

The Commonwealth of Massachusetts
House of Representatives

RULES

OF THE

DEMOCRATIC CAUCUS

ADOPTED IN ACCORDANCE WITH THE PROVISIONS OF HOUSE RULE 19A

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RULES

Membership, Officers and Elections

Rule 1. Membership

- A. All Democratic Members of the House of Representatives shall be prima facie Members of the Democratic Caucus of the House of Representatives (Hereafter "Caucus")
- B. The following procedures shall govern when a Democratic Member chooses to leave the Democratic Party:
 - 1. Whenever a Member of the Caucus resigns from or acts affirmatively to change political parties, he shall automatically cease to be a Member of the Democratic Caucus. Such acts shall be limited to filing any document designed to effect a change of party registration or filing for office as a candidate for nomination of another political party or accepting the nomination of another political party. This section shall not apply to anyone who files for or accepts the nomination of another party in addition to accepting the nomination of the Democratic Party.
 - 2. The Caucus Chairman shall notify the affected Member in writing when he ceases to be a Member of the Democratic Caucus in accordance with section B(1) and that Member shall have the opportunity to seek reinstatement by majority vote, at a meeting of the Caucus called within 10 days of his request, provided that at least 5 Members support, in writing, the Member's request. If the Member is not reinstated within 30 days of receiving notification, the affected Member is no longer a Member of the Democratic Caucus.
- C. The Caucus may expel by two-thirds vote any Member failing to abide by rules governing such Caucus.

Rule 2. Officers

Procedure for Election of Caucus Chairman

A. On the first Wednesday in January, of odd numbered years a caucus of the Democratic members of the House shall be called to order by the senior Democratic member. Said senior member shall act as chairman pro tempore until such time as a Chairman shall be elected. When the Speaker is a member of the Democratic party he shall be the caucus chairman. The chairman pro tempore shall appoint a caucus secretary pro tempore, who shall serve until a permanent secretary is appointed by the caucus chairman. The clerk shall call the roll to determine the presence of a quorum. The chairman pro tempore shall open the floor for nominations for caucus chairman. All nominating speeches to be subject to the following limitation. Each nominating speech shall be no longer than five (5) minutes in duration. There shall be a maximum of two seconding speeches per nomination. No seconding speech shall be longer than two (2) minutes in duration. The chair will appoint a timekeeper. Any nominee seeking to make a statement in his/her behalf shall do so after the close of all nominations, and no such statement shall be of more than five (5) minutes in duration. ~~The vote shall be by open roll call ballot and a Majority of the Elected members shall be necessary for a choice.~~ The member elected as caucus chairman shall be the candidate of the Democratic Party for Speaker of the House.

Caucus Chairman

B. The Caucus chairman shall call the members to order and, on the appearance of a quorum, proceed to business. He shall preserve

decorum and order; may speak to points of order in preference to other members; and shall decide all questions or orders, subject to an appeal to the caucus. He shall declare all votes, subject to verification as hereinafter provided. In all cases he may vote.

Acting Chairman

C. He may appoint a member to perform the duties of the Chair. In the event he fails to appoint a member to perform the duties of the Chair, the Majority Leader shall be the Acting Chairman until the Chairman otherwise provides or until a vacancy in the office of Chairman occurs. In the event that the Majority Leader is absent or is unable to perform the duties of Acting Chairman, the Assistant Majority Leader or the Second Assistant Majority Leader shall be the Acting Chairman.

Vacancy

D. In case of a vacancy in the office of chairman, or in the case the caucus chairman or the member named by him in accordance with the preceding rule is absent at the hour for which the caucus is called, the senior member present shall call the caucus to order, and shall preside until a Chairman pro tempore or a Chairman is elected, which shall be the first business in order.

Secretary of the Caucus

E. There shall be a secretary of the caucus who shall be appointed by the Chairman, and shall notify the members regarding notice of meetings, and shall keep the minutes of all meetings and enter therein a record of each caucus proceedings, and submit it to the chairman before the hour fixed for the next caucus.

The Secretary shall prepare and cause to be printed for each caucus an agenda of matters in order for consideration and such other memoranda as the Caucus or the Chairman direct.

Rule 3. Ratification of Appointments and Removals

1. The following provisions shall apply to all votes for ratification of appointments and removals in the Caucus.
 1. All votes shall be Public.
 2. A quorum shall be required to proceed;
3. The Majority Floor Leader, the Assistant Majority Floor Leader, and the Second Assistant Majority Floor Leader shall be appointed and may be removed by the Speaker. The majority party caucus shall, in open meeting, then vote to accept or reject each such appointment or removal by a majority vote of those present and voting at the caucus provided, however, that no such vote shall be secret. ^{unless voted by a majority of the} All majority party members ^{members} of committees shall be appointed by the Speaker and the member first ^{present} named shall be chairman, and the second named member shall be vice chairman. The appointment or removal of the member of each standing committee designated to serve as chairman and the vice chairman of Ways and Means and the vice chairman of Post Audit and Legislative Oversight shall be submitted to the majority party caucus, in open meeting, for ratification. The majority party caucus shall then vote to accept or reject each such appointment or removal by a majority vote of those present and voting provided, however, that no such vote shall be ^{unless voted by a majority of the members present.} secret. A vacancy in any position regulated by this rule shall be filled in the same manner as the original appointment. Failure by the caucus to ratify any appointment shall be deemed a vacancy in such office.

Caucus Meetings

Rule 4. Calling and Scheduling Meetings

- A. Meetings of the Caucus shall be called by the Chairman upon his own motion, or upon written request of twenty-five percent of the Members of the Caucus.
- B. Members of the Caucus shall not schedule committee meetings or hearings at times when the Caucus is to be in session.

Rule 5. Notice and Agenda of Meetings.

- A. The Chairman shall set the time and place of each meeting of the Caucus and shall provide Members with an agenda listing all matters to be considered at each Caucus meeting. Said agenda shall be distributed to Members on the second calendar day (excluding Sundays and Holidays) preceding the day on which the Caucus meeting is convened; however, when the purpose of such Caucus meeting is to consider a veto override or legislation that has been reported to the House, the Chairman may waive the two-day-notice requirement provided Members are given reasonable notice of such meeting.
- B. The agenda for each meeting shall include any matter requested in writing by 5 or more Members and delivered to the office of the Caucus Chairman by noon on the second day preceding the day on which the Caucus meeting is convened, plus any matter which the Caucus Chairman wishes to place before the Caucus.
- C. Following issuance of the agenda, additional items may be placed thereon only by the Caucus Chairman or upon petition by twenty-five percent of the Members delivered to the office of the Chairman by noon on the day preceding the day on which the Caucus meeting is convened.

The Caucus Chairman shall provide Members with written notification of any addition to the agenda not later than 5 p.m. the same day.

- D. Any matter the subject matter of which was not noticed in accordance with the preceding provisions shall not be in order. The only exception to this provision is when copies of the matter to be considered have been available to members for at least two hours of the normal work day, and the Caucus agrees by a two-thirds vote, to make the matter in order.
- E. A meeting of the Caucus may, at the call of the Chairman or upon motion, be recessed and later reconvened for continuation of properly noticed business, at a time and place designated; except during ratification balloting as provided in Caucus Rule 3.
- F. Orders, resolutions and other papers intended for presentation, shall be filed in writing with the caucus secretary who shall distribute copies with the caucus agenda. Any order, resolution or other paper which has not been filed in such timely fashion shall not be considered. The Chairman shall recognize the member presenting the order or resolution first. Suspension of this paragraph shall require an affirmative vote of two-thirds of the members present. Orders shall be of a procedural nature (i.e. adoption or amendment of caucus rules, establishment of a committee of the caucus, etc.) Resolutions shall be to ascertain the sense of the caucus on substantive issues and shall not be binding on individual members.

Rule 6. Admittance to Meetings

No persons, except Members of the Caucus, a Caucus Journal Clerk, and other necessary employees, shall be permitted to sit in the area designated for members without the express permission of the Chairman.

The press and public shall sit only in that area designated for them. All meetings of the caucus shall be open to the press and public unless otherwise voted by a majority of the Members.

Rule 7. Quorum

A quorum of the Caucus shall consist of a majority of the Members of the Caucus. If the absence of a quorum is established, the Chairman may continue the meeting for purposes of discussion only, but no motion of any kind, except a motion to adjourn, shall be in order. A quorum shall be assumed to be present unless doubted.

Rule 8. Parliamentary Procedure

Robert's Rules of Order, Revised, with such special rules as may be adopted, shall govern the meetings of the Caucus. The rules of debate that govern the House of Representatives shall govern debate in the Caucus, unless suspended by a vote of the Caucus. Proxy voting is not allowed in the Democratic Caucus.

Rule 9. Caucus Journal

The Caucus Secretary shall keep a journal of the caucus proceedings, which shall be available for inspection by any Member of the Caucus upon request at reasonable times.

Rule 10. Recorded Votes and Voting Procedure

- A. Except on votes pertaining to ratification of appointments or removals, when a question is put, the sense of the Caucus shall be taken by the voices as it appears to the Chairman by the sound. If the Chairman is unable to decide by the sound of the voices, or if his announcement made thereupon is doubted by a member rising in his place for that purpose, the Chairman shall order a division of the number

voting in affirmative and in the negative, without further debate upon the question.

When a return by division of the members voting in the affirmative and in the negative is ordered, the members for or against the question, when called on by the Chairman, shall rise in their places, and stand until they are counted. If, upon the taking of such a vote, the presence of a quorum is doubted, a count of the Caucus shall be had, and if a quorum is present the vote shall stand.

B. The sense of the Caucus shall be taken by yeas and nays on all votes pertaining to the ratification of the appointment or removal of members to leadership positions and of chairman of Standing Committees of the House and House Chairmen of Joint Standing Committees, and the House Vice Chairmen of the Committees on Ways and Means, and Post Audit and Legislative Oversight; and, in all other cases, whenever required by fifteen of the members present. The Chairman may wait an interval not exceeding twelve minutes before the yeas and nays are taken, during which time the members shall be summoned to the Caucus by the court officers at such places in the State House as shall be determined by the Chairman. At the end of each interval, the Chairman shall direct the Secretary of the Caucus to call the roll which shall be called in alphabetical order, however no member shall be allowed to vote or to answer "present" who was not on the floor before the vote is declared. Once the voting has begun it shall not be interrupted except for the purpose of questioning the validity of a member's vote before the result is announced. Except as heretofore provided, any member or any person not a member who votes or attempts to vote for a member, shall be

requires roll call on subsidiary questions

punished in such manner as the Caucus determines.

Rule 11. Adoption, Amendment and Reviews of Caucus Rules

- A. The rules contained herein shall govern the procedures of caucus upon adoption by a majority of the Democratic members of the House at a caucus held in January of each odd numbered year. After adoption, the rules of the caucus shall only be amended by a two-thirds vote of the Democratic members of the House.
- B. The Chairman of the Caucus shall be responsible for codifying and technically revising the Caucus Rules, and for recommending modification where advisable. All codifications, revisions and modification shall be presented for adoption as amendments.
- C. The Caucus Chairman shall appoint a Committee on Organization Study and Review for the purpose of review of the Caucus Rules as circumstances may indicate, with no powers other than those recommending action to the Caucus.