

COMMITTEE FOR HEALTH CARE FOR MASSACHUSETTS

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Voters Sue to Put Health Care Amendment on Ballot

November 10, 2006 (Boston, MA) — Today ten Massachusetts voters joined the Committee for Health Care for Massachusetts in a suit to put the Health Care Constitutional Amendment on the 2008 ballot. Some might even vote NO if they get the chance in 2008. But the paramount issue for all the plaintiffs is that the General Court fulfill its constitutional duty to vote YES or NO on every amendment sent to them by the people.

The suit asks the Supreme Judicial Court to order Secretary of State William F. Galvin to put the Amendment before the voters unless the Legislature gives it the second and final up or down vote required by Article 48 of the Massachusetts Constitution.

Yesterday, the Massachusetts Legislature met in constitutional convention for the sixth time this Session and, for the sixth time, failed to vote on this Amendment sent to them by the people. They have recessed until January 2, 2007.

Donald K. Stern, Partner at Bingham McCutchen LLP and former U.S. Attorney for Massachusetts, will be handling the case. "The voters seeking to place the Health Care Amendment on the ballot have followed the carefully designed process set out in the Constitution. But, they have been stymied by the failure of the General Court to vote again on the amendment. This case asks the Court to declare that this inaction, the unwillingness to vote at all, is contrary to Article 48 and takes away important rights granted to the people."

In 2003 the Amendment's supporters gathered over 71,000 signatures. In July 2004 the Legislature approved the Amendment by a 153 to 41 vote – over three times the 50 votes required for a citizen petition. Over the objection of 76 legislators, the July 2006 Constitutional Convention ducked a vote by sending the Amendment to a "special" study committee. That committee has not met.

"The Amendment's supporters have done everything in their power to let the people decide if they want to create a collective right to affordable, comprehensive health and mental health care coverage for every Massachusetts resident," said Barbara Roop, Committee Co-Chair. "By failing to cast the up or down vote required by our constitution, the General Court has shut down the "people's process" and damaged the very fabric of democracy Massachusetts-style."

The Amendment makes the Legislature and Governor responsible for enacting the laws needed to guarantee every resident access to affordable, comprehensive health and mental health care coverage. It does not, however, specify any particular approach to reform.

Dr. John Goodson, Committee Co-Chair, commented, "the Commonwealth has demonstrated a willingness to boldly address one health insurance crisis by expanding access to those most in need. But the larger and more challenging crisis of underinsurance demands that affordability be continuously confronted by our elected representatives. The amendment will ensure that this process is sustained."

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Paid for by The Committee for Health Care for Massachusetts