

THE PEOPLE'S GUIDE TO THE MASSACHUSETTS LEGISLATURE

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The MA Legislature: Where does it fit in?

The U.S. government system was established with the ratification of the Federal Constitution in 1788. Most media and public attention focuses on the Federal, or national, government. It is organized into three parts: the U.S. Congress (legislative branch, a House of Representatives & a Senate), which enacts our laws, the U.S. President and appointees (executive branch), who enforce our laws, and the federal courts (judicial branch), which interpret our laws and the U.S. Constitution. The U.S. Constitution gives the Federal government exclusive responsibility (“jurisdiction”) over numerous fields including foreign policy, the national armed services, immigration, currency, and the federal budget (see Federalism sidebar).

Each of the 50 states in the U.S. has a state government, organized according to its own state constitution. State government in Massachusetts has been around longer than the Federal government; in fact, the U.S. Constitution was modeled after Massachusetts’ 1780 Constitution. In Massachusetts, the branches of government are: the Governor and his executive offices, the two chambers of the state legislature, the House and Senate, and the state court system. The state legislature crafts laws applicable within Massachusetts on matters which are local and not at odds with lawfully asserted federal authority.

States typically have jurisdiction over public safety, health, education, property, contracts, and civil relationships. In some areas, state and federal governments have shared jurisdiction. When state and federal law come into conflict, there may be disputes about the precise limits of authenticity, which are often decided by the courts. Within each state government there are typically multiple local governments. MA has 351 cities and towns and each is governed according to its charter (a local constitution) and subject to state law. All state and specialized courts in MA are part of the state court system.

The City of Somerville is managed by an elected Mayor with the input of an eleven-member, elected board of alderman, the local legislative branch. The City of Somerville has administrative responsibilities, such as adopting an annual city budget; setting property taxes; zoning, planning, and permitting duties; and public infrastructure, including local roads and traffic signals, local sewers and drainage, snow removal, trash and recycling pickup, street trees, and local parks.

<https://www.somervillema.gov>

The Somerville public schools are managed by the school committee, an elected body with oversight powers, and the committee-appointed superintendent of schools.

<https://www.somervillema.gov/departments/school-department>

<http://www.somerville.k12.ma.us>

Sidebar: Federalism The U.S. Constitution divides powers between the federal and state governments. “Enumerated powers” are those specifically given to the federal government in Article 1, Section 8 of the Constitution; there are also “reserved powers”, which remain under the control of states. Though these federal powers have often been broadly interpreted by the courts, there are still important matters the federal government cannot directly control.

The Massachusetts Legislature

What is the MA legislature and who do they represent?

The legislature consists of a 160-member House of Representatives and a 40-member Senate. Each of the 200 members is elected by voters in geographically-defined districts, for two-year terms in office. Legislative districts are drawn on the basis of population, and their boundaries must be reconsidered every ten years based on population data from the federal

census. This process is called “redistricting” and assures that all districts are roughly equal in population.

Each representative district in MA is composed of about 44,000 people, not all of whom are registered voters. Representatives and senators are charged with representing all of the residents in their district, regardless of whether they can or do vote.

Sidebar: The Name of the MA Legislature

The MA legislature still officially bears the old and misleading name “The Great and General Court”. While you may see this name on documents, it is important to remember that the legislature is not a court of law. The House of Representatives and Senate make law and are not part of the judicial branch.

Who is eligible to vote, and how do I register?

While you don’t have to be a registered voter to have representation in the state legislature, you must register if you want to vote. To vote you must be a U.S. citizen, 18 years old, and not be currently incarcerated for a felony conviction.

To register to vote, visit the Massachusetts voter registration portal:

<https://www.sec.state.ma.us/ovr/>. See the Somerville Board of Election Commissioners

<https://www.somervillema.gov/departments/elections> for more information, including absentee voting.

What can my legislator do for me?

Once in office, your legislator is in a position to represent you in a number of ways. These include personal help with services or fair treatment - for instance, help with making a claim or information on affordable housing. Even if a legislator’s office can’t help, often you can get a referral to an agency or organization which may be able to assist with a problem.

Where can I learn more?

Visit malegislature.gov to learn about daily events at the State House, including public hearings where anyone can testify. You can also use this website to look up where current bills are in the legislative process. To look up your senator or representative, use the find my legislator tool: <https://malegislature.gov/Search/FindMyLegislator>.

The Legislative Process

Anyone can learn about and participate in the state legislative process. State government is a place where people's voices can make a difference, although the process itself is complex, slow and frustrating. By learning about the process, though, you will be better equipped to make your voice heard.

At the beginning of each two year legislative session, representatives and senators collectively file a large number of bills: usually between 6,000 and 7,000. Only a small fraction of these bills will ultimately be enacted and signed into law. Here we present a simplified version of a bill's journey to becoming law. For a more detailed explanation of the legislative process in Massachusetts, please refer to the following resources:

<http://www.mass.gov/mtrs/docs/publications/legislativeprocessinmass.pdf>

<http://www.naswma.org/?page=BilltoLaw>

Step 1: The bill is filed by a legislator.

Any representative or senator can file or "sponsor" a bill. Legislators can also sign on to or "co-sponsor" a bill after it has been filed, indicating their support.

Step 2: The bill is moved into first committee.

The House and Senate Clerks, who are in charge of keeping and publishing records of bills' status, assign bills to committees based on the subject matter of the bill. Committees are

internal working groups set up by the House and Senate at the beginning of each legislative session to evaluate bills. The committee will hold a public hearing where anyone can testify in favor of or against a bill.

To find out what committees exist in the current legislative session and which legislators are on the committee, visit <https://malegislature.gov/Committees>.

Sidebar: Committee assignments

It may seem obvious which committee a bill will be sent to, but there are subtleties. For example, a bill about Lyme disease may be assigned to the committee on public health. But a bill about insurance coverage for Lyme disease treatment will likely go to Financial Services, which oversees laws affecting insurance companies.

Step 3: The bill is reported out of first committee.

It is not uncommon for bills to stay in committee for months. Internal House, Senate, and Joint Rules set scheduling timeframes and reporting deadlines. Generally, bills must be reported out by deadline time unless they receive an “extension order”, which must be approved by both the House and the Senate.

Once a committee takes action on a bill, it may receive one of three recommendations from the committee: study order, ought not to pass, or ought to pass (either as originally filed or as amended). Bills which receive a study order are set aside for further research; however, most bills never move beyond this stage and are effectively stopped for that legislative session. Bills reported unfavorably will not continue in the process unless there is an objection from the legislation, which is very rare. Bills which are reported favorably move onto another committee.

Step 4: The bill moves through two more committees.

Bills must move through a committee that evaluates the financial impact of the bill (usually the Ways and Means Committee) and then a final revising committee (the Committee on Third Reading). Both committees hold public hearings on the bill, but there is traditionally little to no testimony given.

Step 5: The legislature votes on the bill.

Both the Senate and House of Representatives vote on a bill. A bill must receive a majority of the votes in each chamber to become enacted and continue in the process.

Step 6: The bill is sent to the governor.

The governor may either sign the bill into law or veto it. A veto may be overridden with a $\frac{2}{3}$ vote in each branch.

Four Ways to Make a Difference

There are various ways to advocate for issues that concern you. The term “advocacy” is broad and can be as simple as making a phone call or as involved as organizing groups of constituents to meet with representatives. Getting involved in your community can help you make connections with others who are interested in advocacy and develop your knowledge about topics you care about.

Legislators are interested in your opinions; they hear about many topics and rely on constituents to guide their approach to different issues. Remember that it is your legislator’s job to represent you. While courtesy is important, it is appropriate to take a firm position when you are knowledgeable about an issue.

Below are four different ways you can engage with your elected officials on behalf of issues you care about.

1. Calling In

An easy way to make your voice heard is to use your phone. You can call Statehouse offices between 9-5 to speak with someone and can leave a voicemail after hours. Here are some tips for how to best get your point across:

- Be ready to provide your address and zip code to show that you are a constituent of the representative.
- Be polite and courteous, even if you are frustrated or upset. Elected officials and their staff will be more willing to listen to someone who treats them respectfully.
- If you are calling in about a bill, state the bill number and subject matter. Provide some background information and explain why you support or oppose this bill.
- If you have a personal story relating to this bill, share it with your elected official/their staff. Personal stories can be powerful tools to help your representatives advocate for you.
- Thank whoever you speak with, and give your contact information if you want them to follow up with you.

2. Writing In

Letters and emails are another effective way of communicating with your elected officials. It is best to keep your communication respectful and to the point. It helps for an email to have a subject line, which can be as simple as: “Please [Support/Oppose] [Bill Number, Bill Name]”.

Legislators receive many letters and emails, so brevity is key. Try to limit text to one page. Follow the same tips for calling in, and remember to sign off with your full name, address, and contact information.

3. In-Person Meeting

As a constituent, you have a right to meet with your political representatives and discuss matters that are important to you. Many times, it is advocacy groups who organize constituents to meet with their representatives, often through State House “Lobby Days”. However, representatives also greatly value interactions with constituents who are motivated to come as individuals.

Individual constituents can usually schedule meetings with their representatives. Representatives will meet at the State House, in district offices (if they have them), or elsewhere, at mutually convenient times. If you come to the State House without an appointment, it is possible you will meet with one of their staffers instead. Because legislature staff works closely with representatives, there is no disadvantage to meeting with staff.

Once you have a meeting, it can be helpful to bring along materials about the issue and be ready to answer questions. It can be informative to look at the representative’s record to see how they have voted in the past, what committees they are on, and what issues they are passionate about. Remember that this is a conversation, so feel free to ask about the representative’s current position and rationale. Below are more tips:

- When you arrive, identify yourself. Regardless of how many times you have met with legislators or staffer members, it’s important to remind them of who you are. If you are there on behalf of an organization, say so.
- State your purpose, and indicate specific bills or budget items you would like the representative to support or oppose. It is acceptable to bring up multiple bills as long as they are related to the same issue, but it’s helpful to limit the focus to no more than three bills.

- Explain why you care. Your representative wants to know how this issue affects constituents. Take the opportunity to tell your personal story, and why the outcome matters.
- Remember that this is a conversation. Allow the representative time to react to your information or ask questions.
- Follow up with an email or phone call thanking them for their time, regardless of whether or not they agreed to support your position.

4. Giving Testimony at Committee Hearings

Members of the public have the opportunity to voice opinions about bills through testimony. Each bill will have at least one public hearing where anyone may give in-person testimony. These hearings often are not scheduled far in advance, but if you can't go to the State House in person you may also submit written testimony, including by email, to the committee at any time until the bill is reported out of committee.

Oral testimony takes place in person at bill hearings, which can last from 4 to 5 hours and typically include multiple bills. When you arrive, there will likely be sign-in sheets outside of the hearing room for those who wish to testify. While you are not required to stay for the entire hearing, be prepared to stay until you are called to testify.

Testimony is typically limited to 3 minutes; if you are speaking as part of a panel, the entire panel will probably have 10 minutes to testify. Committee chairs are sometimes lenient with the time limit if few people are testifying, but you should be prepared to stay within the 3 minute time limit. Be concise and communicate your most important points.

When giving testimony, it is helpful to practice meeting the time limit. If possible, do not read directly from a prepared statement. Be sure to address chairs and other members of the

committee directly and respectfully. It is considered polite and professional to not address any person in the audience including opponents, even if they were inflammatory in their own testimony.

If submitting written testimony, you should address correspondences to the Research Director of the committee. Some committees do not have a Research Director; in this case, please address your testimony to the committee chairs. In written testimony it is not as important to be brief and you should take the opportunity to include some details that you may not have been able to include in your oral testimony. You may want to email your testimony to all committee members, if you want to make sure they get to see it.

Proposing Legislation

Massachusetts citizens have the “right of free petition” - the ability to propose legislation. A citizen’s proposal must be filed in cooperation with a representative or senator, but your legislator will likely file the bill “by request” as a courtesy, even without necessarily supporting the bill.

If there is a cause you believe deserves legislation, you can ask your senator or representative to develop and file a bill. Other times, legislators may direct you to a similar existing bill which you may want to advocate for.

Ballot Questions

MA is a state where voters may directly enact or change state laws or the Massachusetts Constitution. There are four types of ballot questions:

- Initiative petition for a law: proposes a new law or amendments to existing law

- Initiative petition for a constitutional amendment: proposes an amendment to the state constitution
- Referendum petition: proposes to repeal an existing law
- Non-binding public policy question: asks voters what stance a state senator or representative should take on a public policy matter and associated legislation

To learn more about how to submit a ballot initiative, consult:

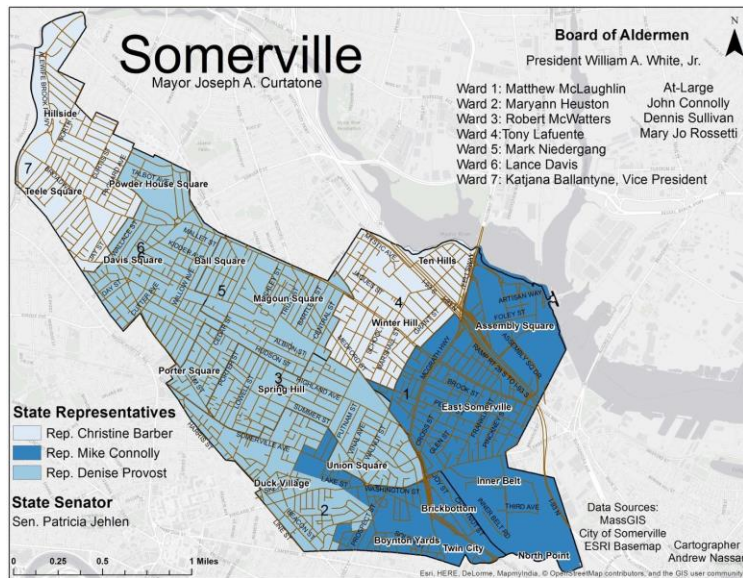
<https://www.sec.state.ma.us/ele/elepdf/State-Ballot-Question-Petitions-Jan-2017.pdf>. For more information, including which questions are on the next elections ballot, go to:

<http://www.mass.gov/ago/government-resources/initiatives-and-other-ballot-questions/>.

Somerville Legislative Districts

There are three state representative districts which include Somerville precincts: 26th Middlesex District, 27th Middlesex District, and 34th Middlesex District. All of Somerville is currently within one state senate district, the 2nd Middlesex District. The boundaries of all districts are subject to change after each federal census.

Similarly, Somerville is divided into seven wards of three precincts each. Seven of the city's 11-member board of aldermen are elected by ward; the other four are elected city wide ("at large"). The following map shows the current elected officials as of 2018.



What does it mean?

Ballot Question: questions on election ballots which allow voters to change or repeal laws.

Bill: a proposed law, filed by a legislator.

Clerk of the Massachusetts State House (definition from National Conference of State Legislators): a non-legislative officer who is elected by members of the House of Representatives to perform and direct the parliamentary and clerical functions of the chamber.

Congressman/Congresswoman: U.S. senators and representatives, but not state senators and representatives.

Constituent: any resident of a district, including residents who are ineligible to vote or just aren't registered to vote. Legislators represent all constituents in their districts.

Enact: a legislative action to transform a bill into law. In MA, bills must be enacted in both the House & Senate.

Legislator: lawmaker elected to a federal, state or municipal government's legislative body.

Legislative Session: the period of time when a lawmaking body meets to create and pass laws. In Massachusetts the legislative session is 2 years, starting in January of the odd numbered year (the January after elections).

Lobbyist: a person who advocates on behalf of or in opposition to a piece of legislation. While anyone may lobby for or against bills, the term "lobbyist" refers to those who are paid to

advocate or who advocate in an official capacity. Lobbyists are required to register with the Secretary of State's office, and a list of registered lobbyists may be found here: <http://www.sec.state.ma.us/LobbyistPublicSearch/>.

State House: the MA state capitol building which houses the governor's office and the two chambers of the state legislature.