 the form they will be considered no less than twenty-four hours prior to their consideration;  
539 provided, however, that said committee may vote on a bill that has not been available for said  
540 period of time by vote of a majority of the committee members present.

541 [Adopted Nov. 17, 1983; Amended Jan. 12, 1987; Jan. 9, 1991; May 5, 1993; Jan. 17, 1995;  
542 Jan. 14, 1997; Jan. 9, 2003, Jan. 23, 2007, Feb. 11, 2009; Jan. 30, 2019; Jul. 7, 2021; Feb. 1,  
543 2023; Feb. 25, 2025.]

544 17B. The vote on any legislation in committee shall be a recorded vote of the full committee.  
545 Such votes shall be recorded on appropriate forms that show all votes for and against the  
546 particular committee action; provided, that votes may also be recorded in LAWS. The record of  
547 all such roll calls shall be posted on the official website of the General Court within 48 hours of  
548 the vote.

549 No report of a House committee on any legislation shall be final until those members of the  
550 committee present and voting with the majority have been given the opportunity to sign such  
551 appropriate forms before the report is made to the House. No signature shall be valid unless the  
552 forms to which the signatures are affixed include the substantially complete text of the legislation  
553 being reported.

554 [Adopted Nov. 17, 1983; Amended Jan. 12, 1987, Amended Jan. 29, 2015; Jul. 7, 2021; Feb.  
555 1, 2023; Feb. 25, 2025.]

556 17C. There shall be a committee on Human Resources and Employee Engagement on the part  
557 of the House consisting of thirteen members.

558 Said committee shall discharge its duties pursuant to the Rules, including Rule 16B and Rules  
559 88 through 100, and shall also be responsible for the allocation of office space as equitably as  
560 possible among the various members and joint and standing committees. The committee shall  
561 allocate space among the various committees on the part of the House taking into account the  
562 workload, duties and responsibilities and size of staff of each.

563 The Speaker may make temporary office assignments in accordance with the foregoing  
564 principles.

565 The committee on Human Resources and Employee Engagement may from time to time make  
566 changes in the assignment of office space for committees and the various staffs in accordance  
567 with the established standards.

568 Said committee shall establish the staffing levels and positions for each joint and standing  
569 committee of the House together with a classification plan for all employees of the House of  
570 Representatives.

571 The House staff members of each committee shall be appointed solely on the basis of fitness  
572 to perform the duties of their respective positions, consistent with section 4 of chapter 151B of  
573 the General Laws. The committee staff shall not:

574 (1) engage in any work other than legislative business during business hours unless pursuant  
575 to the pro-bono service policy or charitable and community service activity policy established by  
576 the committee on Human Resources and Employee Engagement pursuant to Rule 90(h)(2); and  
577 (2) be assigned any duties other than those pertaining to legislative business.

578 The committee shall meet on request of the chair or any 3 members of the committee. Any  
579 such meeting requested shall be convened on or within the fifth business day following such  
580 request. All such requests shall be in writing and forwarded to the chair and each member of the  
581 committee.

582 Funds shall be allocated from the budget to carry out the determination of the committee.

583 [Adopted Jan. 11, 1985; Amended Jan. 16, 1985; Jan. 12, 1987; Jan. 9, 1991; Feb. 11, 2009;  
584 Jan. 29, 2015; Jan. 30, 2019; July 7, 2021; Feb. 1, 2023; Feb. 25, 2025.]

585 17D. [Omitted Jan. 26, 2005.]

586 17E. [Omitted Jan. 26, 2005.]

587 17F. [Omitted Jan. 26, 2005.]

588 17G. [Omitted Jul. 7, 2021.]

589 18. The Speaker shall appoint, and may recommend the removal of, the Speaker pro  
590 Tempore, the Majority Floor Leader, Assistant Majority Floor Leader and two Second Assistant  
591 Majority Floor Leaders. The Minority Leader shall appoint, and may recommend the removal of,  
592 the Assistant Minority Floor Leader, Second Assistant Minority Floor Leader, and two Third  
593 Assistant Minority Floor Leaders, Ranking minority member of Ways and Means, two Assistant

594 Ranking minority members of the Ways and Means committee, Ranking minority member of the  
595 committee on Rules, Ranking minority member of the committee on Financial Services, Ranking  
596 minority member of the committee on Health Care Financing, Ranking minority member of the  
597 committee on the Judiciary, Ranking minority member of the committee on Bonding, Capital  
598 Expenditures, and State Assets, Ranking minority member of the committee on Public Safety  
599 and Homeland Security, Ranking minority member of the committee on Transportation and  
600 Ranking minority member of the committee on Economic Development and Emerging  
601 Technologies. The Minority Leader shall be that member of the minority party who is selected  
602 for that position by the members of their party.

603 Each of the foregoing appointments or removals shall be ratified by a majority vote of the  
604 respective party caucus. In the event that an appointment is rejected by such caucus another  
605 appointment shall be made by the person designated to make the initial appointment, which shall  
606 also be subject to ratification in the same manner.

607 The Speaker shall appoint, and may recommend the removal of, the chair of each standing  
608 committee. The Speaker shall appoint, and may recommend the removal of, the vice chair and  
609 assistant vice chair of the Ways and Means committee, the vice chair of the Post Audit and  
610 Oversight committee, the vice chair of the committee on Rules, the vice chair of the committee  
611 on Revenue, the vice chair of the committee on Financial Services, the vice chair of the  
612 committee on Health Care Financing, the vice chair of the committee on Bonding, Capital  
613 Expenditures, and State Assets, the vice chair of the committee on State Administration and  
614 Regulatory Oversight, and the vice chair of the committee on Economic Development and  
615 Emerging Technologies.

616 The majority party shall then vote to accept or reject each such appointment or  
617 recommendation for removal by a majority vote.

618 In the event that any such appointment is rejected by the caucus, the procedure of this rule  
619 shall be repeated until an appointment for the said position has been approved by the caucus. A  
620 vacancy in any position to which the provisions of this section apply shall be filled in the same  
621 manner as provided in this section for original appointment.

622 No member shall receive more than one stipend pursuant to section 9B of chapter 3 of the  
623 General Laws.

624 The Speaker and the Minority Leader may, without a majority vote of their respective parties,  
625 remove a member appointed to a leadership position from said position pursuant to this rule if  
626 the member has been criminally indicted by a court of competent jurisdiction.

627 [Amended Jan. 16, 1979; Nov. 17, 1983; Jan. 11, 1985; Jan. 9, 1991; Jan. 14, 1997; Jan. 23,  
628 2007; Feb. 11, 2009; Jan 23, 2013; Jan. 29, 2015; Feb. 19, 2015; Jan. 30, 2019; Feb. 1, 2023.]

629 18A. There shall be 1 member of the minority party on all committees of conference and 1 on  
630 the committee on Bills in the Third Reading. On all other standing and joint committees, the  
631 percent of minority party membership shall be at least equal to the percent of minority party  
632 membership in the House of Representatives as of the first day of the session; provided, further,  
633 that where such percentage results in a fraction of a number, the fraction shall be rounded off to  
634 the nearest whole; provided, however, that the minority party shall under no circumstances have  
635 fewer than 4 members on the committee on Ethics, 4 on the committee on Human Resources and  
636 Employee Engagement , 3 on the committee on Rules and 7 on the committee on Ways and

637 Means. In no case shall minority party representation be fewer than 2 members on all other  
638 standing and joint committees.

639 The Speaker and the Minority Leader shall appoint the members of their respective party  
640 caucuses to be assigned to each standing committee. The Speaker shall appoint the vice chair of  
641 each standing committee. The appointments, except those to which Rule 18 applies, shall be  
642 voted upon together and shall be subject to ratification by majority vote of the appropriate party  
643 caucus.

644 No member shall be removed from a standing committee except upon the recommendation of  
645 the Speaker or Minority Leader, as the case may be, subject to the ratification by their respective  
646 caucuses; provided, however, that the Speaker and the Minority Leader may, without a majority  
647 vote of their respective parties, remove a member appointed to a standing committee pursuant to  
648 this rule if the member has been criminally indicted by a court of competent jurisdiction; and  
649 provided further, that if any vacancy occurs in a position to which Rule 18 does not apply,  
650 subsequent to the initial ratification, the Speaker or Minority Leader shall fill such vacancy.

651 The Speaker shall announce committee appointments of majority party members, and the  
652 member first named shall be chair, and the second named member shall be vice-chair. The  
653 Minority Leader shall announce committee appointments of minority party members. (13.)

654 [Adopted Jan. 11, 1985; Amended Jan. 12, 1987; Jan. 9, 1991; Jan. 14, 1997; Feb. 11, 2009;  
655 Jan. 30, 2019; Feb. 25, 2025.]

656 18B. All votes on ratification by the caucus required by these rules shall be by written ballot  
657 and shall require a majority of those present and voting; provided, however, that if a motion to

658 ratify the appointments by acclamation is made and seconded, no written ballot shall be required.

659 [Adopted Jan. 11, 1985.]

660 18C. [Adopted, Jan. 11, 1985, Omitted Jan. 24, 2001.]

661 19. A majority and minority party caucus may be called by the Speaker or Minority Leader,  
662 respectively, or upon petition of 25 percent of the members of the respective party caucus. A  
663 caucus may entertain resolutions, motions, or other means of ascertaining the sense of the  
664 respective party members on any subject. (13B.)

665 [Adopted Nov. 17, 1983; Amended Jan. 11, 1985; Jan. 29, 2015.]

666 19A. The majority party and minority party shall establish caucus rules that shall dictate the  
667 procedures of each caucus.

668 19B. Any member caucus or group of members organized around a common legislative  
669 agenda that utilizes House resources, including staff time, shall register with the House  
670 Committee on Rules as a Legislative Member Organization, unless it is a party caucus. The chair  
671 of the House Committee on Rules shall notify the Clerk of the House of any Legislative Member  
672 Organization registering with the Committee and shall maintain a list of all Legislative Member  
673 Organizations.

674 Registration shall include the name of the Legislative Member Organization, its statement of  
675 purpose, identification of its members and officers, and a certification signed by its chair that any  
676 state resources used for the purposes of the Legislative Member Organization shall be not be  
677 used for any partisan political end.

678 A Legislative Member Organization may not include a non-legislator. Senators may belong to  
679 the Legislative Member Organization, but at least one House member shall be an officer of the  
680 Legislative Member Organization in order for the organization to use House resources. A  
681 Legislative Member Organization may, without limitation, sponsor informational or educational  
682 events, may invite outside speakers and groups to make presentations to the members of the  
683 Legislative Member Organization and others, and may distribute any report, analysis, or other  
684 research material prepared by others, provided, that the identity of the person or organization  
685 authoring the work is fully disclosed.

686 A member's official stationery may list their membership in a Legislative Member  
687 Organization.

688 [Adopted Nov. 17, 1983; Amended Jan. 14, 1997; Jul. 7, 2021; Feb. 1, 2023; Feb. 25, 2025.]

689 20. The committee on Ways and Means shall report in appropriation bills the total amount  
690 appropriated. The General Appropriation Bill shall be available to the members at least 7  
691 calendar days prior to consideration thereof by the House. [25.] (27A.)

692 [Amended Jan. 11, 1985; Mar. 24, 1986; Jan. 14, 1997; Jan. 26, 2005; Jan. 29, 2015.]

693 20A. (a) Notwithstanding the provisions of Rule 33A, amendments to the General  
694 Appropriation Bill shall be properly filed with the Clerk in an electronic format to be determined  
695 by the Clerk as directed by the Speaker; provided, that the Clerk shall notify by electronic  
696 communication the primary sponsor of each amendment of the receipt of such amendment and  
697 the number assigned by said Clerk to the amendment; provided further, that the Clerk shall print  
698 each amendment so filed electronically and such printed copy shall be considered to be the  
699 official amendment for that bill. Amendments to said General Appropriation Bill shall be filed

700 with the Clerk by 5 o'clock P.M. on the third business day subsequent to the bill being made  
701 available in a format to be determined by the Clerk as directed by the Speaker pursuant to Rule  
702 20B and release of said bill by said Clerk; provided, that if the release of said bill by said Clerk  
703 occurs before the hour of 2 o'clock P.M., then the same day in which said bill was released shall  
704 be considered the first business day. Otherwise, the day following the release shall be considered  
705 the first business day.

706 (b)(1) The Clerk, with the assistance of the committee on Ways and Means, shall categorize  
707 the subject-matter of the amendments and arrange such amendments for consideration  
708 sequentially by subject as appearing in the published version of the General Appropriation Bill,  
709 or the Clerk, with the assistance of the committee on Ways and Means, shall categorize the  
710 subject-matter of the amendments and arrange such subject matters for consideration as  
711 determined by the committee on Ways and Means. Debate on the General Appropriation Bill  
712 shall not commence until a date and time to be determined by the House which is subsequent to  
713 the designated time established for filing of amendments pursuant to subsection (a) of this rule.

714 (2) Before the main question on the General Appropriation Bill is placed before the House, an  
715 amendment may be withdrawn at the request of the primary sponsor of the amendment or  
716 postponed by the committee on Ways and Means; provided, that further consideration of any  
717 amendment so postponed shall take place immediately subsequent to consideration of the  
718 amendments within the particular subject-matter to which the postponed amendment was  
719 assigned according to the provisions of this subparagraph; provided, that if more than one  
720 amendment is so postponed, subsequent consideration of said amendments shall be in the order  
721 determined by the committee on Ways and Means; provided further, an amendment so postponed  
722 shall not be subsequently considered outside of its assigned subject-matter; and provided further,

723 that perfecting or substitute amendments, including, but not limited to an amendment  
724 consolidating more than one amendment, may be submitted by the committee on Ways and  
725 Means during consideration of the subject category to which the amendment or amendments  
726 were assigned. Any amendment may be removed from a consolidated amendment by the  
727 primary sponsor of the amendment. Any such amendment so removed from a consolidated  
728 amendment shall be offered as an amendment to the General Appropriation Bill, to be acted upon  
729 in the first degree before action is taken on the consolidated amendment, except that any  
730 amendment so removed from the consolidated amendment may be moved by the committee on  
731 Ways and Means from one subject category to another subject category not yet disposed of in the  
732 General Appropriation Bill.

733 (3) A consolidated amendment to the General Appropriation Bill, offered by the committee  
734 on Ways and Means, shall contain a fiscal note indicating its total expenditures.

735 (4) Notwithstanding Rule 74, a consolidated amendment offered by the committee on Ways  
736 and Means, may not be divided.

737 (c) Except for consolidated amendments or perfecting amendments offered by the committee  
738 on Ways and Means, no proposition on a subject different from the amendment under  
739 consideration shall be admitted under color of a further amendment to the General Appropriation  
740 Bill. A consolidated amendment to the General Appropriation Bill, offered by the committee on  
741 Ways and Means, shall be a motion offering an amendment in the second degree.

742 (d) Any amendment to the General Appropriation Bill not complying with this rule shall be  
743 considered withdrawn; provided that, any such amendments shall be published as part of the  
744 amendment list published by the committee on Ways and Means.

745 [Adopted Jan. 24, 2001; Amended Jan. 9, 2003; Jan. 26, 2005; Jan. 23, 2007; Jan. 20, 2011;  
746 Jan. 29, 2015; Feb. 1, 2023.]

747 20B. When the General Appropriation Bill is reported by the committee on Ways and Means,  
748 it shall be made available to all members electronically and to the public via the website of the  
749 General Court in a format to be determined by the Speaker in consultation with the Clerk. The  
750 committee on Ways and Means shall provide the membership with an electronic copy of its  
751 proposed text of said General Appropriation Bill, and an executive summary which shall include  
752 a list of outside sections, and a short summary of each outside section prior to full House  
753 consideration of such bill. When the House considers said General Appropriation Bill, it shall be  
754 read a second time; provided further that amendments relative to enhancing or reducing revenue  
755 shall only be considered prior to the third reading of said bill to be in order, and that all other  
756 amendments to the General Appropriations Bill shall only be considered subsequent to the third  
757 reading of said bill.

758 [Adopted Jan. 9, 2003, Amended Jan. 23, 2007; Feb. 11, 2009; Feb. 1, 2023.]

759 21. Whenever the committee on Ways and Means reports an appropriation bill or capital  
760 outlay bill, it shall make available to the members a report which includes an explanation of any  
761 increase or decrease of five percent or more which results in an increase or decrease of one  
762 million dollars or more for any item for which the Governor has made a recommendation, and an  
763 explanation for the deletion of an item recommended by the Governor, and for the addition of an  
764 item for which the Governor has made no recommendation. [25A.] (27A.)

765 22. Bills and resolves when ordered to a third reading shall be referred forthwith to the  
766 committee on Bills in the Third Reading, which shall examine and correct them, for the purpose

767 of avoiding repetitions and unconstitutional provisions, and insuring accuracy in the text and  
768 references, and consistency with the language of existing statutes; but any change in the sense or  
769 legal effect, or any material change in construction, shall be reported to the House as an  
770 amendment.

771 The committee on Bills in the Third Reading may consolidate into 1 bill any 2 or more related  
772 bills referred to it, whenever legislation may be simplified thereby.

773 Resolutions received from and adopted by the Senate or introduced or reported into the  
774 House, after they are read and before they are adopted, shall be referred to the committee on  
775 Bills in the Third Reading.

776 Amendments of bills, resolves and resolutions adopted by the Senate and sent to the House  
777 for concurrence, shall, subsequently to the procedure required by Rule 35 in respect to  
778 amendments, also be referred, in like manner, to the committee on Bills in the Third Reading.

779 When a bill, resolve or resolution has been so referred, no further action shall be taken until a  
780 report thereon has been made by the committee. Accompanying said report shall be a written  
781 explanation prepared by the committee defining any changes made in a bill, resolve or resolution  
782 so as to facilitate the proceedings of the House.

783 If a bill or resolve referred to the committee on Bills in the Third Reading requires a two-  
784 thirds vote because it contains an emergency preamble, or if it provides for the borrowing of  
785 money by the Commonwealth and comes within the provisions of Section 3 of Article LXII of  
786 the Amendments to the Constitution, or provides for the giving, loaning or pledging of the credit  
787 of the Commonwealth and comes within the provisions of Section 1 of Article LXII (as amended  
788 by Article LXXXIV) of the Amendments to the Constitution, or provides, upon recommendation

789 of the Governor, for a special law relating to an individual city or town and comes within the  
790 provisions of clause (2) of Section 8 of Article LXXXIX of the Amendments to the Constitution  
791 or provides for environmental protection within the provisions of Article XLIX as amended by  
792 Article XCVII, the committee shall plainly indicate the fact on the outside of the bill or resolve,  
793 or on a wrapper or label attached thereto. [26.] (33.)

794 [Amended Jan. 12, 1983; Jan. 11, 1985; May 5, 1993; Jan. 29, 2015; Feb. 1, 2023.]

795 23. Bills and resolves prepared for final passage shall be certified by the Clerk of the House,  
796 after comparison, to be the same as the bills or resolves passed to be engrossed; and if found to  
797 be properly prepared, the Clerk shall so endorse on the envelope thereof; and the question on  
798 enactment or final passage or adopting an emergency preamble shall be taken thereon, without  
799 further reading, unless specifically ordered.

800 When a bill prepared for final passage contains an emergency preamble or when it provides  
801 for the borrowing of money by the Commonwealth and comes within the provisions of Section 3  
802 of Article LXII of the Amendments to the Constitution, or provides for the giving, loaning or  
803 pledging of the credit of the Commonwealth and comes within the provisions of Section 1 of  
804 Article LXII (as amended by Article LXXXIV) of the Amendments to the Constitution, or  
805 provides, upon recommendation of the Governor, for a special law relating to an individual city  
806 or town and comes within the provisions of clause (2) of Section 8 of Article LXXXIX of the  
807 Amendments to the Constitution, or provides for environmental protection within the provisions  
808 of Article XLIX as amended by Article XCVII, the Clerk shall plainly indicate the fact on the  
809 envelope thereof. [27.] (34.) [See Rule 40.]

810 [Amended Jan. 12, 1983; Jan. 29, 2015.]

811 23A. No member of the House, except the Speaker, Speaker pro Tempore, Majority Leader,  
812 Assistant Majority Leader, Second Assistant Majority Leader, Minority Leader, Assistant  
813 Minority Leader, Second Assistant Minority Leader, Third Assistant Minority Leader, Vice-  
814 Chairperson of the Committee on Ways and Means, Assistant Vice-Chairperson of the  
815 Committee on Ways and Means and committee chairs with respect to committee business, shall  
816 receive privileges or compensation for postage which is greater than seventy-five percent of the  
817 amount allowed as standard practice during the 186th biennial session of the General Court, as  
818 determined by the House Business Manager.

819 [Adopted Jan. 11, 1985; Amended Jan. 24, 2001; Jan. 26, 2005; Jan. 20, 2011; Feb. 1, 2023.]

820 24. (a)(1) Petitions, recommendations and reports of state officials, departments, commissions  
821 including legislative commissions, and boards, special reports including legislation initiated by  
822 the Committee on Ethics pursuant to rule 16, and reports of special committees and commissions  
823 including legislative commissions, shall be filed with the Clerk in a format to be determined by  
824 said Clerk, who shall, unless they are subject to other provisions of these rules or the rules of the  
825 two branches, refer them, with the approval of the Speaker, to the appropriate committees,  
826 subject to such change of reference as the House may make. The reading of all such documents  
827 may be dispensed with, but they shall be entered in the Journal of the same or the next legislative  
828 day after such reference except as provided in Joint Rule 13.

829 (2) All orders, including motions or orders proposed for joint adoption, resolutions and other  
830 papers intended for presentation, except those hereinbefore mentioned, shall be filed with the  
831 Clerk in a format to be determined by said Clerk, who shall, prior to the procedure required by

832 other provisions of these rules or of the rules of the two branches, refer them to the committee on  
833 Rules.

834 (b) Resolutions for adoption by the House only or resolutions for joint adoption shall only be  
835 considered for adoption in the House if the resolution meets the criteria set forth in this rule.

836 (c) Resolutions shall consist of: (i) no more than 5 clauses beginning with the word  
837 “WHEREAS”, which shall contain statements of facts or opinions; and (ii) no more than 2  
838 clauses beginning with the word “RESOLVED”.

839 (d) Resolutions shall recognize, honor, commend, celebrate or commemorate a momentous  
840 achievement, special occasion or significant event or date; provided, however, that the following  
841 resolutions shall not be considered for adoption:

842 (i) resolutions recognizing, honoring, commending, celebrating or commemorating the  
843 birthday of a person under the age of 80;

844 (ii) resolutions recognizing, honoring, commending, celebrating or commemorating a  
845 wedding anniversary of a married couple of less than 50 years;

846 (iii) resolutions recognizing, honoring, commending, celebrating or commemorating an  
847 anniversary of an organization of less than 20 years;

848 (iv) resolutions recognizing, honoring, commending, celebrating or commemorating a class  
849 reunion;

850 (v) resolutions recognizing, honoring, commending, celebrating or commemorating a for-  
851 profit organization;

852 (iv) resolutions proclaiming certain days, weeks or months;

853 (vii) resolutions that includes a statement of policy or ideology.

854 (e) Suspension of subsections (b) through (d) of this rule shall require unanimous consent of  
855 the members present.

856 (3) Petitions and other papers so filed which are subject to the provisions of Joint Rule 7A,  
857 7B, or 9 shall be referred by the Clerk to the committee on Rules. Petitions and other papers so  
858 filed, which are subject to the provisions of the second paragraph of Joint Rule 12, shall, prior to  
859 the procedure required by said rule, be referred by the Clerk to the committee on Rules. The  
860 reading of all such papers may be dispensed with, but they shall be entered in the Journal of the  
861 same or the next legislative day after such reference.

862 (4) Matters which have been placed on file during the preceding year may be taken from the  
863 files by the Clerk upon request of any member or member-elect; and matters so taken from the  
864 files shall be referred or otherwise disposed of as provided above.

865 (5) Recommendations and special reports of state officials, departments, commissions and  
866 boards, reports of special committees and commissions, bills and resolves accompanying  
867 petitions, recommendations and reports, and resolutions shall be made available under the  
868 direction of the Clerk, who may cause to be made available, with the approval of the Speaker,  
869 any other documents filed as herein provided.

870 (6) All such legislation and reports filed with the Clerk shall be submitted in a format  
871 prescribed by said Clerk. Said documents shall contain the name or names of the primary  
872 sponsors and a list of the names of all petitioners praying for the legislation. Additional names

873 may be added to the list of the petitioners; provided, however, that, such additional names shall  
874 be submitted in a format to be determined by the Clerk.

875 (7) Any petition so submitted that is a refile of a measure submitted in a previous session shall  
876 include, in the appropriate space provided, the session year for which the measure was filed and  
877 the House or Senate bill number or docket number assigned to such measure in such previous  
878 session.

879 (8) Debate upon the suspension of this rule shall be limited to 10 minutes, 3 minutes for each  
880 member, and the Speaker shall recognize the member presenting the order, resolution or petition  
881 first; provided, however, that suspension of this rule shall require unanimous consent of the  
882 members present. Any order, except such order that would amend the Rules of the House,  
883 resolution or petition referred to the committee on Rules after the question of suspension of this  
884 rule has been negatived, or any order, resolution or petition filed after the beginning of the  
885 session and referred to the committee on Rules, shall not be discharged from said committee  
886 except by unanimous consent of the House. Motions to discharge the committee on Rules shall  
887 be subject to the provisions of paragraph 2 of Rule 28. [28.] (20.) [See Rules 36 and 85.]

888 [Amended April 27, 1981; Jan. 9, 1989; Jan. 9, 1991; Jan. 26, 2005; Feb. 11, 2009; Jan. 29,  
889 2015; Jan. 30, 2019; Jul. 7, 2021; Feb. 1, 2023.]

890 25. Every petition for legislation shall be accompanied by a bill or resolve embodying the  
891 legislation prayed for. [29.] [See Joint Rule 12.]

892 26. When the object of an application can be secured without a special act under existing  
893 laws, or, without detriment to the public interests, by a general law, the committee to which the  
894 matter is referred shall report such general law or ought not to pass, as the case may be. The

895 committee may report a special law on matters referred to it upon (1) a petition filed or approved  
896 by the voters of a city or town, or the mayor and city council, or other legislative body, of a city,  
897 or the town meeting of a town, with respect to a law relating to that city or town; (2) a  
898 recommendation by the Governor; or (3) matters relating to erecting and constituting  
899 metropolitan or regional entities, embracing any two or more cities and towns, or established  
900 with other than existing city or town boundaries, for any general or special public purpose or  
901 purposes. [30.] (16.) [See Joint Rule 7.]

902 [Amended Feb. 11, 2009.]

903 27. With the exception of matters referred to the committee on Rules under the provisions of  
904 paragraph (3) of Rule 24, committees shall report on all matters referred to them. The committee  
905 on Ways and Means shall report the General Appropriation Bill not later than the second  
906 Wednesday of May; and provided further that said committee shall make available to the  
907 members all data compiled for justification of budgetary recommendations in all appropriation  
908 bills.

909 The House chair of each joint standing committee shall make final report on all matters  
910 referred to and heard by their committee prior to the third Wednesday of December of the first  
911 annual session of the General Court by not later than 60 calendar days after the matter is heard;  
912 provided, however, that an additional 30 calendar days may be granted on a matter by the House  
913 chair who shall notify the Clerk of said extension. After the expiration of such 90-day period, the  
914 House shall approve by unanimous consent an extension order submitted by the House members  
915 of the joint committee for any additional time for further consideration of the matter by the  
916 committee. However, a committee shall not make final report after, and the House shall not

917 approve of an extension order that extends consideration of a matter beyond, the third  
918 Wednesday in March of the second annual session of the General Court. For matters referred to a  
919 joint standing committee and heard by said committee after the third Wednesday of December of  
920 the first annual session, the committee shall make final report by not later than 60 calendar days  
921 after the matter is heard, or by the third Wednesday in March of the second annual session,  
922 whichever occurs later. For all matters referred to the committee on Health Care Financing after  
923 the third Wednesday in March of the second annual session which were initially referred to  
924 another joint standing committee, the committee shall make final report not later than the last  
925 Wednesday of May of the second annual session.

926 When the time within which joint standing committees are required to report has expired, all  
927 matters upon which no report has then been made shall forthwith be reported by the House chair  
928 with a recommendation to study the matter.

929 [Amended April 18, 1979; Jan. 14, 1997; Jan. 29, 2015; Feb. 25, 2025.]

930 27A. [Omitted Jan. 23, 2007.]

931 28. (1) Motions directing the committee on Ways and Means to report certain matters to the  
932 House, or motions discharging said committees from further consideration of certain matters,  
933 shall not be considered until the expiration of seven calendar days and shall require a majority  
934 vote of the members present and voting for adoption. Committees so directed to report shall file  
935 a report with the Clerk within 4 legislative days. The committee on Ways and Means may not be  
936 directed to report or be discharged from further consideration of any appropriation or capital  
937 outlay measure.

938 (2) The committee on Rules, except as provided in Rule 24, and the committee on Bills in the  
939 Third Reading shall not be discharged from consideration of any measure or be directed to report  
940 on any measure within 10 calendar days of its reference without the unanimous consent of the  
941 House, or after such 10 day period except by a vote of a majority of the members present and  
942 voting thereon.

943 (3) Matters discharged under the provisions of this rule shall be placed in the Orders of the  
944 Day for the next sitting. Petitions discharged under the provisions of this rule shall be considered  
945 as favorably reported and the bill, resolve, resolution or order accompanying such petitions shall  
946 be placed in the Orders of the Day for the next sitting.

947 (4) During the last week of the session, the provisions of paragraphs (1) and (3) of this rule  
948 shall be inoperative.

949 (5) A second motion to discharge a matter from a committee or a second motion to direct a  
950 committee to report a matter shall not be entertained until the first such motion has been disposed  
951 of.

952 (6) As an alternative procedure to that provided under the provisions of this rule, the members  
953 of the House may, by filing a petition signed by a majority of the members elected to the House,  
954 discharge the House committee on Ways and Means, the House committee on Bills in the Third  
955 Reading, and the House committee on Rules from further consideration of a legislative matter.  
956 Seven days following the filing of the petition with the House Clerk, the committee shall be  
957 discharged from further consideration of the legislative matter specified in the petition and the  
958 House Clerk shall place the matter in the Orders of the Day for the next calendar day that the  
959 House is meeting.

960 (7) For the purpose of this rule, matters not appearing on the Calendar which are not before  
961 any committee shall be deemed to be before the Rules committee. Notwithstanding the previous  
962 sentence, a bill which has been engrossed by the House and Senate shall be placed before the  
963 House for enactment. Any member may request to the House that a matter engrossed in the  
964 House and Senate, returned for final passage by the engrossing division, and reviewed and  
965 released by the Committee on Bills in the Third Reading be placed before the House for  
966 enactment. The Speaker shall, in response to such a request of a member, put the matter before  
967 the House at the conclusion of the matter then pending.

968 (8) This rule shall not be suspended unless by unanimous consent of the members present.  
969 (27C, 32A.)

970 [Amended Jan. 12, 1981; April 27, 1981; Jan. 12, 1983; Nov. 17, 1983; Jan. 11, 1985; Jan. 9,  
971 1989; Jan. 9, 1991; Jan. 24, 2001; Jan. 9, 2003; Jan. 26, 2005, Jan. 23, 2007; Jan. 29, 2015; Feb.  
972 25, 2025.]

973 28A. [Omitted Feb. 25, 2025.]

## 974 **REGULAR COURSE OF PROCEEDINGS.**

### 975 *Petitions.*

976 29. The member presenting a petition shall endorse their name thereon; and the reading  
977 thereof shall be dispensed with, unless specially ordered. [37.] (18.)

978 [Amended Jan. 11, 1985; Jan. 30, 2019.]

### 979 *Motions Contemplating Legislation, etc.*

980 30. All motions contemplating legislation shall be founded upon petition, except as follows:

981 The committee on Ways and Means may originate and report appropriation bills as provided  
982 in Rule 20. Messages from the Governor shall, unless otherwise ordered, be referred to the  
983 appropriate committee, which may report by bill or otherwise thereon. A similar disposition  
984 shall, unless otherwise ordered, be made of reports by state officers and committees authorized to  
985 report to the Legislature, and similar action may be had thereon.

986 Messages from the Governor returning appropriation bills, or parts of appropriation bills, with  
987 objections or reductions of sections or items thereof, shall be reconsidered subsequent to a report  
988 of the committee on Ways and Means. Messages or recommendations from the Governor shall  
989 be filed with the Clerk in a format to be determined by the Clerk. [40.] (19.)

990 [Amended Jan. 24, 2001.]

991 *Bills and Resolves.*

992 31. Bills shall be drafted in a format approved by the Counsel to the House and submitted in a  
993 format to be determined by the Clerk. Bills amending existing laws shall not provide for striking  
994 words from, or inserting words in, such laws, unless such course is best calculated to show  
995 clearly the subject and nature of the amendment. No repealed law, and no part of any repealed  
996 law, shall be re-enacted merely by reference. [42.] (17.)

997 [Amended Jan. 9, 2003; Jan. 26, 2005; Jan. 29, 2015.]

998 32. If a committee to which a bill is referred reports that the same ought not to pass, the  
999 question shall be “Shall this bill be rejected?”. If the question on rejection is negatived, the bill, if  
1000 it has been read but once, shall be placed in the Orders of the Day for the next sitting for a

1001 second reading without question; otherwise it shall be placed in the Orders of the Day for the  
1002 next sitting, pending the question on ordering to a third reading, or to engrossment, as the case  
1003 may be. [43.] (30.)

1004 [Amended Jan. 30, 2019.]

1005 32A. [Omitted Jan. 26, 2005.]

1006 33. Bills involving an expenditure of public money or grant of public property, or otherwise  
1007 affecting the state finances, unless the subject matter has been acted upon by the joint committee  
1008 on Ways and Means, shall, after their first reading, be referred to the committee on Ways and  
1009 Means, for report on their relation to the finances of the Commonwealth.

1010 New provisions shall not be added to such bills by the committee on Ways and Means, unless  
1011 directly connected with the financial features thereof.

1012 Orders reported in the House or received from the Senate involving the expenditure of public  
1013 money for special committees, shall, before the question is taken on the adoption thereof, be  
1014 referred to the committee on Ways and Means, whose duty it shall be to report on their relation  
1015 to the finances of the Commonwealth.

1016 Every such bill involving a capital expenditure for new projects, or an appropriation for  
1017 repairs, or any legislation, the cost of which, in the opinion of the committee, exceeds the sum of  
1018 one hundred thousand dollars when reported into the House by the committee on Ways and  
1019 Means, shall be accompanied by a fiscal note indicating the amount of public money which will  
1020 be required to be expended to carry out the provisions of the proposed legislation, together with

1021 an estimate of the cost of operation and maintenance for the first year if a new project is  
1022 involved. [44.] (27.)

1023 [Amended April 18, 1979; Jan. 12, 1981; Jul. 17, 2003; Jan. 26, 2005.]

1024 33A. Copies of all bills shall be available, in a format to be determined by the Speaker in  
1025 consultation with the Clerk, to all members of the House and the public electronically via the  
1026 website of the General Court; provided, however, that any bill or resolve to be considered by the  
1027 House at a formal session shall be available to all members electronically and to the public via  
1028 the website of the General Court no later than 12:00 P.M. the day prior to consideration thereof  
1029 by the House in a formal session; provided further that, to the extent practicable, a summary of  
1030 any bill containing meaningful policy changes to be considered by the House in a formal session  
1031 shall be made available by the chair of the joint standing committee which had jurisdiction of the  
1032 bill, to all members of the House and the public via the website of the General Court prior to the  
1033 commencement of roll calls for the formal session in which the bill will be considered.

1034 All amendments offered by members to any matter in the House shall be submitted in a  
1035 format to be determined by the Clerk in consultation with the Speaker; provided, however, that  
1036 an amendment to any matter to be considered by the House at a formal session shall be filed by  
1037 5:00 P.M. on the day the bill or resolve is made available to the members pursuant to the first  
1038 paragraph of this rule. Amendments shall be considered by the House chronologically as  
1039 submitted to the Clerk, except for an amendment in the second degree; provided that all  
1040 amendments shall be drafted in proper form acceptable to the Clerk; and provided further that the  
1041 Clerk shall print each amendment so filed and such printed copy shall be considered to be the

1042 official amendment for that bill and there shall be available to the members a duplicate copy of  
1043 each amendment. (33A.)

1044 When the House considers any bill or resolve, other than the General Appropriations Bill, it  
1045 shall be read a second time and, subsequent to the consideration of any amendments  
1046 recommended by a committee or committees, it shall forthwith be considered by the House, the  
1047 question being on ordering it to a third reading, without any other amendments. A bill or resolve  
1048 so ordered to a third reading shall be immediately referred to the committee on Bills in the Third  
1049 Reading and, upon being released by said committee, it shall be read a third time and shall then  
1050 be open to amendments, the main question being on passing the bill or resolve to be engrossed.

1051 Except for consolidated amendments or perfecting amendments offered by the committee on  
1052 Ways and Means, no proposition on a subject different from the amendment under consideration  
1053 shall be admitted under color of a further amendment to any bill or resolve. A consolidated  
1054 amendment to any bill or resolve, offered by the committee on Ways and Means, shall be a  
1055 motion offering an amendment in the second degree.

1056 [Adopted Nov. 17, 1983; Amended Nov. 28, 1984; Jan. 12, 1987; Jan. 9, 1991; Jan. 17,  
1057 1995]; Jan. 9, 2003; Jan. 26, 2005, Jan. 23, 2007; Jan. 29, 2015; Jul. 7, 2021; Feb. 1, 2023; Feb.  
1058 25, 2025.]

1059 33B. [Omitted Jan. 26, 2005.]

1060 33C. [Omitted Jan. 26, 2005.]

1061 33D. [Omitted Jan. 26, 2005.]

1062 33E. No consolidated amendment offered by the committee on Ways and Means shall be  
1063 considered by the House until the expiration of at least 30 minutes after the consolidated  
1064 amendment shall have been first filed with the Clerk and made available to the members. This  
1065 rule shall not be suspended unless by unanimous consent of the members present.

1066 [Added Feb. 4, 2010; Amended Jan. 29, 2015.]

1067 33F. No consolidated amendment shall be adopted except by a roll call vote.

1068 [Added Feb. 2, 2017.]

1069 34. Bills from the Senate, after their first reading, shall be referred to a committee of the  
1070 House. [45.] (26.)

1071 [Amended Jan. 26, 1999.]

1072 35. Amendments proposed by the Senate, and sent back to the House for concurrence, shall  
1073 be referred to the committee on Bills in the Third Reading, provided that the journal shall reflect  
1074 the referral; and provided further that subsequent to a report from said committee, the  
1075 amendments shall be considered forthwith. [46.] (36.)

1076 [Amended April 18, 1979; Jan. 12, 1981; Jan. 26, 2005, Jan. 23, 2007; Jan. 23, 2013; Feb. 25,  
1077 2025.]

1078 36. No bill shall be proposed or introduced unless received from the Senate, reported by a  
1079 committee, or moved as an amendment to the report of a committee. [47.] (36.)

1080 37. Bills, resolves and other papers that have been, or, under the rules or usage of the House,  
1081 are to be made available in a format to be determined by the Speaker in consultation with the

1082 Clerk, shall be read by their titles only, unless the full reading is requested by vote of a majority  
1083 of those members present and voting.

1084 [Amended Jan. 9, 2003, Amended, Jan. 23, 2007.] [48.] (29.)

1085 38. When a bill, resolve, order, petition or memorial has been finally rejected or disposed of  
1086 by the House, no measure substantially the same shall be introduced by any committee or  
1087 member during the same session. This rule shall not be suspended unless by unanimous consent  
1088 of the members present. [49.] (54.)

1089 39. No bill shall be passed to be engrossed without having been read on three separate  
1090 legislative days. [51.] (28.)

1091 [Amended Jan. 11, 1985.]

1092 40. No engrossed bill shall be amended, except by striking out the enacting clause. A motion  
1093 to strike out the enacting clause of a bill shall be received when the bill is before the House for  
1094 enactment. If the bill contains an emergency preamble, a motion to suspend this rule may be  
1095 received before the adoption of the emergency preamble and, if suspended, the amendment may  
1096 contain a new emergency preamble. This rule shall not apply to a bill or resolve returned by the  
1097 Governor with a recommendation of amendment in accordance with the provisions of Article  
1098 LVI of the Amendments to the Constitution; nor shall it apply to amendments of engrossed bills  
1099 proposed by the Senate and sent to the House for concurrence, which amendments shall be  
1100 subject to the provisions of Rule 35, provided, however, that an affirmative vote on a motion to  
1101 suspend this rule shall be required in order to offer an amendment to such an engrossed bill when  
1102 the question before the House is on adoption of an emergency preamble, re-enactment or  
1103 enactment, as the case may be. [53.] (49.)

1104 [Amended, Jan. 23, 2007; Jan. 20, 2011; Jan. 23, 2013; Jan. 29, 2015.]

1105 41. Bills received from the Senate and bills reported favorably by committees, when not  
1106 referred to another standing committee of the House, shall, prior to being placed in the Orders of  
1107 the Day, be referred to the committee on Steering, Policy and Scheduling. Resolutions received  
1108 from and adopted by the Senate, or reported in the House by committees, shall, if proposed for  
1109 joint adoption, be referred to said committee on Steering, Policy and Scheduling. [56.] (26.)

1110 [Amended Jan. 14, 1997; Jan. 26, 1999.]

1111 42. Reports of committees, not by bill or resolve, including orders if proposed for joint  
1112 adoption, after they are received from the Senate, or made in the House, as the case may be,  
1113 shall, unless subject to the provisions of any other House or joint rules, be referred to the  
1114 committee on Steering, Policy and Scheduling; provided that the report of a committee asking to  
1115 be discharged from further consideration of a subject, and recommending that it be referred or  
1116 recommitted to another committee, or a report of a committee recommending that a matter be  
1117 placed on file, shall be immediately considered. Reports of committees on proposals for  
1118 amendments to the Constitution shall be dealt with in accordance with the provisions of Joint  
1119 Rule 23. [57.] (36.)

1120 [Amended Jan. 14, 1997; Jan. 29, 2015.]

1121 42A. The Clerk shall, prior to 3 o'clock P.M., on the day preceding a session, make available  
1122 by electronic communication or other means, a list of all reports of the committee on Steering,  
1123 Policy and Scheduling, asking to be discharged from further consideration of subjects, and  
1124 recommending that the subjects be referred to other committees.

1125 [Adopted Jan. 26, 2005; Amended Jan. 29, 2015.]

1126 43. Bills ordered to a third reading shall be placed in the Orders of the Day for the next day  
1127 for such reading. [58.] (32.)

1128 *Special Rules Affecting the Course of Proceedings.*

1129 44. The Speaker may designate when an informal session of the House shall be held provided  
1130 said Speaker gives notice of such informal session at a prior session of the House. The Speaker  
1131 may, in cases of emergency, cancel a session or declare any session of the House to be an  
1132 informal session. At an informal session the House shall only consider reports of committees,  
1133 papers from the Senate, bills for enactment or resolves for final passage, bills containing  
1134 emergency preambles and the matters in the Orders of the Day. Motions to reconsider moved at  
1135 such informal session shall be placed in the Orders of the Day for the succeeding day, and no  
1136 new business shall be entertained, except by unanimous consent.

1137 Formal debate, or the taking of the sense of the House by yeas and nays shall not be  
1138 conducted during such informal session.

1139 Upon the receipt of a petition signed by at least a majority of the members elected to the  
1140 House, so requesting, the Speaker shall, when the House is meeting in informal session under the  
1141 provisions of Joint Rule 12A, designate a formal session, to be held within seven days of said  
1142 receipt, for the purpose of considering the question of passage of a bill, notwithstanding the  
1143 objections of the Governor, returned pursuant to Article 2, Section 1, Chapter 1, Part 2 of the  
1144 Massachusetts Constitution. This rule shall not be suspended unless by unanimous consent of the  
1145 members present. [59.] (5A.)

1146 The House may meet in a formal session notwithstanding the provisions of Joint Rule 12A  
1147 upon the adoption of an order filed by the committee on Rules pursuant to Rule 7C.

1148 [Amended Jan. 11, 1985; Jan. 12, 1987; Jan. 17, 1995; Jan. 14, 1997; Jan. 24, 2001; Jan. 9,  
1149 2003; Feb. 11, 2009; Feb. 25, 2025.]

1150 45. After entering upon the consideration of the Orders of the Day, the House shall proceed  
1151 with them in regular course as follows: Matters not giving rise to a motion or debate shall first be  
1152 disposed of in the order in which they stand in the Calendar; after which the matters that were  
1153 passed over shall be considered in like order and disposed. The provisions of this paragraph shall  
1154 not be suspended unless by unanimous consent of the members present.

1155 Notwithstanding the provisions of this rule, during consideration of the Orders of the Day, the  
1156 committee on Ways and Means and the committee on Bills in the Third Reading may present  
1157 matters for consideration of the House after approval of two-thirds of the members present and  
1158 voting, without debate. [59.] (37.) [See Rule 47.]

1159 [Amended Jan. 12, 1981; Jan. 12, 1983; Feb. 11, 2009.]

1160 46. When the House does not finish the consideration of the Orders of the Day, those which  
1161 had not been acted upon shall be the Orders of the Day for the next and each succeeding day  
1162 until disposed of, and shall be entered in the Calendar, without change in their order, to precede  
1163 matters added under Rule 7A; provided, however, that all other matters shall be listed in  
1164 numerical order by Calendar item.

1165 The unfinished business in which the House was engaged at the time of adjournment shall  
1166 have the preference in the Orders of the Day for the next day. [60.] (35.)

1167 [Amended Jan. 12, 1987; Jan. 26, 1999.]

1168 47. No matter which has been duly placed in the Orders of the Day shall be discharged  
1169 therefrom, or considered out of the regular course. [61.] (38.) [See Rule 45.]

1170 *Voting.*

1171 48. Members desiring to be excused from voting shall make application to that effect before  
1172 the division of the House or the taking of the yeas and nays is begun. Such application may be  
1173 accompanied by a brief statement of reasons by the member. The Clerk shall, prior to the first  
1174 roll call of the sitting, announce the name of any member who has informed the Clerk to not call  
1175 their name or lock their voting station. The Clerk shall also announce prior to any subsequent roll  
1176 call of the sitting the name of any member who had informed said Clerk not to call their name or  
1177 lock their voting station since the taking of the immediately preceding roll call.

1178 A member absent from the House for a formal session period of a day or longer shall notify  
1179 the Clerk in writing of the intended absence. A member absent during a formal session for an  
1180 extended period or for the remainder of the session shall notify the Clerk in person. The Clerk  
1181 shall provide a written notice to any such absent member.

1182 The Clerk shall disable the voting station of any such member notifying the Clerk of an  
1183 absence pursuant to this Rule. The Clerk shall also disable the voting station of any member  
1184 failing to answer the first non-quorum roll call of a legislative sitting; provided, however, that the  
1185 Clerk shall reactivate the voting station upon receiving notification of the member's return to the  
1186 House Chamber. ([64.] (57.))

1187 [Amended Feb. 11, 2009; Jan. 30, 2019.]

1188 49. (a) If the presence of a quorum is doubted, a count of the House shall be made. When a  
1189 yea and nay vote is taken, the members, with the exception of the Speaker, shall vote only from  
1190 their seats. A member who has been appointed by the Speaker to perform the duties of the Chair,  
1191 or a person who has been elected Speaker pro Tempore, may designate some member or a court  
1192 officer to cast a vote for said member on any vote taken on the electronic voting system while  
1193 such member is presiding. Said designated member performing the duties of the Chair, or  
1194 Speaker pro Tempore, may, if the Speaker is in the State House, cast a vote for the Speaker. The  
1195 Speaker shall state the pending question before opening the system for voting.

1196 The Speaker may direct the Clerk to cast a vote for a member who is in the House Chamber,  
1197 but who is unable to vote due to a malfunction of their voting station or inability to open their  
1198 voting station.

1199 (b) Except in the case of a vote to ascertain the presence of a quorum, if a member is  
1200 prevented from voting personally using the electronic voting system because of physical  
1201 disability, said member shall, if present in the State House, be excused from so voting and the  
1202 Speaker shall assign a court officer to cast said member's vote so long as said physical disability  
1203 continues; provided that the Speaker shall announce the action of the Chair to the membership  
1204 prior to assigning a court officer to cast the member's vote and provided further that the Speaker  
1205 shall announce the action to the membership the first time a vote is cast for that member on each  
1206 successive day.

1207 (c) A member serving on active reserve military duty may participate remotely in a formal  
1208 session, subject to the requirements and limitations of federal law and regulation, including, but

1209 not limited to, United States Department of Defense Directive 1344.10. A member serving on  
1210 active reserve military shall notify the Clerk of such service as soon as practicable.

1211 (d) A member with a serious health condition may submit to Counsel appointed pursuant to  
1212 Rule 13B a request for an accommodation to participate remotely in a formal session. Said  
1213 request shall be accompanied by documentation from said member's health care provider that an  
1214 accommodation to participate remotely is necessary. For purposes of this rule, a serious health  
1215 condition shall include:

1216 (1) the member's own serious health condition, which includes illness, injury, impairment, or  
1217 physical or mental conditions requiring inpatient care or continuing treatment by a health care  
1218 provider, involving more than three days of incapacity; or

1219 (2) care for the member's parent, child or spouse with a serious health condition.

1220 For purposes of this rule, a serious health condition shall not include routine, health-related  
1221 visits or examinations or temporary conditions or other short-term illnesses involving less than  
1222 three days of incapacity.

1223 (e) A member shall be entitled to participate remotely in a formal session in connection with  
1224 any condition or limitation related to a member's pregnancy, including pregnancy loss, and may  
1225 participate remotely in formal session for 20 weeks after the birth or adoption of a child by a  
1226 member or the member's partner, or placement of a child in foster care with a member or the  
1227 member's partner. A member who intends to participate remotely pursuant to this subsection  
1228 shall notify Counsel of the need for an accommodation as well as the expected length of the  
1229 accommodation.

1230 (f) Counsel shall not approve, without the prior written approval of the Chair of the  
1231 committee on Rules, any request for an accommodation to participate remotely in a formal  
1232 session that does not satisfy the requirements of this subsection.

1233 (g) Upon approval of a request for accommodation to participate remotely received pursuant  
1234 to subsection (d) or subsection (f), Counsel shall notify the Clerk that the member filing the  
1235 request has been authorized to participate remotely. Other than the notification provided to the  
1236 Clerk or to the Chair of the committee on Rules, as required, Counsel shall maintain any request  
1237 for accommodation pursuant to this rule as confidential.

1238 (h)(1) A member authorized to participate remotely in a formal session pursuant to subsection  
1239 (d) through subsection (f), inclusive, shall have the same privileges, rights and responsibilities as  
1240 if the member were physically present in the House Chamber, including without limitation, the  
1241 right, privilege and responsibility to cast votes on all questions or other matters brought to a vote  
1242 and the ability to take the oath required pursuant to Part the Second, Chapter VI, Article I of the  
1243 Constitution of the Commonwealth.

1244 (i) The Journal of the House for any formal session of the House where a member is  
1245 participating remotely in a formal session pursuant to this rule shall specify which members  
1246 participated remotely. [Amended April 18, 1979; Jan. 12, 1987; Jan. 9, 1991; Jan. 9, 2003; Jan.  
1247 20, 2011; Feb. 11, 2009; Jan. 30, 2019; Feb. 1, 2023; Feb. 25, 2025.]

1248 50. When a question is put, the sense of the House shall be taken by the voices of the  
1249 members, and the Speaker shall first announce the vote as it appears to the Speaker by the sound.  
1250 If the Speaker is unable to decide by the sound of the voices, or if the announcement made  
1251 thereupon is doubted by a member rising in their place for that purpose, the Speaker shall order a

1252 division of the number voting in the affirmative and in the negative, without further debate upon  
1253 the question. [66.] (55.)

1254 [Amended Jan. 11, 1985; Feb. 11, 2009; Jan. 30, 2019.]

1255 51. When a return by division of the members voting in the affirmative and in the negative is  
1256 ordered, the members for or against the question, when called on by the Speaker, shall rise in  
1257 their places, and stand until they are counted. If, upon the taking of such a vote, the presence of a  
1258 quorum is doubted, a count of the House shall be had, and if a quorum is present the vote shall  
1259 stand. [67.]

1260 52. The sense of the House shall be taken by yeas and nays whenever required by ten percent  
1261 of the members elected. The Speaker shall, after waiting up to an interval of twelve minutes,  
1262 state the pending question and, after opening the electronic voting system, instruct the members  
1263 to vote for not less than two minutes and no more than twenty-two minutes, the Speaker shall  
1264 close said system and cause totals to be displayed and a record made of how each member  
1265 present voted; provided, that if at any time during said voting period any standing, joint or  
1266 conference committee is meeting in public or executive sessions, the Speaker shall leave the  
1267 electronic voting machine open for not less than 5 minutes.

1268 Any member desiring to be recorded as being “present” when a yea and nay vote is taken on  
1269 the electronic roll call system shall so notify the Clerk in person after said vote is ordered and  
1270 before the vote is announced.

1271 In the event the electronic voting system is not in operating order, the roll of the House shall  
1272 be called in alphabetical order; provided, however, that no member shall be allowed to vote or to  
1273 answer “present” who was not on the floor before the vote is declared; provided, however, that a

1274 member, who was in the State House on a previous roll call, may be recorded by reporting to the  
1275 Clerk within five minutes after such vote is closed, unless objection is made thereto and it is  
1276 seconded; and provided further that the presiding officer shall not, for said purpose, interrupt the  
1277 member who is speaking on the floor; provided, however, that such request may be announced to  
1278 the House subsequent to the five minutes. The Speaker shall not entertain any requests beyond  
1279 said five-minute period. Once the voting has begun it shall not be interrupted except for the  
1280 purpose of questioning the validity of a member's vote before the result is announced. Except as  
1281 heretofore provided, any member who shall vote or attempt to vote for another member or any  
1282 person not a member who votes or attempts to vote for a member, or any member or other person  
1283 who willfully tampers with or attempts to impair or destroy in any manner whatsoever the voting  
1284 equipment used by the House, or change the records thereon shall be punished in such manner as  
1285 the House determines; and provided further, that such a violation shall be reported to the Ethics  
1286 Committee. [68.] (56, 57.)

1287       Upon completion of the tally by the Clerk and the announcement of the vote by the Speaker,  
1288 the results of all roll calls conducted shall be conspicuously posted on the website of the General  
1289 Court.

1290       [Amended Jan. 12, 1983; Jan. 11, 1985; Jan. 12, 1987; Jan. 9, 1991; Jan. 24, 2001; Jan. 9,  
1291 2003; Jan. 26, 2005; Feb. 11, 2009; Jan 20, 2011; Jul. 7, 2021; Feb. 1, 2023.]

1292       53. The call for yeas and nays shall be decided without debate. If the yeas and nays have been  
1293 ordered before the question is put, the proceedings under Rules 50 and 51 relative to verification  
1294 of the vote by the voices of the members or by a return of divisions shall be omitted; if not, they  
1295 may be called for in lieu of a return by divisions when the Speaker's announcement is doubted

1296 by a member rising in their place, and, if then ordered, the proceedings under Rules 50 and 51  
1297 shall be omitted. [69.] (52.)

1298 [Amended Jan. 26, 1999; Jan. 30, 2019.]

1299 *Reconsideration.*

1300 54. No motion to reconsider a vote shall be entertained unless it is made on the same day on  
1301 which the vote was taken, or before the Orders of the Day have been taken up on the next day  
1302 thereafter on which a quorum is present. If reconsideration is moved on the same day, the motion  
1303 shall be placed first in the Orders of the Day for the succeeding day; but, if it is moved on the  
1304 succeeding day, the motion shall be considered forthwith except that if said motion is moved on  
1305 a day on which an informal session has been designated, it shall be placed in the Orders of the  
1306 Day for the succeeding day. If reconsideration is moved after July first of the second annual  
1307 session and thereafter, on any main question, it shall be considered forthwith. This rule shall not  
1308 prevent the reconsideration of a vote on a subsidiary, incidental or dependent question at any  
1309 time when the main question to which it relates is under consideration; and provided, further,  
1310 that a motion to reconsider a vote on any subsidiary, incidental or dependent question shall not  
1311 remove the main subject under consideration from before the House, but shall be considered at  
1312 the time when it is made. This rule shall not be suspended unless by unanimous consent of the  
1313 members present. [70.] (53.)

1314 [Amended Jan. 12, 1981, Jan. 23, 2007.]

1315 55. When a motion for reconsideration is decided, that decision shall not be reconsidered, and  
1316 no question shall be twice reconsidered; nor shall any vote be reconsidered upon any of the  
1317 following motions:

1318 to recess,  
1319 to adjourn,  
1320 on sustaining a ruling of the Chair,  
1321 to close debate at a specified time,  
1322 to postpone if voted in the negative,  
1323 to discharge or direct a committee to report,  
1324 to commit or recommit,  
1325 for second or subsequent legislative days,  
1326 for the previous question, or  
1327 for suspension of rules.

1328 This rule shall not be suspended unless by unanimous consent of the members present. [71.]  
1329 (53.)

1330 [Amended Jan. 12, 1981; Jan. 12, 1983; Jan. 9, 1991.]

1331 56. Debate on motions to reconsider shall be limited to fifteen minutes, and no member shall  
1332 occupy more than three minutes, but on a motion to reconsider a vote upon any subsidiary or  
1333 incidental question, debate shall be limited to ten minutes, and no member shall occupy more  
1334 than three minutes.

1335 If the House has voted to close debate on any question, a motion to reconsider said question  
1336 shall be decided without debate. [72.] (52.)

1337 [Amended Jan. 12, 1981; Jan. 12, 1987.]

1338 **RULES OF DEBATE.**

1339 57. Every member, when about to speak, shall rise and respectfully address the Speaker and  
1340 shall confine themselves to the question under debate. [73.] (39.)

1341 [Amended Jan. 11, 1985; Feb. 1, 2023.]

1342 58. Every member while speaking shall avoid personalities; and shall sit down when finished.  
1343 No member shall speak out of their place without leave of the Speaker. [73.] (39.)

1344 When two or more members rise at the same time, the Speaker shall name the member  
1345 entitled to the floor, preferring one who rises in their place to one who does not. [74.] (40.)

1346 [Amended Jan. 11, 1985; Jan. 30, 2019.]

1347 59. If a member repeatedly violates any of the rules of the House, or disrupts the orderly  
1348 procedure of the House, the Speaker, after warning the member of such violations, shall call the  
1349 member to order, and order that member to take their seat. A member so called to order shall lose  
1350 the right to speak on the pending subject-matter but shall not be debarred from voting. A member  
1351 so called to order shall remain seated until the House begins consideration of another subject-  
1352 matter or unless the Speaker earlier returns to the member their rights to the floor.

1353 If a member so called to order refuses to immediately take their seat, the Speaker shall  
1354 immediately name that member, who shall be escorted from the Chamber under escort of the  
1355 Sergeant-at-Arms. The matter shall thereupon, on motion, be referred to a special committee of  
1356 three to be appointed by the Speaker. Said special committee shall make a report to the House of  
1357 its recommendations, which report shall be read and accepted.

1358 Having been named, a member shall not be allowed to resume their seat until said member  
1359 has complied with the recommendations of the committee as accepted by the House.

1360 If, after a member is seated or named, the action of the Speaker is appealed, the House shall  
1361 decide the case by a majority vote of the members present and voting, but if there is no  
1362 immediate appeal, the decision of the Speaker shall be conclusive.

1363 [Amended Jan. 12, 1981; Jan. 11, 1985; Feb. 11, 2009; Jan. 30, 2019.]

1364 60. No member shall interrupt another while speaking except by rising to a point of order, to a  
1365 question of personal privilege, to doubt the presence of a quorum, or to ask the person speaking  
1366 to yield.

1367 Members may rise to explain matters personal to them by leave of the presiding officer, but  
1368 shall not discuss pending questions in such explanations.

1369 Questions of personal privilege shall be limited to questions affecting the rights, reputation,  
1370 and conduct of the member in their representative capacities.

1371 Members may rise to ask questions of parliamentary inquiry concerning the pending matter  
1372 by leave of the presiding officer, but shall not debate the pending questions. [75.] (42.)

1373 [Amended Jan. 12, 1981; Feb. 11, 2009; Jan. 30, 2019.]

1374 61. No member shall speak more than once to the prevention of those who have not spoken  
1375 and desire to speak on the same question.

1376 This prohibition shall not apply to those members designated by the committee or committees  
1377 reporting the bill.

1378 No member shall occupy more than thirty minutes at a time while speaking on any question  
1379 where debate is unlimited.

1380 Unless the operation of another rule provides to the contrary (such as previous question,  
1381 limitation of debate, etc.), no member shall be prohibited from speaking more than once on any  
1382 question when no other member who has not spoken is seeking recognition by the Chair. [76.]  
1383 (41.)

1384 *Motions.*

1385 62. Every motion shall be reduced to writing, if the Speaker so directs. [77.] (44.)

1386 63. A motion need not be seconded, except an appeal from the decision of the Chair, and may  
1387 be withdrawn by the mover if no objection is made. [78.] (44.)

1388 [Amended Jan. 12, 1981.]

1389 *Limit of Debate.*

1390 64. A motion to recess or adjourn shall always be first in order, and shall be decided without  
1391 debate; and on the motions to close debate at a specified time, to postpone to a time certain, to  
1392 commit or recommit, not exceeding ten minutes shall be allowed for debate, and no member  
1393 shall speak more than three minutes. On the motion to discharge any committee, or on a motion  
1394 directing any committee to report matters before it, not exceeding fifteen minutes shall be  
1395 allowed for debate, and no member shall speak more than three minutes.

1396 If the main motion is undebatable, any subsidiary or incidental motion made relating to it  
1397 shall also be decided without debate. [79.] (52.) [See Rules 56 and 83.]

1398 [Amended Jan. 12, 1981.]

1399 64A. Debate on the question on adoption of orders for second and subsequent legislative days  
1400 shall be limited to ten minutes, and no member shall speak more than three minutes. After  
1401 entering into a second or subsequent legislative day, the House shall immediately proceed to  
1402 consideration of engrossed bills, reports of committees, papers from the Senate or the Orders of  
1403 the Day. This rule shall not be suspended unless by unanimous consent of the members present.

1404 [Adopted Jan. 12, 1983.]

1405 65. When a question is before the House, until it is disposed of, the Speaker shall receive no  
1406 motion that does not relate to the same, except the motion to recess or adjourn or some other  
1407 motion that has precedence either by express rule of the House, or because it is privileged in its  
1408 nature; and the Speaker shall receive no motion relating to the same, except,—

1409 for the previous question, . . . . .

1410 to close debate at a specified time, . . . . .

1411 to postpone to a time certain, . . . . .

1412 to commit (or recommit), . . . . .

1413 to amend, . . . . . See Rules 66, 67 and 68

1414 See Rules 64, 69 and 70

1415 See Rules 64 and 70

1416 See Rules 64 and 71

1417 See Rules 72, 73, 74 and 75

1418 — which several motions shall have precedence in the order in which they are arranged in  
1419 this rule. [80.] (46.)

1420 [Amended Jan. 11, 1985.]

1421 *Previous Question.*

1422 66. Any member may call for the previous question on the main question.

1423 The previous question shall be put in the following form: “Shall the main question be now  
1424 put?” and all debate on the main question shall be suspended until the previous question is  
1425 decided.

1426 The adoption of the previous question shall require the affirmative vote of two-thirds of the  
1427 members present and voting and shall put an end to all debate, and bring the House to direct vote  
1428 upon pending amendments, if any, in their regular order, and then upon the main question.

1429 A motion to reconsider the vote on any of the pending amendments shall be decided without  
1430 debate. [81.]

1431 [Amended Jan. 12, 1981.]

1432 67. Any member may call for the previous question on any pending amendment.

1433 The previous question shall be put in the following form: “Shall the question on adoption of  
1434 the amendment be now put?” and all debate shall be suspended until the previous question is  
1435 decided.

1436 The adoption of the previous question on a pending amendment shall require the affirmative  
1437 vote of two-thirds of the members present and voting and shall put an end to all debate and bring  
1438 the House to a direct vote upon the pending amendment.

1439 A motion to reconsider the vote on the pending amendment shall be decided without debate.

1440 [Amended Jan. 12, 1981.]

1441 68. The previous question shall be decided without debate.

1442 *Motion to Close Debate at a Specified Time.*

1443 69. Debate may be closed at any time not less than thirty minutes from the adoption of a  
1444 motion to that effect. This rule shall not be suspended unless by unanimous consent of the  
1445 members present. [85.] (47.)

1446 *Motion to Postpone to a Time Certain.*

1447 70. When a motion is made to postpone to a time certain, and different times are proposed,  
1448 the question shall first be taken on the most remote time; and the time shall be determined before  
1449 the question is put on postponement, which may then be rejected if the House sees fit. [87.] (51.)

1450 *Motion to Commit.*

1451 71. When a motion is made to commit, and different committees are proposed, the question  
1452 shall be taken in the following order:

1453 a standing committee of the House,

1454 a select committee of the House,

1455 a joint standing committee,  
1456 a joint selected committee;  
1457 and a subject may be recommitted to the same committee or to another committee at the pleasure  
1458 of the House. [88.] (48.)

1459 *Motion to Amend.*

1460 72. A motion to amend an amendment is a motion offering an amendment in the second  
1461 degree and may be received; a motion to amend an amendment in the second degree is a motion  
1462 offering an amendment in the third degree and shall not be allowed. This rule shall not be  
1463 suspended unless by unanimous consent of the members present. [89.]

1464 [Amended Jan. 12, 1983; Feb. 1, 2023.]

1465 73. No motion or proposition on a subject different from that under consideration shall be  
1466 admitted under color of amendment. This rule shall not be suspended unless by unanimous  
1467 consent of the members present. [90.] (50.)

1468 [Amended Jan. 12, 1987.]

1469 73A. No motion to amend a report from the committee on Ways and Means or a report from  
1470 the committee on Bills in the Third Reading, when such an amendment contains an expenditure  
1471 of public money or an increase or decrease in taxes, shall be considered unless a brief  
1472 explanation of the amendment is stated.

1473 [Adopted Jan. 17, 1995; Amended Jan. 26, 1999.]

1474 74. A question containing two or more propositions capable of division shall be divided  
1475 whenever desired by any member, if the question includes points so distinct and separate that,  
1476 one of them being taken away, the other will stand as a complete proposition. The motion to  
1477 strike out and insert shall be considered as one proposition and therefore indivisible. The  
1478 question on ordering a bill or resolve to a third reading, or to be engrossed, or to be enacted, or  
1479 similar main motions shall be considered as indivisible under this rule. This rule shall not be  
1480 suspended unless by unanimous consent of the members present. [91.] (45.)

1481 [Amended Jan. 12, 1983.]

1482 75. In filling blanks, the largest sum and longest time shall be put first. [92.] (51.) [See Rule  
1483 70.]

1484 *Declaration of Recess.*

1485 76. The Speaker may declare a recess of 15 minutes duration, or less.

1486 [Amended Jan. 9, 1991; Jan. 29, 2015.]

1487 *Appeal.*

1488 77. No appeal from the decision of the Speaker shall be entertained unless it is seconded; and  
1489 no other business shall be in order until the question on the appeal has been disposed of. Debate  
1490 shall be limited to 15 minutes on the question of sustaining a ruling by the Chair, and no member  
1491 shall occupy more than three minutes. [94.] (43A.) [See Rule 2.]

1492 [Amended Jan. 9, 1989; Jan. 29, 2015.]

1493 *Resolves.*

1494 78. Such of these rules as are applicable to bills, whether of the House or of the Senate, shall  
1495 apply likewise to such resolves as require the concurrence of the Senate and approval by the  
1496 Governor in order to become law and have force as such. [95.]

1497 *Seats.*

1498 79. (1) The desk on the right of the Speaker shall be assigned to the use of the Clerk and such  
1499 persons as they may employ to assist said Clerk, and that on the left to the use of the chair and  
1500 vice-chair of the committee on Bills in the Third Reading.

1501 (2) The Speaker shall assign members to vacant seats. The seat assigned to any member, other  
1502 than seats assigned under paragraph (1) of this rule, shall be their seat for the year and for such  
1503 additional years as said member may elect so long as service in the House remains continuous.  
1504 An exchange of seats may be made with the approval of the Speaker. [98.]

1505 [Amended Jan. 11, 1985; May 5, 1993; Jan. 30, 2019.]

1506 *Privilege of the Floor.*

1507 80. The following persons shall be entitled to admission to the House of Representatives,  
1508 during the session thereof, to stand in an area designated by the Speaker in the rear of the  
1509 Chamber, unless otherwise invited by said Speaker to occupy seats not numbered:

1510 (1) The Governor and the Lieutenant-Governor, members of the Executive Council, Secretary  
1511 of the Commonwealth, Treasurer and Receiver-General, Auditor of the Commonwealth,  
1512 Attorney-General, Librarian and Assistant Librarian;

1513 (2) The members of the Senate;

1514 (3) Authorized employees of the House and persons in the exercise of an official duty directly  
1515 connected with the business of the House; or

1516 (4) Contestants for seats in the House, whose papers are in the hands of a special committee  
1517 of the House, may be admitted, while their cases are pending, to seats to be assigned by the  
1518 Speaker.

1519 No other person shall be admitted to the floor during the session, except upon the permission  
1520 of the Speaker.

1521 No legislative agent or counsel may be admitted to the floor of the House Chamber during a  
1522 session unless that part of the session is ceremonial in nature in which no other legislative  
1523 business is conducted.

1524 The legislative reporters shall be entitled to the privileges of the reporters' galleries.

1525 This rule shall not be suspended unless by unanimous consent of the members present. [99.]  
1526 (60, 61.)

1527 [Amended Jan. 9, 1991, Jan. 23, 2007; Jan. 30, 2019.]

1528 *Representatives' Chamber and Adjoining Rooms.*

1529 81. (a) Use of the Representatives' Chamber members' corridor or adjoining rooms shall be  
1530 for official business or educational purposes only and shall be subject to the approval of the  
1531 Speaker or the committee on Rules. The provisions of this paragraph shall not apply if the  
1532 purpose of admittance is to attend a meeting in an adjoining room to which members of the  
1533 general public are allowed to attend.

1534 (b) No legislative agent or counsel shall be admitted to the members' corridor or adjoining  
1535 rooms. No other person shall be admitted to the members' corridor or adjoining rooms, except  
1536 persons entitled to the privileges of the floor of the House unless upon written invitation of a  
1537 member bearing the name of the member and the person the member invites. Upon entering, the  
1538 invitation shall be given to the court officer assigned to the area. The provisions of this paragraph  
1539 shall not apply if the purpose of admittance is to attend a meeting in an adjoining room to which  
1540 members of the general public are allowed to attend.

1541 (c) No person shall be admitted to the north gallery of the House except upon a card of the  
1542 Speaker.

1543 (d) Subject to the approval and direction of the committee on Rules during the session and of  
1544 the Speaker after prorogation, the use of the reporters' galleries of the House Chamber shall be  
1545 under the control of the organization of legislative reporters known as the Massachusetts State  
1546 House Press Association and the State House Broadcasters Association.

1547 (e) Every legislative reporter desiring admission to the reporters' galleries shall state in  
1548 writing that they are not the agent or representative of any person or corporation interested in  
1549 legislation before the General Court, and will not act as representative of any such person or  
1550 corporation while retaining a place in the galleries; but nothing herein contained shall prevent  
1551 such legislative reporter from engaging in other employment, provided such other employment is  
1552 specifically approved by the committee on Rules and reported to the House.

1553 (f) All formal and informal sessions of the House of Representatives shall be open to both  
1554 commercial and public radio and television, except designated times during such sessions, as  
1555 determined by the House, reserved for the consideration of non-controversial business which

1556 does not give rise to debate. The manner and conditions of such broadcasts shall be established  
1557 by the Speaker. Television, radio or web-broadcasts may be prohibited on any given day by the  
1558 Speaker.

1559 All formal and informal sessions shall be broadcast live on House television and livestreamed  
1560 on the General Court website. Audio or video recordings of prior formal and informal sessions  
1561 for the current biennial session shall be made available to the public on the official website of the  
1562 General Court.

1563 The Speaker may arrange for a limited number of remote connections at a location outside of  
1564 the House Chamber for commercial and public radio and television to obtain audio and visual  
1565 feeds of formal sessions being recorded or streamed by the House. Video or audio obtained from  
1566 such feed shall be used only for reporting purposes. Access to the connections provided shall be  
1567 on a first-come-first serve basis; provided, however, that commercial and public radio and  
1568 television acquiring access shall be required to share the audio or video feeds with other any  
1569 other commercial and public radio and television station seeking access. The manner and  
1570 conditions of access shall be established by the Speaker with the approval of the House. Access  
1571 may be prohibited by the Speaker with the approval of the House.

1572 Clauses (a) through (e) of this rule shall not be suspended unless by unanimous consent of the  
1573 members present. [100.] (59.)

1574 [Amended April 18, 1979; Jan. 12, 1983; Jan. 12, 1987; Jan. 9, 1991; Jan. 26, 1999, Jan. 23,  
1575 2007; Jan. 30, 2019; Jul. 7, 2021; Feb. 25, 2025.]

1576 *Quorum.*

1577 82. Eighty-one members present shall constitute a quorum for the organization of the House  
1578 and the transaction of business. [See amendments to the Constitution, Art. XXXIII.]

1579 In the event that a quorum is not present, the presiding officer shall compel the attendance of  
1580 a quorum. During the absence of a quorum, no other business may be transacted or motions  
1581 entertained except a declaration of adjournment or a recess by the Speaker. [105.]

1582 [Amended Jan. 12, 1981; Jan. 14, 1997.]

1583 *Debate on Motions for Suspension of Rules.*

1584 83. The question of suspension of House Rules 45, 47, 56, 61, 64, 66, 67, 68, 69, 77 and 83  
1585 shall be decided without debate. Debate upon the motion for the suspension of any other House  
1586 rule, unless otherwise indicated, or any joint rule shall be limited to fifteen minutes and no  
1587 member shall occupy more than three minutes. This rule shall not be suspended unless by  
1588 unanimous consent of the members present. [102.] (52.)

1589 [Amended Jan. 12, 1981; Jan. 9, 1989.]

1590 84. Unless otherwise indicated, nothing in the House rules or joint rules shall be suspended,  
1591 altered or repealed unless two-thirds of the members present and voting consent thereto. This  
1592 rule shall not be suspended unless by unanimous consent of the members present. [103.] (63.)

1593 [Amended Jan. 12, 1981.]

1594 84A. The Clerk may, due to technical limitations or upon exigent circumstances, elect to  
1595 waive any requirement relative to the electronic availability and posting on the website of the  
1596 General Court of any bills, resolves, summaries or other documents contained herein; provided,  
1597 however, that if the Clerk so waives any such requirement he shall make paper copies of the

1598 documents available to all members and the public within the limitation established for the  
1599 electronic availability and posting on the website of the General Court of any bills, resolves,  
1600 summaries or other documents contained herein.

1601 [Adopted Feb. 11, 2009.]

1602 *Reference to Committee on Rules.*

1603 85. All motions or orders authorizing committees of the House to travel or to employ  
1604 stenographers, all propositions involving special investigations by committees of the House, all  
1605 resolutions presented for adoption by the House only, and all motions and orders except those  
1606 which relate to the procedure of the House or are privileged in their nature or are authorized by  
1607 Rule 65, shall be referred without debate to the committee on Rules, which shall report thereon,  
1608 recommending what action should be taken. The committee shall not recommend suspension of  
1609 Joint Rule 9, unless evidence satisfactory to the committee is produced that the petitioners have  
1610 previously given notice, by public advertisement or otherwise, equivalent to that required by  
1611 Chapter 3 of the General Laws. [104.] (13A.)

1612 [Amended Jan. 29, 2015; Feb. 1, 2023.]

1613 85A. (a) The committee on Operations, Facilities and Security, upon receipt of the  
1614 recommendation of the state auditor pursuant to subsection (b), shall provide that an outside,  
1615 independent financial audit of House financial accounts be conducted for each fiscal year upon  
1616 receipt of the fiscal year end appropriation activity with balance report from the comptroller of  
1617 the Commonwealth. The outside, independent financial audit shall be conducted in accordance  
1618 with the standards for audits of governmental organizations, programs, activities and functions,  
1619 commonly referred to as the “Generally Accepted Government Auditing Standards (GAGAS)”

1620 or “Yellow Book,” published by the Comptroller General of the United States. The committee on  
1621 Operations, Facilities and Security, with the assistance of the House Business Manager, shall  
1622 provide the independent auditor with requested financial documents for such financial audit. A  
1623 copy of the completed outside, independent financial audit shall be filed with the Clerk of the  
1624 House and the state auditor and shall be posted on the website of the General Court.

1625 (b) The committee on Operations, Facilities and Security shall annually request that the state  
1626 auditor recommend a private, independent auditing firm to conduct the independent financial  
1627 audit of House financial accounts required by subsection (a). The state auditor shall, within 30  
1628 days of the committee’s request, recommend to the committee a private, independent auditing  
1629 firm from the list of private, independent auditing firms on the appropriate statewide  
1630 procurement contract established by the operational services division. The committee shall direct  
1631 the House Business Manager to execute a contract with the private, independent auditing firm  
1632 recommended by the state auditor pursuant to a statewide procurement contract established by  
1633 the operational services division. If the state auditor fails to recommend a private, independent  
1634 auditing firm to serve as the independent auditor of House financial accounts within 30 days of  
1635 receiving a request from the committee, then the committee shall direct the House Business  
1636 Manager to retain a private, independent auditing firm from the appropriate statewide  
1637 procurement contract established by the operational services division.

1638 (c) The provisions of this rule shall apply to fiscal years beginning on July 1, 2025.

1639 [Adopted Jan. 11, 1985, Amended Jan. 20, 2011; Jan. 30, 2019; Nov. 14, 2024; Feb. 25,  
1640 2025.]

1641 *Parliamentary Practice.*

1642 86. The rules of parliamentary practice shall govern the House in all cases to which they are  
1643 applicable, and in which they are not inconsistent with these rules or the joint rules of the two  
1644 branches. (62.)

1645 *Procurement.*

1646 87. (a) All procurements for goods or services shall be completed by the House Business  
1647 Manager under the oversight of the committee on Operations, Facilities and Security, subject to  
1648 the provisions of this rule. The committee shall provide the House Business Manager with such  
1649 guidelines, policies and procedures as the committee deems necessary and appropriate to ensure  
1650 the effective and efficient procurement of goods and services under this rule.

1651 (b) (1) All procurements for goods or services shall, to the extent practicable, be made  
1652 pursuant to a statewide procurement contract established by the operational services division.

1653 (2) Before procuring goods or services pursuant to a statewide procurement contract under  
1654 this subsection in an amount of \$10,000 or more, and before completing any joint procurement  
1655 under Joint Rule 36 on behalf of the House in an amount of \$10,000 or more, including a joint  
1656 procurement not made pursuant to a statewide procurement contract, the House Business  
1657 Manager shall transmit to all the members of the committee on Operations, Facilities and  
1658 Security the House Business Manager's recommendation for awarding the procurement and a  
1659 written summary identifying all steps taken by the House Business Manager for compliance with  
1660 this rule, or with Joint Rule 36 as applicable, and any other information the House Business  
1661 Manager deems necessary. The committee on Operations, Facilities and Security shall review the  
1662 recommendation and summary to ensure compliance with this rule or Joint Rule 36, as  
1663 applicable. Upon completion of the review by the committee on Operations, Facilities and

1664 Security, if a majority of the committee agrees with the House Business Manager's  
1665 recommendation, the committee shall approve the recommendation in writing and the House  
1666 Business Manager shall procure the goods or services.

1667 (c) (1) Upon written certification submitted to the chair of the committee on Operations,  
1668 Facilities and Security by the House Business Manager that a necessary procurement under this  
1669 rule cannot be made using a statewide procurement contract established by the operational  
1670 services division, the House Business Manager may procure the required goods or services,  
1671 subject to the provisions of this subsection.

1672 (2) For a procurement of goods or services in an amount of less than \$10,000, the House  
1673 Business Manager shall use sound business practices.

1674 (3) For a procurement of goods or services in an amount of \$10,000 or more, but less than  
1675 \$100,000, the House Business Manager shall seek written or oral quotations from no fewer than  
1676 3 persons customarily providing such goods or services. The House Business Manager shall  
1677 record the names and addresses of all persons from whom quotations were sought, the names and  
1678 addresses of all persons submitting quotations and the date and amount of each quotation. The  
1679 House Business Manager shall transmit all quotations received to the committee on Operations,  
1680 Facilities and Security, along with the House Business Manager's recommendation as to what  
1681 quotation offers the needed quality of goods or services at the best value for the House and a  
1682 written summary identifying all steps taken by the House Business Manager for compliance with  
1683 this rule and any other information the House Business Manager deems necessary. The  
1684 committee on Operations, Facilities and Security shall review the quotations, the  
1685 recommendation and the written summary to ensure compliance with this rule. Upon completion

1686 of the review by the committee on Operations, Facilities and Security, if the committee agrees  
1687 with House Business Manager's recommendation, the committee shall approve the  
1688 recommendation in writing and the House Business Manager shall award the contract to the  
1689 responsible person whose quotation offers the needed quality of goods or services and which  
1690 represents the best value for the House.

1691 (4) For a procurement of goods or services in an amount exceeding \$100,000, the House  
1692 Business Manager shall seek proposals or quotations through a competitive bid process wherein  
1693 the House Business Manager shall:

1694 (i) identify bidders capable and willing to provide the House with the best value of goods or  
1695 services by: (A) posting public notice on the Commonwealth's electronic procurement system  
1696 (COMMBUYS) of the House's request for proposals or quotations, which shall be approved by  
1697 House Counsel and the committee on Operations, Facilities and Security prior to posting; and  
1698 (B) whatever other means the House Business Manager deems appropriate;

1699 (ii) record the names of the responding bidders, the date of the response, a description of  
1700 goods or services and the amount of each quotation;

1701 (iii) have the right, for any reason, and at any time prior to the execution of a contract, and  
1702 without penalty, to notify bidders of a cancellation of procurement and the rejection of all bids  
1703 and shall include such right of cancellation on the public posting;

1704 (iv) review each bid to confirm that it satisfies the requirements of the House's request;

1705 (v) determine, in consultation with the House office requesting the goods or services, which  
1706 bid satisfying the requirements of the House's request also offers the needed quality of goods or  
1707 services and represents the best value to the House;

1708 (vi) transmit to each member of the committee on Operations, Facilities and Security: (A) all  
1709 bids submitted in response to the House's request; (B) the House Business Manager's  
1710 determination pursuant to clause (v) as to which bid satisfying the requirements of the House's  
1711 request also offers the needed quality of goods or services and represents the best value to the  
1712 House; and (C) a written summary identifying all steps taken by the House Business Manager for  
1713 compliance with this rule and any other information the House Business Manager deems  
1714 necessary; and

1715 (vii) obtain the written approval of the committee on Operations, Facilities and Security  
1716 before any bid is selected and any procurement is made pursuant to this paragraph.

1717 (d) Notwithstanding subsections (a) through (c), all procurements for legal services and legal  
1718 resources shall be handled exclusively by Counsel in compliance with the provisions of this rule  
1719 to the extent practicable.

1720 (e) The House Business Manager shall maintain a separate file on each procurement made  
1721 under this rule and Joint Rule 36 and shall include in such file a copy of all documents  
1722 constituting the agreement for goods and services and all documents evidencing compliance with  
1723 this rule, including but not limited to any written approvals by the committee on Operations,  
1724 Facilities and Security required under this rule.

1725 (f) For each contract not executed using a statewide procurement contract established by the  
1726 operational services division and in excess of \$10,000, the House Business Manager shall make

1727 the file maintained pursuant to subsection (e) available for inspection within said office by  
1728 members of the House for at least 3 years from the date of final payment under the contract;  
1729 provided, however, that the House Business Manager, in consultation with Counsel, shall redact  
1730 from said file any information which (i) is legally privileged; (ii) is proprietary; (iii) is related to  
1731 individual members or House personnel; or (iv) is otherwise protected by state or federal law.

1732 (g) No member, officer or employee of the House shall execute a contract for the procurement  
1733 of goods or services under this rule without the prior written approval of House Counsel.

1734 (h) On or before the 15th calendar day of each month, the House Business Manager shall  
1735 transmit to the committee on Operations, Facilities and Security and House Counsel a written  
1736 report identifying all procurements of goods or services, including procurements made pursuant  
1737 to Joint Rule 36, made during the previous calendar month, regardless of the amount and  
1738 whether the procurement was made pursuant to a statewide procurement contract.

1739 (i) Whenever the time required to comply with a requirement of this rule would endanger the  
1740 health, safety or convenience of the members, staff or visitors to the House of Representatives,  
1741 the House Business Manager, or House Counsel in the case of a procurement for legal consulting  
1742 services and legal resources, may make an emergency procurement without satisfying the  
1743 requirements of subsections (b), (c) and (d); provided, however, that both the House Business  
1744 Manager, or House Counsel in the case of a procurement for legal consulting services and legal  
1745 resources, and the chair of the committee on Operations, Facilities and Security certify in  
1746 writing: (i) that an emergency exists and explain the nature thereof; (ii) that said emergency  
1747 procurement is limited to only supplies or services necessary to meet the emergency; (iii) that  
1748 said emergency procurement conforms to the requirements of this rule to the extent practicable

1749 under the circumstances; (iv) each contractor’s name, the amount and the type of each contract,  
1750 the supplies or services provided under each contract, and (v) the basis for determining the need  
1751 for an emergency procurement. Such certification shall be filed with the Clerk of the House prior  
1752 to an emergency procurement.

1753 [Adopted Jan. 20, 2011, Amended Jan. 23, 2013; Jan. 29, 2015; Feb. 19, 2015; Jan. 30, 2019;  
1754 Jul. 7, 2021; Feb. 1, 2023; Feb. 25, 2025.]

1755 *Professional Standards and Conduct.*

1756 88. (a) As used in Rules 88 to 100, inclusive, the following terms shall, unless the context  
1757 clearly requires otherwise, have the following meanings:-

1758 “Authorized party”, a party authorized to receive a complaint of harassment or retaliation  
1759 pursuant to Rule 93.

1760 “Counsel”, Legal Counsel to the House appointed pursuant to Rule 13B.

1761 “Director”, the Director of Human Resources appointed pursuant to Rule 90.

1762 “Discriminatory harassment”, verbal or physical conduct that:

1763 (1) demeans, stereotypes, or shows hostility or aversion toward an individual or group because  
1764 of the individual's race, color, religion, national origin, sex, ancestry, sexual orientation, age,  
1765 disability status, genetic information, gender identity, active military personnel status,  
1766 transgender status or membership in any other protected class and;

1767 (2) (i) has the purpose or effect of creating an intimidating, hostile, humiliating or offensive  
1768 working environment;

1769 (ii) has the purpose or effect of unreasonably interfering with a member, officer, intern or  
1770 employee's work performance or official duties; or

1771 (iii) otherwise adversely affects a member, officer, intern or employee's employment  
1772 opportunities or ability to fulfill their official duties or conduct business before the House.

1773 "EEO Officer", the outside, independent Equal Employment Opportunity Officer contracted  
1774 by the House pursuant to Rule 89.

1775 "Harassment", discriminatory harassment or sexual harassment engaged in by a member,  
1776 officer, intern or employee of the House or by a third party.

1777 "Sexual harassment", sexual advances, requests for sexual favors and verbal or physical  
1778 conduct of a sexual nature when:

1779 (1) submission to or rejection of such advances, requests or conduct is made either explicitly or  
1780 implicitly a term or condition of employment or as a basis for employment decisions, or as a  
1781 term, condition or basis for the support of certain policy objectives, political aspirations or  
1782 business before the House; or

1783 (2) such advances, requests or conduct have the purpose or effect of unreasonably interfering  
1784 with a member, officer, intern or employee's work performance or official duties by creating an  
1785 intimidating, hostile, humiliating or sexually offensive work environment.

1786 Under this definition, direct or implied requests for sexual favors in exchange for actual or  
1787 promised (i) employment benefits such as favorable reviews, salary increases, promotions,  
1788 increased benefits or continued employment or (ii) support for certain policy objectives, political  
1789 aspirations or business before the House, shall constitute sexual harassment.

1790 The definition of sexual harassment is broad and may include other sexually oriented conduct,  
1791 whether or not it is intended to violate this Rule, that is unwelcome and has the effect of creating  
1792 a workplace environment that is hostile, offensive, intimidating or humiliating to a member,  
1793 officer, intern or employee of the same or different gender, or those who do not identify as  
1794 gender binary.

1795 “Supervisor”, a member, officer or employee having direct authority or oversight over one or  
1796 more employees.

1797 “Third party”, any person visiting the House of Representatives, or conducting official  
1798 business or work with any member, officer or employee of the House.

1799 (b) The House is committed to providing fair and equal opportunity for employment and  
1800 advancement to all employees and applicants.

1801 It is the House’s policy and practice to assign, promote and compensate employees on the  
1802 basis of qualifications, merit, and competence. Employment practices shall not be influenced nor  
1803 affected by virtue of an applicant's or employee's race, color, religion, national origin, sex,  
1804 ancestry, sexual orientation, age, disability status, genetic information, gender identity, active  
1805 military personnel status, transgender status or membership in any other protected class.

1806 This policy governs all aspects of recruiting, hiring, training, on-the-job treatment, promotion,  
1807 transfer, discharge and all other terms and conditions of employment.

1808 Without limiting the applicability of the foregoing, the House is committed to creating and  
1809 maintaining a work environment in which all members, officers, interns and employees of the  
1810 House, and all third parties, are treated with respect and free from any form of harassment,

1811 including harassment based on an individual's membership in any protected class. To that end,  
1812 the House will not tolerate harassment of any kind by any member, officer, intern, employee or  
1813 third party in the workplace or otherwise in connection with the official duties or employment  
1814 responsibilities of a member, officer, third party, intern or employee. Any individual who  
1815 believes that they may have been the object of harassment, or any individual who witnesses  
1816 something they think may be harassment, is strongly encouraged to report that information to an  
1817 authorized party.

1818 The House shall promote the safety and respectful treatment of all members, officers, interns  
1819 and employees of the House, and all third parties, by establishing uniform procedures for making  
1820 and receiving complaints of harassment and, in coordination with the EEO Officer, initiating,  
1821 conducting and concluding investigations into complaints of harassment.

1822 A violation of this policy will subject the member, officer, employee or intern to discipline  
1823 pursuant to Rule 95 and Rule 96.

1824 (c)(1) Discriminatory harassment may include, but is not limited to, the following conduct:

1825 (i) epithets, slurs, insults or negative stereotyping related to the protected classes;

1826 (ii) acts or jokes that are hostile or demeaning with regard to the protected classes;

1827 (iii) threatening, intimidating or hostile acts that relate to the protected classes;

1828 (iv) displays of written or graphic material that demean, ridicule or show hostility toward an  
1829 individual or group because of membership in a protected class, including material circulated or  
1830 displayed in the workplace, including District Offices, such as on an employee's desk or

1831 workspace, or on House equipment or bulletin boards, including but not limited to House-issued  
1832 computers, laptops and personal device assistants;

1833 (v) verbal or non-verbal innuendo, and micro-aggressions; and

1834 (vi) other conduct that falls within the definition of discriminatory harassment set forth above.

1835 (2) Sexual harassment includes, but is not limited to, the following conduct:

1836 (i) gender-based bullying, including bullying based on transgender or non-gender binary status;

1837 (ii) attempts to coerce an unwilling person into a sexual relationship;

1838 (iii) repeatedly subjecting a person to unwelcome sexual or romantic attention;

1839 (iv) punishing a person's refusal to comply with a request for sexual conduct; and

1840 (v) conditioning a benefit on submitting to sexual advances.

1841 (3) Conduct that, if unwelcome, and depending upon the totality of the circumstances,  
1842 including the severity of the conduct and its pervasiveness, may constitute sexual harassment  
1843 includes, but is not limited to, the following:

1844 (i) unwelcome sexual advances, flirtations or propositions, whether they involve physical  
1845 touching or not;

1846 (ii) sexual "kidding," epithets, jokes, written or oral references to sexual conduct;

1847 (iii) gossip regarding one's sex life;

1848 (iv) comment on a person's body or an individual's sexual activity, deficiencies, or prowess;

- 1849 (v) displaying sexually suggestive objects, pictures, posters or cartoons;
- 1850 (vi) unwelcome leering or staring at a person;
- 1851 (vii) sexual gestures and suggestive or insulting sounds, such as whistling or comments with  
1852 sexual content or meaning;
- 1853 (viii) uninvited physical contact, such as touching, hugging, purposely brushing against the  
1854 body, patting or pinching;
- 1855 (ix) indecent exposure;
- 1856 (x) inquiries into one's sexual experiences;
- 1857 (xi) discussion of one's sexual activities;
- 1858 (xii) sexual emails; and
- 1859 (xiii) sexting, or sexual messages or images posted on social media, for example, texts, instant  
1860 messages, Facebook posts, tweets, Snapchat, Instagram or blog entries.
- 1861 (d) No member, officer or employee of the House shall retaliate, including against a member,  
1862 officer, intern, or employee of the House who has complained about harassment or participated  
1863 in an investigation into an allegation of harassment or retaliation. Any person who believes that  
1864 they may have been the subject of retaliation for having complained of harassment or retaliation,  
1865 or for having participated in an investigation related to an allegation of harassment or retaliation,  
1866 is strongly encouraged to report that information to an authorized party.
- 1867 [Added Mar. 15, 2018; Jan. 30, 2019; Feb. 1, 2023; Feb. 25, 2025.]

1868 89. (a) The House shall contract with an EEO Officer, who shall not be an employee of the  
1869 General Court or any other Commonwealth entity or instrumentality. The committee on Human  
1870 Resources and Employee Engagement shall contract with a qualified person or entity with  
1871 expertise in conducting investigations to act as the EEO Officer pursuant to the procurement  
1872 procedures in Rule 87. The contract shall contain such terms as are, in the judgment of the  
1873 committee, necessary and appropriate to effectuate the goals of this Rule and related provisions  
1874 of Rules 93 to 100, inclusive.

1875 (b) The EEO Officer shall review and investigate complaints deemed plausible pursuant to  
1876 Rule 94 alleging a violation of Rule 88, the House Anti-Harassment Policy, or the House Equal  
1877 Employment Policy, including, but not limited to complaints alleging harassment or retaliation.  
1878 Complaints shall be received, reviewed and investigated pursuant to Rules 93 to 97, inclusive.

1879 [Adopted Mar. 15, 2018; Amended Jul. 7, 2021; Feb. 25, 2025.]

1880 90. (a) The House shall employ a full-time Director of Human Resources. The committee on  
1881 Human Resources and Employee Engagement shall appoint a qualified person to act as the  
1882 Director at such compensation as the committee on Human Resources and Employee  
1883 Engagement shall approve.

1884 The Director shall serve a term of two years from the date of appointment, unless the Director  
1885 sooner resigns, retires or is removed; provided, however, that the Director may only be removed:  
1886 (i) for misfeasance, malfeasance or nonfeasance, as determined by Counsel and approved by a  
1887 majority vote of the committee on Human Resources and Employee Engagement ; or (ii) by a  
1888 majority roll call vote of the House.

1889 (b) The Director may employ such assistants as may be necessary in the discharge of the  
1890 Director's duties, subject to the approval of the committee on Human Resources and Employee  
1891 Engagement, and may expend with like approval such sums as may be necessary for the  
1892 discharge of their duties.

1893 (c) The Director shall develop and oversee standardized practices and procedures, which shall  
1894 apply to all applications for employment. The practices and procedures shall include, but shall  
1895 not be limited to: (i) a standard application for employment; (ii) mandatory background and  
1896 reference checks, the results of which shall be reported by the Director to the applicant's  
1897 prospective appointing authority; and (iii) a standard offer letter for each position within the  
1898 House.

1899 (d) The Director shall develop and oversee standardized practices and procedures, which shall  
1900 apply to all employees and appointed officers of the House. These practices and procedures shall  
1901 include or address, without limitation: (i) regular meetings between the Director and employees  
1902 who are supervisors, including an initial meeting within 14 days of the employee assuming such  
1903 a role; (ii) guidelines for conducting employee performance reviews; (iii) a program of  
1904 progressive discipline; and (iv) separations from employment including exit interviews for  
1905 terminated employees.

1906 (e) The Director and the Director of Employee Engagement, in consultation with Counsel,  
1907 shall develop employee classifications, which shall include written job descriptions, salary  
1908 ranges and schedules. The classifications shall be published in the employee and supervisor  
1909 handbooks. The Director may develop a seniority system on which employee salaries may be  
1910 based. A seniority system shall be published in the employee handbook.

1911 (f) The Director, in consultation with the Director of Employee Engagement and Counsel,  
1912 shall develop practices and procedures for receiving, investigating and resolving personnel  
1913 complaints unrelated to Rule 88, the House Anti-Harassment Policy, or the House Equal  
1914 Employment Policy.

1915 (g) The Director, in consultation with the Director of Employee Engagement and subject to  
1916 the approval of Counsel, shall develop and implement written policies and procedures for  
1917 receiving and maintaining records of complaints against members, officers, interns or employees  
1918 of the House, or against third parties, made in accordance with Rules 93 to 98, inclusive.

1919 (h) The Director shall annually publish: (i) an Employee Handbook; and (ii) an Intern  
1920 Handbook. Each handbook shall be developed with the advice and approval of Counsel, and  
1921 shall be submitted to the committee on Human Resources and Employee Engagement for review  
1922 and approval at least 14 days prior to publication.

1923 The handbooks shall be available as follows:

1924 (i) the Director shall post both handbooks on the human resources web portal;

1925 (ii) the Director shall email an electronic copy of the Employee Handbook to each employee  
1926 within 10 days of its publication and require that each employee sign a written acknowledgement  
1927 of receipt and return such acknowledgement to the Director within 5 days;

1928 (iii) the Director shall email an electronic copy of the Employee Handbook to each new  
1929 employee within 5 days of the employee's start date and require that the employee sign a written  
1930 acknowledgement of receipt and return such acknowledgement to the Director within 5 days;

1931 (iv) the committee on Human Resources and Employee Engagement shall provide an Intern  
1932 Handbook to each intern on the first day of their internship. Upon receipt of the Intern Handbook  
1933 the intern shall sign a written acknowledgement of receipt that day, which shall be maintained by  
1934 the committee, with a copy sent to the Director;

1935 (vi) hard copies of each handbook shall be available in the offices of the Director, the Director  
1936 of Employee Engagement, Counsel and the Clerk;

1937 (vi) the Director shall cause electronic copies of each handbook to be downloaded onto the  
1938 desktop of each House computer; and

1939 (vii) in formats accessible to all members, officers and employees.

1940 (i)(1) The committee on Human Resources and Employee Engagement, in consultation with  
1941 the Director, shall develop policies to address individuals who provide services to the House in a  
1942 volunteer capacity or otherwise without receiving compensation

1943 (2) The committee on Human Resources and Employee Engagement, in consultation with the  
1944 Director and subject to the approval of Counsel, shall develop policies to address pro-bono  
1945 service and charitable and community service activities by members, officers and employees of  
1946 the House.

1947 [Added Mar. 15, 2018; Amended Jan. 30, 2019; Jul. 7, 2021; Feb. 25, 2025.]

1948 91. The Director shall, in consultation with the Director of Employee Engagement, create and  
1949 maintain an internal web portal for members, officers and employees. The web portal shall  
1950 provide relevant information on human resource policies and procedures, including, without  
1951 limitation, the Rules of the House, each handbook published by the Director, explanations of

1952 complaint and investigation procedures, contact information for the Director, the Director of  
1953 Employee Engagement, and Counsel, training opportunities and schedules and the directory of  
1954 committee staff required pursuant to Rule 92.

1955 [Added Mar. 15, 2018; Amended Jul. 7, 2021; Feb. 1, 2023; Feb. 25, 2025.]

1956 92. (a) The House shall employ a full-time Director of Employee Engagement. The  
1957 committee on Human Resources and Employee Engagement shall appoint a qualified person to  
1958 act as the Director of Employee Engagement at such compensation as the committee on Human  
1959 Resources and Employee Engagement shall approve.

1960 (b) The Director of Employee Engagement shall, in consultation with the Director of Human  
1961 Resources: (i) develop methods for enhancing the skills and professional development of  
1962 employees including skills for providing constituent services and engaging with, and ensuring  
1963 the privacy of, members of the public who visit the State House; (ii) explore and develop  
1964 partnerships with national trade organizations to maximize the opportunities for professional  
1965 development available to employees; and (iv) engage employees in roundtable discussions on  
1966 issues of importance or concern.

1967 (c) The Director of Employee Engagement shall assist the committee on Human Resources  
1968 and Employee Engagement with duties as may be assigned by the committee or the Director of  
1969 Human Resources.

1970 (d) The Director of Employee Engagement shall prepare and publish on the house intranet a  
1971 directory of committee staff.

1972 (e)(1) The Director of Employee Engagement, in conjunction with the committee on Human  
1973 Resources and Employee Engagement and Counsel, shall provide for training of members.  
1974 Training shall include, without limitation, instruction on: (i) House equal employment policies,  
1975 including the complaint and investigation process; (ii) workplace harassment specifically,  
1976 including techniques for bystander intervention and other best practices; (iii) prohibition on  
1977 retaliation; (iv) best management practices; (v) professionalism and respect; and (vi) practices for  
1978 monitoring the workplace for issues and identifying risk factors. Each member shall make a  
1979 signed, written acknowledgement of the member's completion of the training, which shall be  
1980 maintained in the Director's records.

1981 (2) The Director of Employee Engagement, in conjunction with the committee on Human  
1982 Resources and Employee Engagement and Counsel, shall provide for annual training for all  
1983 appointed officers and employees. Training shall include, without limitation, instruction on (i)  
1984 House equal employment policies, including the complaint and investigation process; (ii)  
1985 workplace harassment specifically, including techniques for bystander intervention and other  
1986 best practices; (iii) prohibition on retaliation; and (iv) professionalism and respect.

1987 Separate trainings shall be held for those appointed officers and employees who are  
1988 supervisors and those appointed officers and employees who are not supervisors. The content of  
1989 the training shall be tailored appropriately to the recipients. Supervisors shall be specifically  
1990 trained on best management practices.

1991 Each appointed officer and employee shall make a signed, written acknowledgement of their  
1992 completion of the training, who shall provide a copy to the Director to be maintained in their  
1993 personnel file.

1994 (3) The Director of Employee Engagement shall provide for appropriate additional training to  
1995 members, officers or employees at any time that the Director of Employee Engagement deems  
1996 necessary or appropriate, including upon the request of a member, officer or employee.

1997 (4) The Director of Employee Engagement shall provide for training for interns during the  
1998 intern orientation process. The training shall include without limitation, instruction on: (i) House  
1999 equal employment policies, including the complaint and investigation process; (ii) workplace  
2000 harassment specifically, including techniques for bystander intervention and other best practices;  
2001 (iii) prohibition on retaliation; and (iv) professionalism and respect. Each intern shall make a  
2002 signed, written acknowledgement of the intern's completion of the training, which shall be  
2003 retained by the Director to be maintained in the Director's records.

2004 [Added Mar. 15, 2018; Amended Jul. 7, 2021; Feb. 25, 2025.]

2005 93.(a)(1) A member who believes that they have been the object of harassment or retaliation,  
2006 who witnesses harassment or retaliation, or who becomes aware of harassment or retaliation may  
2007 make a complaint, either orally or in writing with the Director, the Director of Employee  
2008 Engagement or Counsel. Upon receipt of a complaint pursuant to this subsection, a recipient  
2009 other than the Director shall forthwith provide a detailed account of the complaint to the Director  
2010 for assessment pursuant to Rule 94.

2011 (2) An appointed officer, employee or intern of the House who believes that they have been  
2012 the object of harassment or retaliation, who witnesses harassment or retaliation, or who becomes  
2013 aware of harassment or retaliation may make a complaint, either orally or in writing, to any of  
2014 the officer's, employee's or intern's supervisors, the Director, the Director of Employee  
2015 Engagement or Counsel. Upon receipt of a complaint pursuant to this subsection, a recipient

2016 other than the Director shall forthwith provide a detailed account of the complaint to the Director  
2017 for assessment pursuant to Rule 94.

2018 (3) A third party who believes that they have been the object of harassment, or who witnesses  
2019 harassment or retaliation may make a complaint, either orally or in writing, with the Director.  
2020 Upon receipt of a complaint pursuant to this subsection, the Director shall assess the complaint  
2021 pursuant to Rule 94.

2022 (b) The Director, in consultation with the Director of Employee Engagement and subject to  
2023 the approval of Counsel, shall provide guidance for authorized parties who may receive  
2024 complaints under subsection (a), both in the form of the training referenced in Rule 92 and  
2025 otherwise. The guidance shall instruct authorized parties on the proper way to receive complaints  
2026 and to advise complainants on issues including, but not limited to, confidentiality, prohibition on  
2027 retaliation and the availability of additional resources and avenues for action for the complainant,  
2028 including possible criminal action where appropriate.

2029 (c) If a complaint made pursuant to subsection (a) is against the Director or EEO Officer, the  
2030 recipient of the complaint shall notify Counsel, rather than the Director, and Counsel shall then:  
2031 (i) refer the matter to the EEO Officer for investigation if the complaint is against the Director;  
2032 or (2) investigate the complaint pursuant to Rules 94 to 96, inclusive, if the complaint is against  
2033 the EEO Officer.

2034 (d) If, based on the nature and circumstances of the complaint, the EEO Officer believes that  
2035 they cannot objectively assess or investigate a complaint referred to them pursuant to Rule 94,  
2036 the EEO Officer shall immediately notify Counsel, who shall refer the complaint to outside

2037 counsel for investigation. Counsel shall provide the EEO Officer with guidelines used to identify  
2038 matters that should be referred to Counsel or outside counsel pursuant to this subsection.

2039 [Added Mar. 15, 2018; Amended Jan. 30, 2019; Feb. 25, 2025.]

2040 94. (a)(1) All complaints alleging harassment or retaliation by or against a member, officer,  
2041 intern or employee of the House, or by or against a third party, received by any member, officer  
2042 or employee of the House, shall be immediately referred to the Director for initial assessment.

2043 (2) Upon receiving a complaint alleging harassment or retaliation by or against a member,  
2044 officer, intern or employee of the House, or by or against a third party, the Director shall  
2045 promptly undertake an initial assessment to determine whether the complaint is plausible and  
2046 requires investigation. Such assessment shall be completed within two weeks from the date of  
2047 receiving a complaint.

2048 Upon a determination by the Director that a complaint is plausible and requires investigation,  
2049 the Director shall notify Counsel that a complaint is being referred to the EEO Officer and shall  
2050 then submit the complaint along with the Director's initial assessment to the EEO Officer so that  
2051 the EEO Officer may commence an investigation of the complaint.

2052 (3) Upon a determination by the Director that a complaint is not plausible and does not  
2053 require investigation, the Director shall submit a report to Counsel describing the complaint and  
2054 the Director's basis for determining that the complaint lacked plausibility and did not require  
2055 investigation. If Counsel objects to the Director's determination, the Director shall then submit  
2056 the complaint to the EEO Officer so that the EEO Officer may commence an investigation of the  
2057 complaint.

2058 (4) Upon receiving a complaint submitted pursuant to (2), the EEO Officer shall confirm the  
2059 Director's assessment that the Complaint is plausible. If the EEO Officer confirms that the  
2060 complaint is plausible, the EEO Officer will then commence an investigation. If the EEO Officer  
2061 assesses that the Complaint is not plausible, notwithstanding the Director's initial assessment,  
2062 then the EEO Officer shall so notify Counsel. Counsel shall then review the complaint and the  
2063 basis for both the Director's initial assessment and the EEO Officer's contrary assessment and  
2064 shall determine whether or not the EEO Officer shall proceed with an investigation.

2065 (b) The EEO Officer shall conduct investigations pursuant to written policies and procedures,  
2066 which shall be established by the EEO Officer pursuant to Rule 98, as well as established best  
2067 practices. The policies and procedures shall ensure that all investigations and reports are  
2068 confidential to the fullest extent practicable under the circumstances and shall reflect well-  
2069 established industry best practices for EEO-related investigations.

2070 (c) The EEO Officer shall complete investigations within 90 days; provided, that the EEO  
2071 Officer may extend the investigation in extraordinary circumstances. The EEO Officer shall  
2072 regularly, but no less frequently than every 2 weeks, update the complainant on the status of the  
2073 investigation. If the EEO Officer believes that interim measures are warranted to protect  
2074 complainants during the investigation, then the EEO shall recommend such measures to Counsel,  
2075 who shall work with the appropriate supervisory individual or body to implement such interim  
2076 measures as necessary and appropriate.

2077 (d) Upon the conclusion of an investigation, the EEO Officer shall prepare a report  
2078 summarizing the complaint, the EEO Officer's investigation, findings and recommendations, if  
2079 any, for disciplinary, remedial or preventative action, or any combination thereof. The EEO

2080 Officer shall submit this report to Counsel, who shall share the conclusions of the report with the  
2081 appropriate supervisory individual or body as necessary and appropriate, and in such a manner to  
2082 maintain confidentiality regarding the information in the report to the greatest extent practicable.

2083 [Added Mar. 15, 2018; Amended Feb. 25, 2025.]

2084 95. (a) (1) If after completion of an investigation pursuant to Rule 94, the EEO Officer  
2085 determines that a member has violated Rule 88, the EEO Officer shall recommend disciplinary,  
2086 remedial or preventative action, or any combination thereof, as is appropriate and proportional  
2087 under the circumstances, subject to the limitations set forth in paragraphs (2) and (3).

2088 (2) Where the EEO Officer's action recommended pursuant to paragraph (1) does not include  
2089 reprimand, censure, removal from position as a chair or other position of authority, or expulsion,  
2090 the EEO Officer shall notify Counsel and the member of the recommended action and provide  
2091 the member with a copy of the EEO Officer's report. The member may, within 10 days of  
2092 receiving notice, request in writing that the Speaker and Minority Leader appoint a special  
2093 committee pursuant to Rule 96 to review the findings and recommendations of the EEO Officer.

2094 Upon receipt of said request, the Speaker and Minority Leader shall convene a special  
2095 committee pursuant to Rule 96.

2096 If the member fails to request the appointment of a special committee pursuant to Rule 96  
2097 within 10 days, then Counsel shall determine the parties who must be informed to implement the  
2098 recommended action, including but not limited to the Speaker or the Minority Leader, and those  
2099 parties shall implement the recommended action.

2100 (3) If the action recommended pursuant to subsection (a) includes reprimand, censure,  
2101 removal from position as a chair or other position of authority, or expulsion, the EEO Officer  
2102 shall submit, through Counsel, a request that the Speaker and Minority Leader convene a special  
2103 committee pursuant to Rule 96 to review the findings and recommendations of the EEO Officer.  
2104 Upon receipt of said request from the EEO Officer, the Speaker and Minority Leader shall  
2105 appoint a special committee pursuant to Rule 96.

2106 (4) Upon the request for a special committee made by the EEO Officer or a member pursuant  
2107 to this subsection, the EEO Officer shall provide the Speaker and Minority Leader with a copy of  
2108 the EEO Officer's report.

2109 (b) (1) If after completion of an investigation pursuant to Rule 94 the EEO Officer concludes  
2110 that an appointed officer, intern or employee has violated Rule 88, the EEO Officer shall notify  
2111 Counsel, who shall then notify the appointing authority for the appointed officer, intern or  
2112 employee and recommend the implementation of remedial, preventative or disciplinary action, or  
2113 any combination thereof, as is appropriate and proportional under the circumstances, subject to  
2114 the limitations set forth in paragraph (2). Notwithstanding Rule 97, the appointing authority may  
2115 inform any other supervisors of the appointed officer, intern or employee of the remedial,  
2116 preventative or disciplinary action if the appointing authority believes that sharing such  
2117 information is necessary for maintaining proper supervision of the appointed officer, intern or  
2118 employee.

2119 (2) If after completion of an investigation pursuant to Rule 94 the EEO Officer concludes  
2120 that an appointed officer, intern or employee has violated Rule 88 and the EEO Officer's action  
2121 recommended pursuant to paragraph (1) includes termination of employment or internship, the

2122 EEO Officer shall forward the recommendation along with the report, with all supporting  
2123 documentation, to Counsel for review and approval. Counsel shall have two business days to  
2124 review the EEO Officer's recommendation. If Counsel approves the recommendation, Counsel  
2125 shall forward the recommendation and report to the chair of the committee on Human Resources  
2126 and Employee Engagement for approval. If the chair approves, Counsel shall then notify the  
2127 Speaker, the appointing authority, and the Director, and the Director shall immediately terminate  
2128 the individual's employment or internship. If Counsel rejects the EEO Officer's  
2129 recommendation, or if the chair does not approve the recommendation after Counsel has  
2130 approved, then Counsel shall notify the Speaker and the Speaker shall determine the action to be  
2131 implemented.

2132 [Added Mar. 15, 2018; Amended Feb. 25, 2025.]

2133 96. (a) Upon receipt of a request pursuant to Rule 95, the Speaker and Minority Leader shall  
2134 confidentially convene a Special Committee on Professional Conduct, which shall consist of 7  
2135 members, 5 of whom shall be appointed by the Speaker and 2 of whom shall be appointed by the  
2136 Minority Leader. To the extent practicable, membership on the special committee shall be  
2137 apportioned in a way that takes into account the nature of the complaint and the commitment of  
2138 the House to providing fair and equal opportunity in employment. The Speaker shall appoint a  
2139 member to serve as chair. No member who has declared their candidacy for any other local, state  
2140 or federal office shall be appointed to a special committee. Upon appointment of members to the  
2141 committee, the Speaker and Minority Leader shall notify Counsel, the EEO Officer, and the  
2142 member who is the subject of the complaint of the identity of the members appointed. The  
2143 existence of the committee and the identity of the members appointed to the committee shall  
2144 otherwise remain confidential.

2145 (b) The EEO Officer shall provide the members of the special committee with all records  
2146 relevant to the investigation. The special committee shall review all records provided to them  
2147 and may further investigate, to the extent that it is necessary to resolve the complaint. The special  
2148 committee may summon witnesses, administer oaths, take testimony and compel the production  
2149 of books, papers, documents and other evidence in connection with its review.

2150 (c) In the case of a special committee convened under this section upon the request for a  
2151 review by a member pursuant to paragraph (2) of subsection (a) of Rule 95, the committee shall  
2152 determine whether the EEO Officer's intended action is proportional and appropriate under the  
2153 circumstances. If a majority of the committee so finds, it shall order that the action recommended  
2154 by the EEO Officer be implemented, along with any additional disciplinary, remedial or  
2155 preventative action, or any combination thereof, the committee determines to be proportional and  
2156 appropriate under the circumstances, subject to the limitations set forth in subsection (d). If a  
2157 majority of the committee finds that the intended action was not proportional or appropriate  
2158 under the circumstances, it may make a new recommendation for disciplinary, remedial or  
2159 preventative action, or any combination thereof, subject to the limitations set forth in said  
2160 subsection (d). All determinations of the committee pursuant to this subsection shall be final.

2161 (d) (1) If a majority of the committee finds that a member has violated Rule 88, it may take  
2162 any disciplinary, remedial or preventative action, or any combination thereof, as it determines to  
2163 be proportional and appropriate under the circumstances; provided, however, that if the  
2164 committee determines that reprimand, censure, removal from position as a chair or other position  
2165 of authority, or expulsion is proportional and appropriate under the circumstances, it shall file a  
2166 report with the Clerk recommending that the House vote to implement the disciplinary action.

2167 (2) Upon the filing of a report pursuant to paragraph (1), the Clerk shall promptly: (i) make  
2168 the report available to all members electronically; (ii) cause the report to be posted on the  
2169 website of the General Court; and (iii) place the matter in first position in the Orders of the Day  
2170 for the next calendar day that the House is meeting; provided, however, that no business shall be  
2171 conducted on that calendar day or any day thereafter until the question of acceptance or rejection  
2172 of the special committee's recommendation for discipline is decided by a majority of the  
2173 members present and voting by a recorded roll call vote. If a majority of the members vote to  
2174 accept the recommendation for discipline, the member shall be disciplined in the manner so  
2175 recommended. Unless a majority of the members vote to accept the report, the member shall not  
2176 be disciplined.

2177 (3) All findings and determinations of the committee, including instances where the special  
2178 committee does not file a report with the Clerk pursuant to paragraph (1), shall be reported to  
2179 Counsel and the EEO Officer and shall be final. The EEO Officer shall maintain confidential  
2180 records of such findings and determinations, except that a report filed pursuant to paragraph (1)  
2181 shall be public.

2182 (e) The committee may consult with Counsel, the EEO Officer or the Director in discharging  
2183 its duties pursuant to Rules 88 to 97, inclusive.

2184 [Added Mar. 15, 2018; Amended Jan. 30, 2019; Feb. 25, 2025.]

2185 97. (a) Any information obtained by a member or employee in their official capacity and  
2186 relating to a complaint or investigation of harassment pursuant to Rules 93 to 96, inclusive, and  
2187 any records of such information shall be confidential to the fullest extent possible.

2188 Confidentiality shall be specifically subject to subsections (b), (c), (d) and (e); provided that

2189 nothing in this Rule shall prevent the EEO Officer or Counsel from sharing information  
2190 regarding a complaint or investigation, including but not limited to the report prepared by the  
2191 EEO Officer, to effectuate the requirements of Rules 88 through 97, inclusive.

2192 (b) The EEO Officer, in reviewing a complaint and conducting an investigation, shall keep  
2193 the complaint confidential and shall not disclose the identity of the complainant or the person  
2194 against whom the complaint is made or any other details of the complaint with any member or  
2195 employee; provided, however, that the EEO Officer may share information to the extent  
2196 necessary to interview witnesses or parties to the investigation, or to consult with Counsel if the  
2197 EEO Officer determines that such consultation is necessary or appropriate in connection with the  
2198 investigation.

2199 (c) (1) The establishment of a special committee pursuant to Rule 96 shall be completely  
2200 confidential, except as set forth in Rule 96.

2201 (2) All proceedings of a special committee convened pursuant to Rule 96 shall be confidential  
2202 and members of the committee shall not share any information about the complaint and  
2203 investigation for which the committee was convened with any other member or employee,  
2204 including their own appointed staff; provided, however, that the committee may consult with  
2205 Counsel or the EEO Officer if the chair of the committee determines that such consultation is  
2206 required in connection with the investigation.

2207 (3) A special committee convened pursuant to Rule 96 shall implement all actions short of  
2208 reprimand, censure, removal from position as a chair or other position of authority, or expulsion  
2209 of a member confidentially, except that the special committee shall submit a final report to  
2210 Counsel and the EEO Officer and may consult with Counsel if the chair of the committee

2211 determines that such consultation is required in connection with their recommended action. The  
2212 committee's recommendation, if any, for reprimand, censure, removal from position as a chair or  
2213 other position of authority, or expulsion of a member, shall be a public document; provided,  
2214 however, that the committee may use pseudonyms to conceal the identity of the complainant if  
2215 the circumstances of the complaint so warrant.

2216 (d) All authorized parties shall keep complaints confidential, except to share the complaint  
2217 with the Director, Counsel and the EEO Officer as set forth in these Rules.

2218 (e) Nothing in this Rule shall limit the ability of the EEO Officer to share information with a  
2219 complainant, to the extent appropriate, in order to properly conclude the complaint or  
2220 investigation process.

2221 [Added Mar. 15, 2018; Amended Jan. 30, 2019; Feb. 25, 2025.]

2222 98. The EEO Officer and the Director shall establish all policies, procedures and guidelines  
2223 required by Rules 88 to 97, inclusive, and may develop supplemental policies, procedures and  
2224 guidelines necessary to implement or enforce Rules 88 to 97, inclusive; provided, that no policy,  
2225 procedure or guideline shall take effect without the prior review and written approval of Counsel  
2226 and the committee on Human Resources and Employee Engagement. Where appropriate, these  
2227 policies, procedures and guidelines shall be included in the handbooks.

2228 The EEO Officer and the Director may consult with each other, Counsel, and the committee  
2229 on Human Resources and Employee Engagement to carry out the requirements of Rules 88 to 97,  
2230 inclusive.

2231 [Added Mar. 15, 2018; Amended Jul. 7, 2021.]

2232 99. [Omitted Feb. 25, 2025] [Added March 15, 2018; Amended Jul. 7, 2021.]

2233 100. (a) No member, officer, intern or employee shall execute any agreement to settle any  
2234 legal claim or potential legal claim by any current or former member, officer, intern or employee  
2235 unless said agreement is executed pursuant to this rule.

2236 (b) No member, officer, intern or employee shall execute any agreement to settle any legal  
2237 claim or potential legal claim brought by any current or former member, officer, intern or  
2238 employee without the approval of Counsel. Counsel shall independently review the claim or  
2239 potential legal claim brought by any current or former member, officer, intern or employee and  
2240 confirm that the claim or potential claim does not relate to sexual harassment or retaliation based  
2241 on a claim of sexual harassment. Counsel shall not approve any settlement of a legal claim or  
2242 potential legal claim brought by any current or former member, officer, intern or employee  
2243 pursuant to this subsection if Counsel reasonably believes such legal claim or potential legal  
2244 claim relates to sexual harassment or retaliation based on a claim of sexual harassment.

2245 (c) No member, officer, intern or employee shall execute any agreement to settle any legal  
2246 claim or potential legal claim of sexual harassment, or retaliation based on a legal claim or  
2247 potential legal claim of sexual harassment, by any current or former member, officer, intern or  
2248 employee unless said agreement is executed pursuant to this subsection.

2249 No member, officer, intern or employee shall execute any agreement to settle a legal claim or  
2250 potential legal claim of sexual harassment, or retaliation based on a legal claim or potential legal  
2251 claim of sexual harassment, by any current or former member, officer, intern or employee unless:

2252 1. the request to negotiate said agreement was initiated, in writing, by the person filing or  
2253 eligible to file the legal claim or potential legal claim or a person legally authorized to represent  
2254 that person;

2255 2. the person filing the legal claim or eligible to file the legal claim is given 15 days to review  
2256 and consider the agreement;

2257 3. the duration of any non-disclosure or non-disparagement provision of the agreement to  
2258 settle the legal claim or potential legal claim is for a finite period of time as agreed to by the  
2259 parties;

2260 4. the agreement to settle the legal claim or potential legal claim specifically provides that no  
2261 provision of the agreement, including any non-disclosure or non-disparagement provision of the  
2262 agreement, shall preclude any party from participating in an investigation by Counsel, the  
2263 Director, the EEO Officer, a Special Committee on Professional Conduct or any law  
2264 enforcement agency; and

2265 5. the agreement is approved in writing by Counsel.

2266 (d) In the case of an agreement to settle any legal claim or potential legal claim of sexual  
2267 harassment pursuant to this Rule by a member, the Speaker and Minority Leader shall appoint a  
2268 Special Committee on Professional Conduct pursuant to Rule 96 to determine if the member  
2269 shall be required to personally reimburse the House for all or part of the settlement amount.

2270 Upon a determination by the Special Committee that the member shall be required to personally  
2271 reimburse the House for all or part of the settlement amount, it shall determine the amount to be  
2272 reimbursed and immediately notify the member of that amount.

2273 (e) Upon request of the party described in paragraph numbered 1 above or the complainant,  
2274 Counsel shall waive any non-disclosure or non-disparagement provision of any agreement  
2275 executed prior to the effective date of this Rule by the House and any current or former member,  
2276 officer, intern or employee, to allow said current or former member, officer, intern or employee  
2277 to report or discuss a claim of sexual harassment or retaliation based on sexual harassment.

2278 [Added Mar. 15, 2018; Amended Jan. 30, 2019; Jul. 7, 2021; Feb. 25, 2025.]

2279 101. Notwithstanding Rule 7C, the Speaker may, upon recommendation of a majority of the  
2280 committee on Rules, activate remote rules for the operation of the House of Representatives as  
2281 provided within this rule:

2282 *Remote Rules for the Operation of the House of Representatives*

2283 *Remote Rule 1.* As used in Remote Rules 1 through 16, inclusive, the following terms shall  
2284 have the following meanings:-

2285 “Clerk”, the Clerk of the House of Representatives.

2286 “Formal session”, a formal session of the House.

2287 “House”, the House of Representatives.

2288 “House Chamber”, the House Chamber within the Massachusetts State House in Boston or  
2289 the location to which the House at its previous formal or informal session adjourned to meet.

2290 “Member”, a member of the House of Representatives.

2291 “Monitor”, one of the members appointed by the Speaker pursuant to Standing Rule 8.

2292 “Participating remotely” or “remotely present”, participating by telephone, teleconference,  
2293 video conference or other means.

2294 “Present”, a member either physically present in the House Chamber for a formal session or  
2295 remotely present, and participating in a formal session.

2296 “Quorum”, eighty-one members present for a formal session.

2297 “Speaker”, the Speaker of the House or the member presiding at the formal session of the  
2298 House after being appointed by the Speaker to perform the duties of the Chair pursuant to  
2299 Standing Rule 5.

2300 “Standing rules”, House Rules 1 through 100, inclusive.

2301 *Remote Rule 2.* (a)(1) The House may assemble in a formal session with members  
2302 participating remotely. Members participating remotely in a formal session may vote on any  
2303 question or other matter before the House. Members participating remotely in a formal session  
2304 shall be considered present and in attendance at the formal session for all purposes, including for  
2305 purposes of determining a quorum pursuant to Article XXXIII of the Amendments to the  
2306 Constitution of the Commonwealth or any standing rules and for purposes of appearing before  
2307 the Governor and council pursuant to Part the Second, Chapter VI, Article I of the Constitution  
2308 of the Commonwealth.

2309 (2) A member participating remotely in a formal session shall have the same privileges, rights  
2310 and responsibilities as if the member were physically present in the House Chamber, including  
2311 without limitation, the right, privilege and responsibility to cast votes on all questions or other

2312 matters brought to a vote and the ability to take the oath required pursuant to Part the Second,  
2313 Chapter VI, Article I of the Constitution of the Commonwealth.

2314 (3) At the commencement of a formal session, the Speaker shall take the Chair at the hour to  
2315 which the House stands adjourned, call the House to order and immediately order a quorum roll  
2316 call.

2317 (4)(i) The House shall not be called to order before the hour of 10:00 A.M. nor meet beyond  
2318 the hour of midnight unless by unanimous consent of the members present.

2319 (ii) All votes taken on the enactment of any bill or resolve during any formal session where  
2320 members are participating remotely shall be by roll call vote.

2321 (5) The Clerk shall prepare a Journal for the House for any formal session of the House held  
2322 remotely. The Journal for the House may reflect that the formal session was convened pursuant  
2323 to remote rules, but shall not deviate in any substantive manner from the Journal of the House  
2324 required to be prepared by the Clerk pursuant to Standing Rule 10. The Journal of the House for  
2325 any formal session of the House held during the state of emergency within the House shall not  
2326 specify which members participated remotely.

2327 (b)(1) The Speaker shall preside from within the House Chamber over any formal session of  
2328 the House where any member is participating remotely. The Minority Leader, Chair of the  
2329 committee on Ways and Means, Ranking Minority Member of the committee on Ways and  
2330 Means, the House Chair and Ranking Minority Member of the joint committee from which any  
2331 bill being debated at the formal session has been reported, or their designees, and the division  
2332 monitors may also be physically present. All other members are strongly encouraged to  
2333 participate remotely in a formal session.

2334 (2) Officers and employees essential to the conduct of the formal session may be present in  
2335 the House Chamber during a formal session with the express authorization of the Speaker in  
2336 consultation with the Minority Leader. The Speaker and Minority Leader may have two  
2337 employees from their office present in the House Chamber during a formal session. No other  
2338 officer or employee shall be physically present in the House Chamber unless deemed essential to  
2339 the conduct of the formal session by the Speaker. [Amended Feb. 1, 2023.]

2340 (3) All members, officers and employees physically present in the House Chamber during a  
2341 formal session shall, at the direction of the Speaker, undertake any mitigation measures ordered  
2342 by the Speaker. Court Officers shall strictly enforce mitigation measures directed by the Speaker  
2343 by and between members, officers and employees in and around the House Chamber. Any  
2344 member, officer or employee in violation of the mitigation measures ordered by the Speaker  
2345 shall be removed from the House Chamber.

2346 *Remote Rule 3.* (a) A member participating remotely may make any motion authorized  
2347 pursuant to the standing rules, raise a point of order, raise a point of personal privilege, or raise a  
2348 point of parliamentary inquiry. Members participating remotely shall notify their division  
2349 monitor of their desire to make a motion, raise a point of order, raise a point of personal privilege  
2350 or raise a point of parliamentary inquiry. The division monitor shall immediately notify the  
2351 Speaker who shall recognize the member seeking to make a motion, raise a point of order, raise a  
2352 point of personal privilege or raise a point of parliamentary inquiry. No member shall interrupt  
2353 another member while that member is speaking, including to request that the member speaking  
2354 yield, except for the reasons authorized herein.

2355 (b) A vote on any motion made pursuant to subsection (a) shall be conducted by voice vote as  
2356 prescribed by subsection (b) of Remote Rule 5, unless the Constitution or the standing rules  
2357 specifically require a roll call vote.

2358 (c) A motion made by a member participating remotely may be made and submitted by the  
2359 division monitor for the floor division of the House wherein the seat assigned to said member  
2360 pursuant to Standing Rule 79 is located.

2361 *Remote Rule 4.* (a) A member participating remotely wishing to speak on any question before  
2362 the House shall notify the monitor for the floor division of the House wherein the seat assigned  
2363 to said member pursuant to Standing Rule 79 is located as follows:

2364 (i) A member wishing to speak on a bill, resolve or the General Appropriation Bill, or an  
2365 amendment thereto, shall notify their floor division monitor no later than 10:00 A.M. on the day  
2366 that the bill, resolve, General Appropriation Bill, or amendment thereto, is scheduled to be  
2367 considered by the House. Said notification shall include: (1) the number of the bill, resolve  
2368 General Appropriation Bill, or amendment thereto, that the member wishes to speak to; and (2)  
2369 whether the member wishes to speak in favor of or in opposition to the bill, resolve, General  
2370 Appropriation Bill, or amendment thereto.

2371 (ii) A member wishing to speak on a consolidated amendment shall notify their floor division  
2372 monitor no later than 45 minutes after the consolidated amendment shall have been first filed  
2373 with the Clerk and made available electronically to the members. Said notification shall include:  
2374 (1) the number or letter of the consolidated amendment the member wishes to speak to; and (2)  
2375 whether the member wishes to speak in favor of or in opposition to the consolidated amendment.

2376 (iii) A member wishing to speak on a conference committee report filed pursuant to Joint  
2377 Rule 11B shall notify their floor division monitor no later than 10:00 A.M. on the day the  
2378 conference committee report is scheduled to be considered by the House. Said notification shall  
2379 include: (1) the bill number of the conference committee report; and (2) whether the member  
2380 wishes to speak in favor of, or in opposition to the report. The provisions of this paragraph shall  
2381 be inoperative if the conference committee report is filed later than 8:00 P.M. on the day  
2382 preceding its consideration by the House.

2383 (b) The monitor for each division shall prepare a list of members of their division notifying  
2384 the monitor of said member's desire to speak in favor of a question before the House and a list of  
2385 members of their division notifying the monitor of said member's desire to speak in opposition  
2386 to a question before the House. Each list shall be arranged in order of the time the monitor  
2387 received the notification with the notification received the earliest being first.

2388 (c) Upon completion of the lists required pursuant to subsection (b), the monitors for each  
2389 division shall transmit the lists to the Speaker and the Minority Leader. The Speaker shall  
2390 combine the lists received from each of the division monitors and, in consultation with the  
2391 Minority Leader, shall prepare a consolidated list of members notifying their monitor of the  
2392 member's desire to speak in favor of a question before the House and a consolidated list of  
2393 members of their division notifying the monitor of said member's desire to speak in opposition  
2394 to a question before the House.

2395 (d) The Speaker shall distribute the lists compiled pursuant to subsection (c) to all members  
2396 electronically prior to the commencement of the formal session. The Speaker shall distribute the  
2397 list compiled pursuant to subsection (a)(ii) as soon as practicable upon completion.

2398 (e) The consolidated lists prepared by the Speaker pursuant to subsection (c) and distributed  
2399 to the membership pursuant to subsection (d) shall be the order in which members are recognized  
2400 during the debate of the respective question. In recognizing members from said lists, the Speaker  
2401 shall, to the extent practicable, alternate between members wishing to speak in favor of the  
2402 question and members wishing to speak in opposition to the question.

2403 (f) A member participating remotely may, in lieu of speaking on a bill, resolve, amendment,  
2404 consolidated amendment or a conference committee report, submit written remarks in favor of,  
2405 or in opposition to, any bill, resolve, amendment, consolidated amendment or conference  
2406 committee report to the Clerk before the adjournment of the formal session in which said bill,  
2407 resolve, amendment, consolidated amendment or conference committee report was considered by  
2408 the House. Said remarks shall be transmitted to the Clerk electronically in a format prescribed by  
2409 the Clerk. The Clerk shall include any remarks submitted by a member participating remotely  
2410 pursuant to this section in the Journal of the House required to be kept by the Clerk pursuant to  
2411 Standing Rule 10 and Remote Rule 2.

2412 *Remote Rule 5.* (a) Notwithstanding Standing Rules 50 through 52, inclusive, during a formal  
2413 session where members are participating remotely a vote on any question shall be by either a  
2414 voice vote of the members present and voting pursuant to subsection (b) or a roll call vote of the  
2415 members present and voting pursuant to subsection (c). Any question that would require a  
2416 standing vote under the standing rules shall be decided by a voice vote of the members present  
2417 and voting pursuant to subsection (b).

2418 (b) When a question is put, the sense of the House shall be taken by the voices of the  
2419 members, and the Speaker shall first announce the vote as it appears to the Speaker by the sound.

2420 If the Speaker is unable to decide by the sound of the voices, or if the announcement made  
2421 thereupon is doubted by a member, the Speaker shall order the division monitors to ascertain the  
2422 number of members within in their division voting in the affirmative and the number of members  
2423 within in their division voting in the negative, without further debate upon the question. The  
2424 division monitors shall report the total vote of their division count to the Speaker. After receiving  
2425 the reports of the total vote counts from each of the division monitors, the Speaker shall tally said  
2426 votes and then announce the vote.

2427 (c) The sense of the House shall be taken by yeas and nays whenever required by 10 percent  
2428 of the members elected or when required pursuant to the Constitution of the Commonwealth.  
2429 The Speaker shall state the pending question and shall order the division monitors to commence  
2430 the roll call of the members. The division monitors shall call the roll of the members assigned to  
2431 said division in alphabetical order. The division monitors shall record the votes of each member  
2432 on a form prescribed by the Clerk. Upon completion of the roll call, the division monitors shall  
2433 sign the form upon which the roll call for their division was recorded and submit the completed  
2434 form to the Clerk. The Clerk shall tally the votes of the members of each division and shall enter  
2435 the votes into the electronic roll call machine. Upon completion of the tally and the entry of the  
2436 votes into the electronic roll call machine, the Clerk shall notify the Speaker that the vote has  
2437 been completed. Upon instruction from the Speaker, the Clerk shall display the tally of the vote  
2438 on the 2 monitors in the House Chamber. The Speaker shall then announce the vote.

2439 (d) If a member doubts the presence of a quorum, the Speaker shall order the division  
2440 monitors to ascertain the number of members within in their divisions who are present. Any  
2441 member confirmed by the division monitor to be participating remotely shall be considered  
2442 present. The division monitors shall report the total number of members present to the Speaker.

2443 After receiving the reports of the total number of members present from each of the division  
2444 monitors, the Speaker shall tally the numbers and then announce the number of members present.  
2445 If, after tallying the numbers from each of the division monitors a quorum is not present, the  
2446 Speaker shall order a roll call vote pursuant to subsection (c).

2447 (e) The call for yeas and nays shall be decided without debate. If the yeas and nays have been  
2448 ordered before the question is put, the proceedings under subsection (b) shall be omitted.

2449 (f) Except as heretofore provided, any member who shall vote or attempt to vote for another  
2450 member or any person not a member who votes or attempts to vote for a member, or any member  
2451 or other person who willfully tampers with or attempts to impair or destroy in any manner  
2452 whatsoever the voting equipment used by the House, or change the records thereon shall be  
2453 punished in such manner as the House determines; and provided further, that such a violation  
2454 shall be reported to the committee on Ethics.

2455 *Remote Rule 6.* No consolidated amendment to any bill offered by the committee on Ways  
2456 and Means shall be considered by the House until the expiration of at least 30 minutes after the  
2457 consolidated amendment shall have been first filed with the Clerk and made available  
2458 electronically to the members. This rule shall not be suspended unless by unanimous consent of  
2459 the members present.

2460 *Remote Rule 7.* No consolidated amendment to any bill offered by the committee on Ways  
2461 and Means shall be adopted except by a roll call vote.

2462 *Remote Rule 8.* Notwithstanding any standing rule to the contrary, with the approval of the  
2463 Speaker, a member, officer or employee may take photographs and videos of, and in, the House

2464 Chamber provided said photographs or videos are to facilitate the remote participation in the  
2465 formal session by a member.

2466 *Remote Rule 9.* (a) Notwithstanding any standing rule to the contrary, unless authorized  
2467 pursuant to subsection (b) or subsection (c), no member participating in a formal session shall be  
2468 recognized more than once on any question before the House without unanimous consent or on  
2469 any question before the House for more than 10 minutes without unanimous consent.

2470 (b) The following members may, notwithstanding subsection (a), be recognized more than  
2471 once on any question before the House: (1) the Minority Leader; (2) the member carrying the  
2472 report of the committee; (3) and the Ranking Minority Member of the committee reporting the  
2473 bill.

2474 (c) Notwithstanding subsection (a), after all members have been recognized pursuant to  
2475 Remote Rule 4, a member who is the primary sponsor of a bill, resolve or an amendment, or a  
2476 designee of said member, may, in addition to being recognized pursuant to Remote Rule 4, be  
2477 recognized for purposes of providing rebuttal or further explanation. If a member who is the  
2478 primary sponsor of a bill, resolve or amendment or their designee is recognized pursuant to this  
2479 subsection a member from the opposite political party designated by the member carrying the  
2480 report of the committee or the Ranking Minority Member of the committee reporting the bill  
2481 may also be recognized in addition to being recognized pursuant to Remote Rule 4. No member  
2482 shall be recognized pursuant to this subsection for more than 5 minutes without unanimous  
2483 consent.

2484 *Remote Rule 10.* Notwithstanding any standing rule to the contrary, any formal session where  
2485 members are participating remotely shall be livestreamed on the General Court website. Audio or

2486 video recordings of all such sessions shall be made available to the public on the General Court  
2487 website. All House sessions conducted by electronic means shall be broadcast on House  
2488 television.

2489 *Remote Rule 11.* Notwithstanding any standing rule to the contrary, no technical failure that  
2490 breaks the remote connection of a member or members of the House of Representatives  
2491 participating remotely in a formal session shall invalidate any action taken by the House of  
2492 Representatives.

2493 *Remote Rule 12.* Notwithstanding Standing Rule 49, members participating remotely may  
2494 vote in a quorum roll call.

2495 *Remote Rule 13.* Except as otherwise indicated, Remote Rules 1 through 16, inclusive, shall  
2496 not be suspended unless by a 2/3 vote of the members present and voting. Debate upon a motion  
2497 for the suspension of Remote Rules 1 through 16, inclusive, shall be limited to 15 minutes and  
2498 no member shall speak for more than 3 minutes.

2499 *Remote Rule 14.* The provisions of any standing or remote rules pertaining to procedures of  
2500 the House may be suspended and alternative procedures may be used if said alternative methods  
2501 are approved by a 2/3 majority of the committee on Rules and approved, in writing, by the  
2502 Speaker and the Minority Leader. The Clerk shall enter any such approvals in the House Journal  
2503 for the formal session required to be kept by the Clerk pursuant to Standing Rule 10.

2504 *Remote Rule 15.* Except to the extent that they conflict with Remote Rules 1 through 16,  
2505 inclusive, the standing rules shall remain in full force and effect.

2506 *Remote Rule 16.* Remote Rules 1 through 16, inclusive, shall remain activated for no longer  
2507 than 30 days after being activated by the Speaker; provided, that the House of Representative  
2508 shall not operate under remote rules beyond 30 days without the adoption of an Order by a  
2509 majority of the House.

2510 [Emergency remote rule historical notes: See House document numbered 4690 of the 191st  
2511 General Court; also see House documents numbered 59 and 3929 of the 192nd General Court;  
2512 [Added to Rules Jul. 7, 2021; Amended Feb. 1, 2023.]  
2513 House of Representatives, February 25, 2025.

2514 A D O P T E D



2515 , Clerk.

2516

2517 194th GENERAL COURT (2025-2026 SESSION).

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