

PassMassAmendment PETITIONER's GUIDEBOOK

Thank you for being part of the PassMassAmendment Legal Direct Action to amend the Massachusetts Constitution based on "Corporations Are Not People, Money Is Not Speech".

This booklet is intended to be a guide. Because of the democratic nature of our group, we do not like to dictate anything. But there are certain parts of this booklet that outline actual rules that are dictated by law. Where those items exist, we "star" ("*") them so you know what is our guidance, and what part is "required by law".

We are only allowed to gather signatures from when the petition forms are released by the state in the fall. There is only a short timeframe to collect signatures. The deadline is on the petition.

Pay VERY CAREFUL ATTENTION to the HOW TO PETITION and the PETITION RULES sections of this book. Each petition form needs to have a "town" written on the form **IN THE BLANK AT THE BOTTOM** so that only people from that "town" sign on that page. ONLY registered voters FROM THAT TOWN sign on petition sheets assigned to THAT TOWN. As you gather signatures, and turn them in to coordinators in your town or region, the signatures will be submitted to the Town/City Clerk (at Town/City Hall). The clerk gives us a receipt for the petition sheets. All petition sheets with signatures need to be turned in to city or town clerks by November 20th. The clerk then "certifies" which signatures are "valid" by checking to see if the person is actually registered to vote in that town. After the signatures are certified, someone on our team picks up the petition sheets. We gather up all of these and by December 4th, we turn them in to the Secretary of the Commonwealth. There will be a march, to the One Ashburton to celebrate our victorious action as we drop off the signatures.

In preparation for petitioning, please review our How To Petition page (<http://passmassamendment.wikispaces.com/HOW+TO+PETITION>, or www.PassMassAmendment.org and look to the right for the above link). The online guide has more detail than this booklet.

This booklet is intended to be a "Field Guide" for things we think you will need while petitioning. When writing this Field Guide, we assumed the reader would have already spent some time with the How To Petition page on the website.

In this booklet, please find:

Part 1 **Memo from the State: "Solicitation of Signatures in Public Places"**. This document is useful in showing store managers and police that we have the right to petition. Please carry this at all times.

Part 2 **FAQ (Frequently Asked Questions)**

Part 3 **How to Petition** (abbreviated version) for full version, see www.PassMassAmendment.org

Part 4 **Petition RULES (SET BY LAW)**

Part 5 **Petitioners Checklist** (stuff not to forget when leaving the house)

Part 6 **List of State Senators and Representatives**

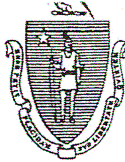
Part 7 **Legal Discussion** (legal details about what we are doing)

www.PassMassAmendment.org

press contact: Terra Friedrichs, 978 808 7173 passmassamendment@gmail.com

Part 1 Memo from the State: "Solicitation of Signatures in Public Places"

This is useful in showing store managers and police that *we have the right to petition*. Please carry this at all times.



The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Elections Division

SOLICITATION OF SIGNATURES IN PUBLIC PLACES

Both the United States and Massachusetts Constitutions protect the right to solicit signatures on nomination papers and ballot question petitions in a reasonable and unobtrusive manner in open public areas. This includes the public areas of municipal property as well as the common areas of privately owned shopping centers. Distribution of printed material in connection with signature solicitation is also protected. The right of signature solicitation (along with other free-speech activities) on municipal sidewalks, in parks and in similar open public areas is clear. Hague v. CIO, 307 U.S. 496, 515-16 (1939).

Public Areas of Privately Owned Shopping Centers:

The state Supreme Judicial Court has provided guidance specifically to those persons gathering signatures in privately owned shopping centers. Batchelder v. Allied Stores International, Inc., 388 Mass. 83, 445 N.E.2d 590 (1983). Although the Batchelder Court ruling was limited to gathering signatures on candidates' nomination papers, this standard also applies to gathering signatures on initiative and referendum petitions, under the Massachusetts Constitution. Mass. Const. amend art. 48. Shopping centers may adopt reasonable regulations that require signature gatherers to identify themselves, prevent them from harassing customers and obstructing pedestrian traffic, and allocate space and times among different groups of petitioners. It is therefore suggested that solicitors contact the management company of a privately owned shopping center to arrange for a mutually convenient time for such activity.

Municipal Property:

In Batchelder the Supreme Judicial Court held that Article 9 of the Massachusetts Constitution protects the right to solicit signatures, and to distribute related printed material, in the common areas of privately owned shopping centers, subject to reasonable regulations. At least the same amount of protection must apply on municipal property that is regularly open to the general public for municipal business. Therefore, ballot-access and nomination paper signature solicitation must be allowed on municipal property that is regularly open to the general public for municipal business, subject only to reasonable time, place and manner regulations.

Please do not hesitate to contact Michelle K. Tassinari, Legal Counsel, at 617.727.2828 or 1.800.462.VOTE for more information on the right of individuals to gather signatures in public places.

03/02

One Ashburton Place, 17th Floor, Boston, Massachusetts 02108
(617) 727-2828 • 1-800-462-VOTE (8683)
website: www.state.ma.us/sec/ele • e-mail: election@sec.state.ma.us

Part 2 FAQ (Frequently Asked Questions)

- **Why are you doing this?** There are many reasons, but mainly to get the corrupting influence of large corporations and big money out of the political process. See a long list of reasons at www.PassMassAmendment.org
- **Is this about Citizens United?** The Citizens United case is "Federal". What we are doing applies to Massachusetts. But we are concerned about large amounts of money from outside our borders influencing our local elections.
- **Given Citizens United, won't the Supreme Court shoot down what you're doing?** We can amend the Massachusetts Constitution and the Supreme Court would not get involved until a law was passed, someone sued, and it could then go to the Supreme Court. It would be the early 2020s before anything to do with our Amendment would make it to SCOTUS. By then, SCOTUS, would not consist of the same Justices.
- **Will businesses still be able to hold contracts and own property?** The only rights that a corporation has in Massachusetts are granted by the Legislature through the Massachusetts General Laws and their charter. We consider our Amendment to be a clarification, which changes no law. In the survey of 2,000 voters across the country, conducted by "Free Speech for People", and a similar survey of over 500 small businesses, it was determined that the vast majority of people from all parties believe that corporations have too much influence over our government. We believe that the framers of the Massachusetts Constitution did not intend for human rights to be afforded to corporate entities. A team of legal scholars, corporate and constitutional lawyers have developed language to clarify the Massachusetts Constitution in the form of an amendment.
- **What about Unions?** The largest perceived problem with Unions is their spending of money to influence elections. Limiting Union money in elections is covered by Section 2 of our language, which includes all people and "entities".
- **Is this Move to Amend?** No. Move to Amend is working on a Federal amendment. There are many different groups out there working on Federal Amendments. We feel that we are jumpstarting the process which will benefit all. Many people within Move to Amend are committed to helping our effort which includes the endorsement of Cape Cod MTA.
- **Why bother if we don't know for sure if the "government" will let this happen?** This is a DIRECT ACTION. It's like protesting, except we are guaranteed a Supreme Judicial Court hearing as to whether corporations have constitutional rights or not in Massachusetts and whether money is considered speech. When we gather the required signatures (68,911 certified) if we were to lose in the SJC, remember this, every signature over the 68,911 required, adds volume to the voice of the people, putting pressure on our Representatives in the Statehouse to act.
- **Where can people find petitions?** At the website there is a button for the current locations
- **Can people download a petition form to help petition, sign themselves, and/or get a few of their friends to sign?** Absolutely! Please see www.PassMassAmendment.org
- **How to help:**
 - Sign up for our email list - Action Alerts will follow
 - Contact your Legislators - Ask them to endorse PassMassAmendment
 - This is a true Grassroots effort - Volunteer your time
 - This is being run on a bare bones budget. No one gets paid - But we need money for printing and office supplies

Part 3 How to Petition (abbr. version) (see full version: www.PassMassAmendment.org)

Suggestions on HOW TO GATHER SIGNATURES...

(SEE OFFICIAL RULES in the NEXT PART of this document)

- 1. PICK A SPOT** near you where lots of people go. The website has a page with suggested spots.
- 2. STAND OUTSIDE THE DOOR**, close enough to be NEAR the foot traffic, but do not block the foot traffic.
- 3. ASK PASSERSBY "are you a REGISTERED VOTER in MASSACHUSETTS"?**
- 4. If they say yes, say, "WILL YOU SIGN OUR PETITION?"**
5. When/if they stop, they may just sign. But they will likely ask, "what's it for"? Say: "TO AMEND THE STATE CONSTITUTION based on "CORPORATIONS are not PEOPLE, MONEY is not SPEECH"
6. This may be enough. A lot of education has been done on this issue in Massachusetts, so a large number of people will sign readily.
7. And most other people will sign after you say things like:

- *We're trying to get money out of politics*
- *We're asking voters to sign the petition so that we can put the question on the ballot in 2016.*
- *It's not to vote yes or no right now...it's just to put the question on the ballot.*

For more detailed reasoning, please see the FAQs at the front of this document.

IMPORTANT NOTES:

- **DO NOT TRY AND CONVERT PEOPLE** if they are against this ballot measure. If they want an explanation, of course, take a couple minutes to talk to them, but if it's taking longer, it's best to give them a flyer (quarter page version) and let them look at it later. They can email us and call us for more info, too. 978 808 7173, PassMassAmendment@gmail.com
- **DO get EMAIL ADDRESSES!** We are AT WAR to protect our democracy, and this will take years. We will need people to be up to date on the progress. The more we can keep people up to date, the more pressure that will be on the legislature.
- Please try and remember to ask people to ASK LEGISLATORS TO ENDORSE PassMassAmendment. Use the PMA cards with blanks on the back, so people can look at the list of Senators and Reps and write in the number. WE NEED 25% of them TO VOTE YES in 2 consecutive sessions of the legislature!
- Petitioners have a CONSTITUTIONAL RIGHT TO PETITION in public spaces, even if the place is privately owned. This document is useful for showing store managers
- If the store manager doesn't understand that it is OK for you to petition, ask them to call the police. The police can be very helpful. Towns do not want to get sued because the police did not protect your constitutional rights. Just by asking the store manager to call the police is usually enough.

ORGANIZING THE FORMS

Organizing the forms in the field can be a challenge. Here are a few suggestions:

- have the town you are in on the top, with a few nearby towns underneath, alphabetized by town
- have other towns alphabetized on another clipboard
- have a piece of paper with a list of the towns that you already have forms for, so you can know if you need to make a new form for a town you don't have already.

At the end of the day, take a sticky paper and put an arrow on it, and place the sticky on the form so that the arrow is on the last signature you got that day. You can also write the date above the arrow, and the next date that you get sigs below the arrow. This will help you report to coordinators how many sigs you got that day/week.

HANDING IN THE FORMS

After you get a "whole bunch" of forms filled out in a town, the forms either go to the coordinator in that town, or directly to the Town Clerk. If you deliver to the Town Clerk, make sure to GET A RECEIPT. That receipt will be used to pick up the forms after the signatures have been "certified". The receipts will then be delivered to the Statehouse on December 4th. Please be there for the march across The Boston Commons, in celebration of this historic action.

Page 4 Petition RULES (*SET BY LAW)

* PETITION FORMS THAT YOU PRINT YOURSELF MUST HAVE BOTH SIDES
and have the SAME NUMBER OF SIGNATURE SPACES as the original

***** NO OTHER MARKS ON THE PETITION FORM *****

- * ONLY REGISTERED VOTERS: are allowed to sign.
- * THE SIGNER MUST SIGN ON THE SHEET WITH THE CORRECT TOWN: The town name needs to be on the sheet, in the space provided. ONLY voters FROM THAT TOWN can sign on THAT SHEET
- * THE SIGNER MUST WRITE THE STREET ADDRESS where they ARE REGISTERED TO VOTE

*** NO OTHER MARKS ON THE PETITION FORM**

- * DO NOT HIGHLIGHT, UNDERLINE OR WRITE "SEE OTHER SIDE."
- * DO NOT PUT YOUR INITIALS OR ANY OTHER DESIGNATION ON THE SHEETS
- * DO NOT MARK WHERE YOU LEFT OFF FROM PREVIOUS SESSION
- * DO NOT SCRIBBLE ON THE FORM TO GET THE PEN STARTED

ASK THE SIGNER TO PRINT LAST NAME after the signature IN THE SIGNATURE BOX

- * If a voter signs incorrectly or makes an error, **do not erase or make changes**. Leave the incorrect line intact and ask the voter to sign his or her name and address again on the next line.
- * Married females should not sign as "Mrs. John Smith." They need to sign "their" names. Mary Smith instead. But middle initials are not required.
- * Persons with physical disabilities may authorize another individual to sign for them in the voter's presence but one spouse **may not** sign for another.

Helpful Hints:

- It's helpful to ask, "hi, are you registered to vote in Massachusetts"? before asking for a signature.
- KEEP A PIECE OF PAPER CLAMPED TO ACT AS A SCRATCH PAD to scribble to get the pen started.
- KEEP CONVERSATIONS SHORT. One converted supporter is not worth the three potential signatures that walked past you. Hand a flier to people with questions, rather than engaging in long conversations.
- KEEP MULTIPLE SHEETS WITH YOU for other towns (alphabetize them) and to give to people who want to gather signatures.

PLEASE REPORT IN AT THE END OF THE DAY. DO NOT MARK THE SHEET where you left off. Use a stickie paper to show what you've already reported. NO TAPE (it leaves marks and will invalidate the entire sheet)

ATTENTION: SINCE THIS IS AN AMENDMENT' WE ALSO HAVE TO GO THROUGH THE STATEHOUSE. ASK SIGNERS TO CONTACT LEGISLATORS TO ASK THEM TO ENDORSE THE AMENDMENT. Petitioners will be provided with business cards with statehouse contact info to make this easier.

KEEP A SEPARATE CLIPBOARD HANDY TO COLLECT EMAIL ADDRESSES for the LEGISLATIVE ACTION ALERTS. THESE WILL BE USED MAYBE ONCE A MONTH. OUR INTENTION IS TO HAVE EVERYONE CALL THEIR REPRESENTATIVES ON THE SAME DAY TO INCREASE THE VOLUME OF OUR VOICES. There is an "ANNOUNCEMENT-LIST", too, which will offer updates on the PassMassAmendment Action. If people ONLY want to be on the ACTION LIST, please indicate "Action List" next to their name.

Please call in or email in the # of NEW SIGNATURES PER TOWN you gathered since the last time you reported. passmassamendment@gmail.com, 978 808 7173.

**REMINDER! DO NOT MARK PAGES TO KEEP TRACK OF WHERE YOU LEFT OFF.
USE A STICKIE!**

PART 5 PETITIONER'S CHECKLIST

This is a list of "stuff" that we recommend you take to "the field":

- **PETITION FORMS** (bring extras...you'll be glad, and people may want to take some so they can help...so bring LOTS)
- **THIS HANDY GUIDEBOOK**
- **3 CLIPBOARDS** (or large strong pads of paper that you can clip things to)
 - 1 primary clipboard for the forms for the town you're in and the nearby towns
 - 2nd clipboard for "other towns"
 - 3rd clipboard for email sign up list
 - 4th clipboard if you are also gathering sigs for other petitions

CLIP ON A SMALL PIECE OF PAPER to scribble to get pens to work.

- * **EXTRA PENS** (dark blue/black)
- * **A PAD OF PAPER** (to collect email addresses and to scribble to get pens working)
- * **YELLOW STICKIES** (**NO TAPE**...forms w/marks will be DISCARDED by the state)
(you can use the stickies to help sort the forms by town, because **NO OTHER MARKS** are allowed on the forms, except the voter signatures, addresses and the town)

* **CLIPS to organize the papers**, especially useful if it's windy.

* **A milkcrate or big plastic tub**, or way to organize sheets for different towns may be helpful.

* **CELL PHONE, charged**

978 808 7173 (Terra), and #s for whomever you are coordinating w/ regionally

HANDOUTS FOR THE PUBLIC

- flyers (can be printed from the website, the quarter page version is most handy)
- legal discussion (don't print too many, not many people will take this)
- cards (contact us, we have plenty)

Part 6 List of State Senators and Representatives

List of Senate Members				
Name	Party	Room	Phone Number	Email Address
Barrett, Michael (Michael Barrett)	D	313A	617-722-1572	Mike.Barrett@masenate.gov
Brewer, Stephen (Stephen M. Brewer)	D	212	617-722-1540	Stephen.Brewer@masenate.gov
Brownsberger, William (William N. Brownsberger)	D	413C	617-722-1280	William.Brownsberger@masenate.gov
Candaras, Gale (Gale D. Candaras)	D	309	617-722-1291	Gale.Candaras@masenate.gov
Chandler, Harriette (Harriette L. Chandler)	D	312C	617-722-1544	Harriette.Chandler@masenate.gov
Chang-Diaz, Sonia (Sonia Chang-Diaz)	D	312D	617-722-1673	Sonia.Chang-Diaz@masenate.gov
Clark, Katherine (Katherine M. Clark)	D	410	617-722-1206	Katherine.Clark@masenate.gov
Creem, Cynthia (Cynthia S. Creem)	D	312A	617-722-1639	Cynthia.Creem@masenate.gov
DiDomenico, Sal (Sal N. DiDomenico)	D	218	617-722-1650	Sal.DiDomenico@masenate.gov
Donnelly, Kenneth (Kenneth J. Donnelly)	D	413D	617-722-1432	Kenneth.Donnelly@masenate.gov
Donoghue, Eileen (Eileen M. Donoghue)	D	112	617-722-1630	Eileen.Donoghue@masenate.gov
Downing, Benjamin (Benjamin B. Downing)	D	413F	617-722-1625	Benjamin.Downing@masenate.gov
Eldridge, James (James B. Eldridge)	D	413A	617-722-1120	James.Eldridge@masenate.gov
Finegold, Barry (Barry R. Finegold)	D	416B	617-722-1612	Barry.Finegold@masenate.gov
Flanagan, Jennifer (Jennifer L. Flanagan)	D	208	617-722-1230	Jennifer.Flanagan@masenate.gov
Forry, Linda (Linda DorcenaForry)	D	511-B	617-722-1150	Linda.DorcenaForry@masenate.gov
Hedlund, Robert (Robert L. Hedlund)	R	313C	617-722-1646	Robert.Hedlund@masenate.gov
Jehlen, Patricia (Patricia D. Jehlen)	D	513	617-722-1578	Patricia.Jehlen@masenate.gov
Joyce, Brian (Brian A. Joyce)	D	109D	617-722-1643	Brian.Joyce@masenate.gov
Keenan, John (John F. Keenan)	D	413B	617-722-1494	John.Keenan@masenate.gov
Kennedy, Thomas (Thomas P. Kennedy)	D	109E	617-722-1200	Thomas.Kennedy@masenate.gov
Lovely, Joan (Joan Lovely)	D	215	617-722-1410	Joan.Lovely@masenate.gov
McGee, Thomas (Thomas M. McGee)	D	109C	617-722-1350	Thomas.McGee@masenate.gov
Montigny, Mark (Mark C. Montigny)	D	407	617-722-1440	Mark.Montigny@masenate.gov
Moore, Michael				

(Michael O. Moore)	D	109-B	617-722-1485	Michael.Moore@masenate.gov
Moore, Richard				
(Richard T. Moore)	D	111	617-722-1420	Richard.Moore@masenate.gov
Murray, Therese				
(Therese Murray)	D	332	617-722-1500	Therese.Murray@masenate.gov
O'Connor Ives, Kathleen				
(Kathleen O'Connor Ives)	D	519	617-722-1604	Kathleen.OConnorIves@masenate.gov
Pacheco, Marc				
(Marc R. Pacheco)	D	312B	617-722-1551	Marc.Pacheco@masenate.gov
Petrucelli, Anthony				
(Anthony W. Petrucelli)	D	424	617-722-1634	Anthony.Petrucelli@masenate.gov
Rodrigues, Michael				
(Michael J. Rodrigues)	D	213B	617-722-1114	Michael.Rodrigues@masenate.gov
Rosenberg, Stanley				
(Stanley C. Rosenberg)	D	333	617-722-1532	Stan.Rosenberg@masenate.gov
Ross, Richard				
(Richard J. Ross)	R	520	617-722-1555	Richard.Ross@masenate.gov
Rush, Michael				
(Michael F. Rush)	D	504	617-722-1348	Mike.Rush@masenate.gov
Spilka, Karen				
(Karen E. Spilka)	D	320	617-722-1640	Karen.Spilka@masenate.gov
Tarr, Bruce				
(Bruce E. Tarr)	R	308	617-722-1600	Bruce.Tarr@masenate.gov
Timilty, James				
(James E. Timilty)	D	507	617 722-1222	James.Timilty@masenate.gov
Welch, James				
(James T. Welch)	D	416A	617-722-1660	James.Welch@masenate.gov
Wolf, Daniel				
(Daniel A. Wolf)	D	511B	617-722-1570	Daniel.Wolf@masenate.gov
List of Mass House Reps				
Andrews, Denise				
(Denise Andrews)	D	443	617-722-2460	Denise.Andrews@mahouse.gov
Arciero, James				
(James Arciero)	D	34	617-722-2320	James.Arciero@mahouse.gov
Ashe, Brian				
(Brian M. Ashe)	D	540	617-722-2090	Brian.Ashe@mahouse.gov
Atkins, Cory				
(Cory Atkins)	D	195	617-722-2015	Cory.Atkins@mahouse.gov
Ayers, Bruce				
(Bruce J. Ayers)	D	167	617-722-2230	Bruce.Ayers@mahouse.gov
Balser, Ruth				
(Ruth B. Balser)	D	136	617-722-2396	Ruth.Balser@mahouse.gov
Barrows, F.				
(F. Jay Barrows)	R	542	617-722-2488	F.JayBarrows@mahouse.gov
Basile, Carlo				
(Carlo Basile)	D	174	617-722-2877	Carlo.Basile@mahouse.gov
Beaton, Matthew				
(Matthew A. Beaton)	R	167	617-722-2230	Matthew.Beaton@mahouse.gov
Benson, Jennifer				
(Jennifer E. Benson)	D	236	617-722-2430	Jennifer.Benson@mahouse.gov
Binienda, John				
(John J. Binienda)	D	166	617-722-2692	John.Binienda@mahouse.gov
Boldyga, Nicholas				
(Nicholas A. Boldyga)	R	167	617-722-2810	Nicholas.Boldyga@mahouse.gov

Bradley, Garrett				
(Garrett J. Bradley)	D	479	617-722-2520	Garrett.Bradley@mahouse.gov
Brady, Michael				
(Michael D. Brady)	D	167	617-722-2230	Michael.Brady@mahouse.gov
Brodeur, Paul				
(Paul Brodeur)	D	43	617-722-2030	Paul.Brodeur@mahouse.gov
Cabral, Antonio				
(Antonio F. D. Cabral)	D	466	617-722-2017	Antonio.Cabral@mahouse.gov
Calter, Thomas				
(Thomas J. Calter)	D	527A	617-722-2020	Thomas.Calter@mahouse.gov
Campbell, Linda				
(Linda Campbell)	D	237	617-722-2305	Linda.Campbell@mahouse.gov
Canavan, Christine				
(Christine E. Canavan)	D	146	617-722-2575	Christine.Canavan@mahouse.gov
Cantwell, James				
(James M. Cantwell)	D	22	617-722-2140	James.Cantwell@mahouse.gov
Cariddi, Gailanne				
(Gailanne M. Cariddi)	D	155	617-722-2450	Gailanne.Cariddi@mahouse.gov
Chan, Tackey				
(Tackey Chan)	D	26	617-722-2080	Tackey.Chan@mahouse.gov
Coakley-Rivera, Cheryl				
(Cheryl A. Coakley-Rivera)	D	238	617-722-2380	Cheryl.Coakley-Rivera@mahouse.gov
Cole, Leah				
(Leah Cole)	R	236	617-722-2430	Leah.Cole@mahouse.gov
Collins, Nick				
(Nick Collins)	D	26	617-722-2080	Nick.Collins@mahouse.gov
Conroy, Thomas				
(Thomas P. Conroy)	D	39	617-722-2014	Thomas.Conroy@mahouse.gov
Coppinger, Edward				
(Edward F. Coppinger)	D	489	617-722-2304	Edward.Coppinger@mahouse.gov
Costello, Michael				
(Michael A. Costello)	D	254	617-722-2220	Michael.Costello@mahouse.gov
Cronin, Claire				
(Claire D. Cronin)	D	130	617-722-2130	Claire.Cronin@mahouse.gov
Curran, Sean				
(Sean Curran)	D	473B	617-722-2263	Sean.Curran@mahouse.gov
Cusack, Mark				
(Mark J. Cusack)	D	544	617-722-2637	Mark.Cusack@mahouse.gov
Cutler, Josh				
(Josh S. Cutler)	D	39	617-722-2014	Josh.Cutler@mahouse.gov
D'Emilia, Angelo				
(Angelo L. D'Emilia)	R	548	617-722-2488	Angelo.D'Emilia@mahouse.gov
Decker, Marjorie				
(Marjorie C. Decker)	D	236	617-722-2430	Marjorie.Decker@mahouse.gov
DeLeo, Robert				
(Robert A. DeLeo)	D	356	617-722-2500	Robert.DeLeo@mahouse.gov
deMacedo, Viriato				
(Viriato Manuel deMacedo)	R	124	617-722-2100	Vinny.deMacedo@mahouse.gov
Dempsey, Brian				
(Brian S. Dempsey)	D	243	617-722-2990	Brian.Dempsey@mahouse.gov
Devers, Marcos				
(Marcos A. Devers)	D	146	617-722-2011	Marcos.Devers@mahouse.gov
Diehl, Geoff				
(Geoff Diehl)	R	167	617-722-2810	Geoff.Diehl@mahouse.gov

DiNatale, Stephen				
(Stephen L. DiNatale)	D	276	617-722-2676	Stephen.DiNatale@mahouse.gov
DiZoglio, Diana				
(Diana DiZoglio)	D	33	617-722-2060	Diana.DiZoglio@mahouse.gov
Donato, Paul				
(Paul J. Donato)	D	163	617-722-2040	Paul.Donato@mahouse.gov
Durant, Peter				
(Peter J. Durant)	R	33	617-722-2060	Peter.Durant@mahouse.gov
Dwyer, James				
(James J. Dwyer)	D	254	617-722-2220	James.Dwyer@mahouse.gov
Dykema, Carolyn				
(Carolyn C. Dykema)	D	473F	617-722-2210	Carolyn.Dykema@mahouse.gov
Ehrlich, Lori				
(Lori A. Ehrlich)	D	39	617-722-2014	Lori.Ehrlich@mahouse.gov
Fallon, Christopher				
(Christopher G. Fallon)	D	236	617-722-2430	Christopher.Fallon@mahouse.gov
Farley-Bouvier, Tricia				
(Tricia Farley-Bouvier)	D	156	617-722-2240	Tricia.Farley-Bouvier@mahouse.gov
Fattman, Ryan				
(Ryan C. Fattman)	R	443	617-722-2460	Ryan.Fattman@mahouse.gov
Fennell, Robert				
(Robert F. Fennell)	D	146	617-722-2575	Robert.Fennell@mahouse.gov
Ferguson, Kimberly				
(Kimberly N. Ferguson)	R	473B	617-722-2263	Kimberly.Ferguson@mahouse.gov
Fernandes, John				
(John V. Fernandes)	D	254	617-722-2220	John.Fernandes@mahouse.gov
Ferrante, Ann-Margaret				
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Finn, Michael				
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Part 7 Legal Discussion (legal details about what we are doing)

We feel a need to start with the actual Preamble of the [Constitution of the Commonwealth of Massachusetts](#):

PREAMBLE

"The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquility, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode for making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man may, at all times, find his security in them.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain and establish the following Declaration of Rights, and Frame of Government, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS."

*

We believe that the Preamble, the hallowed words quoted above, is the basis of our Constitution. The most important words are stated first. As a society, we need to protect the body politic, which is the Legislature and the Governor; and in that we are given the right to alter the government. The second paragraph of the Preamble states that the body politic is a social compact with the ultimate aim of providing for the common good.

We feel that the body politic is threatened by the unlimited amounts of money that have been allowed to affect our elections. This includes money from outside of the state, from outside of the U.S.A., and the unfettered influence of corporations in our elections, the political process, and our Government. Thus, we feel that the ultimate objective of providing for the common good is under attack, and therefore, so is our Constitution.

In support of this, we cite two cases:

1) *Attorney General v Apportionment Commissioners* 224 Mass. 604 - "There can be no equality among citizens if the vote of one counts for considerably more than that of another in electing public officers. The true meaning and spirit of the Constitution is that each voter has an equal voice in the enactment of laws and in the election of officers of the State. Such equality must be secured in all laws for the choosing of representatives in the General Court or the Constitution is violated."

2) *Bowe v Secretary of the Commonwealth* 320 Mass. 249 - "We see nothing in either of the proposed laws that impairs the freedom of the voter to express his choice as to men or measures. Indeed, the proposed law forbidding political contributions, like corrupt practices acts in general, would tend to increase the freedom of elections by removing influences upon the voter that the use of money can bring to bear."

The basis of our Amendment is ***"Corporations are not people and may be regulated, Money is not speech and may be regulated."***

The Massachusetts Constitution awarded corporations no rights, only restrictions. See **Article VI**

below, which begins, *"No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public..."*. Corporations have been given rights in Massachusetts. But those rights are NOT INALIENABLE. The only rights that are inalienable are guaranteed by the Massachusetts Constitution, which corporations do not have. The rights corporations currently have are granted by the Massachusetts Legislature through the Massachusetts General Laws and their charters. Those rights are not inalienable.

Massachusetts General Laws Chapter 155 Section 3 Acts of incorporation and corporate organizations subject to legislative action - "Every act of incorporation passed since March 11th, eighteen hundred and thirty-one, shall be subject to amendment, alteration or repeal by the general court. All corporations organized under general laws shall be subject to such laws as may be hereafter passed affecting or altering their corporate rights or duties or dissolving them. Corporations shall, notwithstanding such repeal or dissolution, be subject to sections fifty-one and fifty-two. Such laws of amendment, alteration or repeal or such dissolution shall not take away or impair any remedy which may exist by law consistently with said sections against the corporation, its members or officers, for a liability previously incurred."

As for money being considered speech, we refer to the original language in **Article XXI** of our Constitution. At the time, the only free speech that was mentioned, and therefore protected under our constitution was: "The freedom of deliberation, speech and debate in either house of the Legislature, is so essential to the rights of the people, that it can not be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever. [See **Amendments, Article XLVIII, The Initiative, II, sec. 2.**]" It effectively, protected free speech only within the "houses of the Legislature."

Since the 1884 enactment of **Massachusetts General Law Chapter 320, Section 7**, and subsequent editions of that law, any solicitation or accepting of money by any elected official in the Houses of the Legislature or any public building is illegal. These laws applied to only specific physical locations: those locations where free speech was protected. The distinct connection between disallowing money specifically where free speech was protected and the importance of protecting free speech from the influence of money can not be denied. These laws limited the use of money in places where free speech was guaranteed by the state constitution at that time. If the framers of the law had believed that money was protected speech that they would have, at that time, not barred its use in those hallowed chambers. The law was intended to uphold the validity of the constitutional protections of our democracy by taking money out of the place of protected speech. We feel that this validates our claim that money has never been considered speech in Massachusetts.

*

The process that we are engaged in is referred to as "Amending the Massachusetts Constitution through a Ballot Initiative". We are not actually comfortable using that phrase, because we look at what we are doing as a "clarification".

We would like to bring attention to Articles I, IV, V, VI, VII, IX;

Article I: (Annulled by Amendments, Article CVI) Article CVI: *"All people are born free and equal and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness. Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin."*

Article IV: *"The people of this Commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and here forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America in Congress assembled."*

Article V: *"All the power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them."*

Article VI: *"No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public: and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man born a magistrate, lawyer, or judge, is absurd and unnatural."*

Article VII: *"Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestable, unalienable, and indefeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it."*

Article IX: *"All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments. [See Amendments, Articles XLV and XLVIII, The initiative, sec. 2.] [For compulsory voting, see Amendments, Article LXI.] [For use of voting machines at elections, see Amendments, Article XXXVIII.] [For absentee voting, see Amendments, Article LXXVI.]"*

We make note that the first, large scale action against a corporation on these shores was the Boston Tea Party. The action was against the East India Company. The tea dumped into the harbor was that owned by the East India Company. No other tea was dumped into the harbor and no one was allowed to salvage any of that tea, a total loss.

At the time of our nation's birth, corporations were strictly regulated. Corporations had a limited lifespan and had to accomplish a public service. The charters were vary narrowly structured. And if a corporation did not adhere to any part of its charter, it would be disbanded.

Over time, money and influence helped corporations get laws changed to support the lessening of restrictions in their charters. This led to more money and power for corporations. After the Civil War, railroad corporations had a stranglehold on the U.S. The people formed Unions to fight back, but, the corporations still accumulated money, power, and influence, which allowed a small number of people to put an increasingly large burden on the common people, while the elite wallowed in riches. In the 1917 Constitutional Convention debates, delegates referred to the unnatural power of corporations as "the invisible government," and asked the Convention to enact provisions to allow for Citizens Initiative and Referendum, in order to allow citizens to keep the Legislature 'in "check."

In contrast to the strict charters that our forefathers insisted on, to keep corporations "in check," today, a corporation in Massachusetts need only say that it will engage in "any lawful activity," to receive its charter. We now have huge corporations paying no tax, sometimes even receiving rebates for shipping our jobs overseas, all at a cost to the poor, the middle class, and our communities. And unions, which were established to protect workers from profiteers, are suffering a downward trend.

It is again time for the people to rise up and voice their displeasure and say, "This has to stop".

In 1998, the "**Clean Elections Law**" was passed by a 2 to 1 margin by Ballot Initiative. The Legislature refused to fund it and at a later time had a voice vote to end it. In response to this lack of action to clean up elections and with corporate money flooding into the election process, people have organized around the state, asking their Legislators to declare that "Corporations Are Not People; Money Is Not Speech." And the voice of the people has again been disregarded. By using a voice-vote to end the **Clean Elections Law**, the Legislature made it impossible for the citizens to know which Legislator voted for or against. In doing so, they could not be held accountable for their vote. And therefore violated **Article V** of the State Constitution, which guarantees that Legislators will be held accountable to their voters.

The Massachusetts Constitution is the longest lasting document of its kind. And it has remained fairly unchanged since its inception. Citizens were guaranteed, in the original Constitution, the right to alter government. But the original Constitution did not offer a process for doing so. The citizens were finally awarded the ability to amend the Constitution and establish law after the Constitutional Convention started in 1917, which put forth the Initiative and Referendum Amendment; it was enacted by vote of the people.

The 1917 Constitutional Convention was convened because of the pressure applied to the General Court by the people. An "invisible government" had taken over, and the people needed a way to directly effect change. Back then, as today, the problem was the corrupting influence of corporations and money on Government and the political process. The citizens wanted to be able to restrain the body politic from doing harm, thus strengthening the social compact and preserving the common good. The citizens had been ignored. The people were finally heard and ended up with what could be one of the most conservative I and R processes available.

We have previously stated the longevity and durability of our Constitution. The process to Amend our Constitution is arduous, and it should be. We at PassMassAmendment have a great respect for our Constitution, the Framers of said document and our forefathers who took up arms to battle for the human rights that we enjoy today. In respect of those efforts, no one gets paid at PassMassAmendment. This is an all volunteer effort. PassMassAmendment will not pay anyone to gather signatures. It has been suggested that this has never worked in the past; that we have little chance. We already acknowledged the process as being arduous. If people do not rise up and volunteer, on an issue that transcends party lines and is so important to the future of our nation; if the people do not respond, then this Amendment does not deserve to be on the Ballot. This is a true "grassroots" effort and we have faith, but we need help.

We issue a call to arms. We need those arms to hold clipboards as we ask registered voters to use their own arms to propel a pen to attach their signature to a petition sheet. We need those arms to pick up the phone and call friends and neighbors to say, "Have you heard?" We will need those arms to hold their brothers and sisters, at the end of the effort, as we all exclaim, "We did it," and feel the pride of accomplishing something that will make a difference and hopefully lead the rest of the country to help wrest back control of our Government from the corrupting influence of large, global corporations and money. At that time we can put our arms to rest, inside a ballot booth, as we fill out a ballot, knowing that our vote does again matter.