

The Official Massachusetts

Information

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for Voters



The 2006 Ballot Questions



Published by
William Francis Galvin
Secretary of the Commonwealth

To receive additional Mail-in Voter Registration Forms, call the Elections Division at (617) 727-2828 or 1-800-462-VOTE.



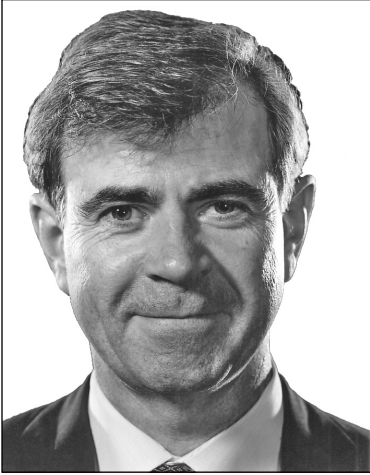
To vote in the state election, your Mail-in Voter Registration Form must be postmarked by Wednesday, October 18, 2006!

VOTE
State Election
Tuesday,
November 7, 2006

¡Atención, ciudadanos que habla español!

El Secretario del Estado ha publicado este folleto en español. Para solicitar ejemplares gratuitos de la versión en español, llamé a al teléfono 617-727-7030 o 1-800-392-6090 (esta llamada es gratuita).

A Message from Secretary Galvin...



Dear Voter:

Recent national elections have proven the power and significance of each and every vote. This year, here in Massachusetts we have many important decisions to make about the future direction of our state. I urge you to use your power to vote to make your voice heard.

If you have not yet registered, we have enclosed a form to mail back, but you must register by October 18, 2006.

A summary of the binding statewide ballot questions that will appear on the ballot are contained in this booklet. Many communities will also have binding questions relating to various issues including property tax rates. They can be found on our website at www.sec.state.ma.us/ele or by calling the Elections Division at 1-800-462-8683 or 617-727-2828.

My office provides many important services including business formation, investor protection, land record recordation and many others. But the most important service we perform is providing citizen information. If you need help in finding your way with government issues please contact our Citizen Information Service at 1-800-392-6090 or 617-727-7030.

I urge you to vote on November 7, 2006. Polling places will be open from 7:00 a.m. to 8:00 p.m. statewide.

Very truly yours,

William Francis Galvin
Secretary of the Commonwealth

Offices on the Ballot in 2006

This year the following offices will appear on the ballot:

- ◆ Senator in Congress
- ◆ Governor/Lieutenant Governor
- ◆ Attorney General
- ◆ Secretary of State
- ◆ Treasurer
- ◆ Auditor
- ◆ Representative in Congress
- ◆ Councillor
- ◆ Senator in General Court
- ◆ Representative in General Court
- ◆ District Attorney
- ◆ Clerk of Courts
- ◆ Register of Deeds
- ◆ County Commissioner, or Franklin Council of Government Committee (except Berkshire, Essex, Hampden, Hampshire, Middlesex, Nantucket, Suffolk and Worcester Counties)

How to Register to Vote...

Who may register?

Only a person who is:

- ◆ a **U.S. citizen**, and
- ◆ a resident of Massachusetts, and
- ◆ 18 years old on or before election day, and
- ◆ not currently incarcerated for a felony conviction.

When and where may I register?

There is no waiting period to be eligible to register to vote. As soon as you consider your address your domicile, you may register to vote from that address. Please note that anytime you move, you must re-register. If you move, you may register to vote as soon as you move into your new home.

The deadline to register to vote for the November 7th State Election is October 18th. Any mail-in voter registration form must be postmarked by October 18th, 2006 to be eligible to vote at the November 7th, 2006 State Election.

How can I register to vote?

In Person: Go to any registration location, such as your city or town hall, and complete an affidavit of registration. Upon completion of the form, you will be provided with a receipt which is proof of your registration. You should keep that receipt until you receive an acknowledgement notice in the mail, which should arrive within 2 to 3 weeks.

By Mail: Mail-in registration forms are widely available. A mail-in registration form is enclosed with this booklet. To obtain additional mail-in registration forms please call 617-727-2828 or 1-800-462-VOTE and a form will be sent to you. Mail the completed form to your local city or town hall. You should receive an acknowledgment notice in 2 to 3 weeks. If you do not, please contact your local election office to verify your voting status.

At the Registry of Motor Vehicles: While receiving or renewing a driver's license, you can complete a voter registration application. Check your motor voter receipt before you leave—it will indicate whether you registered to vote or not. Keep your motor voter receipt until you receive confirmation from your local election official. If you do not receive any confirmation, please contact your local election office to verify your voting status.

What must I do if I've changed my address since I registered?

If you have moved, you must register again. You may register to vote as soon as you move into your new home.

Do I need to attach identification to my voter registration form?

Yes, if you are registering to vote for the first time in Massachusetts. Because of a new federal law, the Help America

Vote Act of 2002 passed by Congress, if you registered to vote by mail on or after January 1, 2003, you will be required to show identification when you vote for the first time in a federal election since registering by mail in 2003, or you can send in a copy of your identification with your voter registration form.

Acceptable identification must include your name and the address at which you are registered to vote, for example: a current and valid driver's license, photo identification, current utility bill, bank statement, paycheck, government check, or other government document showing your name and address. If you send in a copy of your identification with your mail-in voter registration form, it may not be returned to you.

If you do not provide such identification, the Help America Vote Act of 2002 requires that you may only cast a provisional ballot which will be counted later, but only after your eligibility to vote has been determined

I registered to vote, but my name is not on the voting list—what do I do?

If you registered to vote, but your name is not on the voting list, ask the election officer in charge of the polling place to check your registration by looking at the inactive voter's list and by checking to see if you are registered in another precinct in that municipality.

If they still cannot find your name, you may go to city or town hall to attempt to establish your identity as a registered voter or you may cast a provisional ballot.

To cast a provisional ballot, you must execute a provisional ballot affirmation before a precinct officer at the polling place declaring that you are a registered voter in the city or town and reside within the geographical boundaries of said precinct. You must also show suitable identification.

After the election, the local election official will search for records to confirm your voter registration. If your eligibility is confirmed, your ballot will be counted. If your eligibility cannot be confirmed, your ballot will remain sealed in an envelope until such time as it is required to be kept and then will be destroyed without being viewed.

What should I do if I registered to vote and I have not heard from my local election official?

If you have NOT received confirmation of your voter status from your city or town election official within 2 or 3 weeks from the date you registered, please contact your local election office to verify your voting status.

Voting...

Where will I vote?

Polling places are located in each precinct in your city or town. Call your local election official or my office at 1-800-462-8683 or 617-727-2828 to find out where your polling place is located. You can also visit my website at www.wheredoivotema.com/bal/myelectioninfo.php to look up your polling place and view a sample ballot.

All polling places are required by federal and state law to be accessible to elderly and disabled voters.

How long are the polls open?

The polls must be open from 7:00 a.m. to 8:00 p.m. for state elections. Some municipalities may open their polls as early as 5:45 a.m. Please call your city or town clerk to verify your polling hours.

How do I find out what offices and candidates are on my ballot?

Sample ballots as well as instruction cards are posted at the polls on election day. Also, you can view a sample ballot at my website: www.wheredoivotema.com/bal/myelectioninfo.php

Will I need to show identification to vote?

Maybe. If you registered to vote by mail on or after January 1, 2003, you will be required to show identification when you vote for the first time in a federal election since registering by mail in 2003 if you have not sent in a copy of your identification with your mail-in voter registration form.

Acceptable identification must include your name and the address at which you are registered to vote, for example: a current and valid driver's license, photo identification, current utility bill, bank statement, paycheck, government check, or other government document showing your name and address.

What if I need assistance?

If you need assistance because of blindness, physical disability, inability to read or to read English, you may seek help from either a person of your choice or from election officials.

What if I make a mistake on my ballot?

If you make a mistake on your ballot, you may request a new one. You may request up to two new ballots.

Can I bring materials into the polling place?

Yes, you may bring materials into the voting booth. You can bring preprinted brochures or pamphlets, or your own notes, but you should not display such materials while in the polling location.

Voting by Absentee Ballot...

You may vote by absentee ballot if you:

- ◆ will be absent from your city or town on election day; or
- ◆ have a disability that prevents your voting at the polling place; or
- ◆ cannot vote at the polls due to religious beliefs.

Applying for an absentee ballot...

All applications for absentee ballots must be made in writing.

You must apply for an absentee ballot from your city or town clerk or election commission no later than noon of the day before the election. Applications may be mailed or hand delivered and you may use any form of written communication (letter or postcard) or the official application form. A family member may apply in the same manner for you. Include on the application:

- ◆ your name and address as registered,
- ◆ ward and precinct, if you know them,
- ◆ the precise address where the ballot should be sent,
- ◆ your own signature.

A ballot will be sent to any address you specify –including your own home. Be sure to apply early.

Requesting to vote in person...

If you meet the qualifications to vote absentee, but do not want to have a ballot mailed to you, you may request to vote in person before election day. You may vote at your city or town hall before election day at a time arranged with the clerk, but the application for your ballot must be made no later than noon of the day before the election. Call the clerk's office to make certain that the absentee ballots are available. Absentee ballots should be available three weeks before an election.

Voting by absentee ballot. . .

The ballot will come with instructions and a set of return envelopes. After making your choices on the ballot, you must enclose it in the inner (smaller) brown envelope and complete the information on the front of that envelope and sign it. Then you put the smaller envelope in the bigger envelope, place proper postage on it and mail it back to your city or town hall. To be counted, a completed ballot must be received by the time the polls close on election day.

If you are not able to write, the person assisting you must sign your name as well as their name, address and telephone number.

What if I am permanently disabled?

If you are permanently disabled and cannot cast your vote at the polling place, you may file a letter from your physician with your city or town clerk, stating that you are permanently unable to cast your vote at the polling place because of disability. A completed application for an absentee ballot for you to sign and return will be mailed to you by the city or town clerk at least 28 days before every primary and election.



Sale of Wine by Food Stores

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 3, 2006?

SUMMARY

As required by law, summaries are written by the State Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

See full text of Question 1 on page 10

This proposed law would allow local licensing authorities to issue licenses for food stores to sell wine. The proposed law defines a "food store" as a retail vendor, such as a grocery store, supermarket, shop, club, outlet, or warehouse-type seller, that sells food to consumers to be eaten elsewhere (which must include meat, poultry, dairy products, eggs, fresh fruit and produce, and other specified items), and that may sell other items usually found in grocery stores. Holders of licenses to sell wine at food stores could sell wine either on its own or together with any other items they sell.

The licensing authorities in any city or town of up to 5000 residents could issue up to 5 licenses for food stores to sell wine. In cities or towns of over 5000 residents, one additional license could be issued for each additional 5000 residents (or fraction of 5000). No person or business could hold more than 10% of the total number of the licenses that could be issued under the proposed law. Such licenses would not be

counted when applying the laws that limit the number of other kinds of alcoholic beverage licenses that may be issued or held. Any applicant for a license would have to be approved by the state Alcoholic Beverages Control Commission, and any individual applicant would have to be at least 21 years old and not have been convicted of a felony.

In issuing any licenses for food stores to sell wine, local licensing authorities would have to use the same procedures that apply to other licenses for the retail sale of alcoholic beverages. Except where the proposed law has different terms, the same laws that apply to issuance, renewal, suspension and termination of licenses for retail sales of alcoholic beverages which are not to be consumed on the seller's premises, and that apply to the operations of holders of such licenses, would govern licenses to sell wine at food stores, and the operation of holders of such licenses. Local authorities could set fees for issuing and renewing such licenses.

WHAT YOUR VOTE WILL DO

A YES VOTE would create a new category of licenses for food stores to sell wine, and it would allow local licensing authorities to issue such licenses.

A NO VOTE would make no change in the laws concerning the sale of wine.

ARGUMENTS

As provided by law the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: Today, consumers in 34 states can buy wine at grocery stores. But in Massachusetts, a 72-year-old law prevents most grocery stores from selling wine – and creates a virtual monopoly for package stores.

Voting "yes" on Question 1 will:

- Bring Massachusetts up to date, by giving cities and towns the local option to issue wine-only licenses to qualified grocery stores.
- Save consumers an estimated \$26 to \$36 million every year, by allowing more competition and consumer choice in wine sales.

The liquor lobby and its allies use scare tactics and false claims against this measure. The truth is, they just want to protect the current package store monopoly system.

Other states allow grocery stores to sell wine without any problems. There's no legitimate reason why Massachusetts consumers shouldn't be allowed to buy wine at their local grocery stores.

Vote "yes" for consumer choice and fair competition in wine sales.

Authored by:
YES on 1:
Grocery Stores and Consumers for Fair Competition
31 Milk Street, Suite 518
Boston, MA 02109
(800) 817-3507
www.WineAtFoodStores.com

AGAINST: Today there are over 2800 licenses to sell wine, beer and liquor in Massachusetts. A "yes" vote on Question 1 would radically alter current law and would result in over 2800 more licenses to sell alcohol in Massachusetts with no funding for increased enforcement. This will increase underage youth's access to alcohol, and research demonstrates that more alcohol outlets inevitably lead to increases in drinking related problems, and drunk driving fatalities.

Voters should also know voting "yes" would allow most convenience stores to sell wine, a controlled substance. Young people frequent convenience stores where alcohol could be more readily available for purchase. Also, store clerks in convenience stores do not have the training and experience that experienced package store owners have to stop an underage drinker from purchasing alcohol.

Existing law limits supermarkets and convenience stores to hold only three licenses to sell alcohol. Vote "no" and keep this law.

Authored by:
Wine Merchants and Concerned Citizens for S.A.F.E.T.Y. (Stop Alcohol's Further Extension to Youth)
One Beacon Street, Suite 1320
Boston, MA 02108
(800) 955-0626
www.noonquestionone.com



Nomination of Candidates for Public Office

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 3, 2006?

SUMMARY

As required by law, summaries are written by the State Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

See full text of Question 2 on page 10

This proposed law would allow candidates for public office to be nominated by more than one political party or political designation, to have their names appear on the ballot once for each nomination, and to have their votes counted separately for each nomination but then added together to determine the winner of the election.

The proposed law would repeal an existing requirement that in order to appear on the state primary ballot as a candidate for a political party's nomination for certain offices, a person cannot have been enrolled in any other party during the preceding year. The requirement applies to candidates for nomination for statewide office, representative in Congress, governor's councillor, member of the state Legislature, district attorney, clerk of court, register of probate, register of deeds, county commissioner, sheriff, and county treasurer. The proposed law would also allow any person to appear on the primary ballot as a candidate for a party's nomination for those offices if the party's state committee gave its written consent. The proposed law would also repeal the existing requirement that in order to be nominated to appear as an unenrolled candidate on the state election ballot, or on any city or town ballot following a primary, a person cannot have been enrolled in any political party during the 90 days before the deadline for filing nomination papers.

The proposed law would provide that if a candidate were nominated by more than one party or political designation, instead of the candidate's name being printed on the ballot once, with the candidate allowed to choose the order in which the party or political designation names appear after the candidate's name, the candidate's name would appear multiple times, once for each nomination received. The candidate would decide the order in which the party or political designation nominations would appear, except that all parties would be listed before all political designations. The ballot would allow

voters who vote for a candidate nominated by multiple parties or political designations to vote for that candidate under the party or political designation line of their choice.

If a voter voted for the same candidate for the same office on multiple party or political designation lines, the ballot would remain valid but would be counted as a single vote for the candidate on a line without a party or political designation. If voting technology allowed, voting machines would be required to prevent a voter from voting more than the number of times permitted for any one office.

The proposed law would provide that if a candidate received votes under more than one party or political designation, the votes would be combined for purposes of determining whether the candidate had won the election. The total number of votes each candidate received under each party or political designation would be recorded. Election officials would announce and record both the aggregate totals and the total by party or political designation.

The proposed law would allow a political party to obtain official recognition if its candidate had obtained at least 3% of the vote for any statewide office at either of the two most recent state elections, instead of at only the most recent state election as under current law.

The proposed law would allow a person nominated as a candidate for any state, city or town office to withdraw his name from nomination within six days after any party's primary election for that office, whether or not the person sought nomination or was nominated in that primary. Any candidate who withdrew from an election could not be listed on the ballot for that election, regardless of whether the candidate received multiple nominations.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

WHAT YOUR VOTE WILL DO

A YES VOTE would allow a candidate for public office to be nominated for the same office by more than one political party or political designation at the same election.

A NO VOTE would make no change in the laws concerning nomination of candidates for public office.

ARGUMENTS

As provided by law the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: Voting “yes” will strengthen your vote and that of every citizen in Massachusetts. Because this initiative will give you the freedom to support third parties while still voting for a candidate with a real chance of winning, you’ll be able to hold politicians more accountable to their campaign promises – and keep them working on the issues that matter most to you.

A sample ballot might look like this...

Major Party1	Waffling Wally	48%
Major Party2	Steady Sue	42%
Good Jobs Party.....	Steady Sue	10%

...where Steady Sue wins with 52%.

Because she sees that 10% of her vote came from the Good Jobs Party, she’ll have to prioritize that issue. So whether you care about jobs, taxes, schools or health care, voting “yes” will let you send politicians a message they can’t ignore. Vote “yes” for more power at the polls.

Authored by:
Mass Ballot Freedom Campaign
1486 Dorchester Ave.
Dorchester, MA 02122
(617) 282-2002
www.massballotfreedom.com

AGAINST: If Question 2 is approved massive voter confusion will be the result.

A “no” vote on this question will protect voters from confusing ballots and prevent candidates from having their names appear on the ballot more than once for the same office.

Under present law a candidate may only have their name printed on the ballot once. A “yes” vote would change this law. Counting votes will be more complicated.

This change is only a benefit to fringe political parties and designations at the expense of voters. It makes it more difficult for voters to make a clear choice.

Remember the mess in Florida’s 2000 Presidential Elections. One of the contributing factors was a confusing ballot layout. Let’s keep the clear, orderly voter friendly layout we now have. Elections should be about voters, not political movements and candidates. Keep voter’s rights first.

Vote “no” on Question 2.

The Honorable Anthony W. Petrucelli
Chairman
House Committee on Election Laws
State House, Room 26
Boston, Massachusetts 02133
617-722-2080

3

Family Child Care Providers

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 3, 2006?

SUMMARY

As required by law, summaries are written by the State Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

See full text of Question 3 on page 12

This proposed law would allow licensed and other authorized providers of child care in private homes under the state's subsidized child care system to bargain collectively with the relevant state agencies about all terms and conditions of the provision of child care services under the state's child care assistance program and its regulations.

Under the proposed law, these family child care providers who provide state-subsidized child care would not be considered public employees, but if 30% of the providers gave written authorization for an employee organization to be their exclusive representative in collective bargaining, the state Labor Relations Commission would hold a secret mail ballot election on whether to certify that organization as the exclusive representative. Parts of the state's public employee labor relations law and regulations would apply to the election and collective bargaining processes. The proposed law would not authorize providers to engage in a strike or other refusal to deliver child care services.

An exclusive representative, if certified, could then communicate with providers to develop and present a proposal to the state agencies concerning the terms and conditions of child care provider services. The proposed law would then require the parties to negotiate in good faith to try to reach a binding agreement. If the agreed-upon terms and conditions

required changes in existing regulations, the state agencies could not finally agree to the terms until they completed the required procedures for changing regulations and any cost items agreed to by the parties had been approved by the state Legislature. If any actions taken under the proposed law required spending state funds, that spending would be subject to appropriation by the Legislature. Any complaint that one of the parties was refusing to negotiate in good faith could be filed with and ruled upon by the Labor Relations Commission. An exclusive representative could collect a fee from providers for the costs of representing them.

An exclusive representative could be de-certified under Commission regulations and procedures if certain conditions were met. The Commission could not accept a decertification petition for at least 2 years after the first exclusive representative was certified, and any such petition would have to be supported by 50% or more of the total number of providers. The Commission would then hold a secret mail ballot election for the providers to vote on whether to decertify the exclusive representative.

The proposed law states that activities carried out under it would be exempt from federal anti-trust laws. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

WHAT YOUR VOTE WILL DO

A YES VOTE would allow licensed and other authorized providers of child care in private homes under the state's subsidized child care system to bargain collectively with the state.

A NO VOTE would make no change in the laws concerning licensed and other authorized family child care providers.

ARGUMENTS ►

As provided by law the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: Your “yes” vote will help working families have better access to affordable, quality child care by giving home-based child care providers the ability to work with the Commonwealth to improve the services they provide our children. This proposed law will not increase taxes or child care costs for Massachusetts residents.

Voting yes will give child care providers the ability to unite and speak with one voice in favor of improvements including:

- Higher safety standards to protect children;
- More training for child care providers to raise the quality of care ; and
- Measures to reduce turnover and stabilize the child care profession so children get the consistent, quality care they need.

Without raising taxes or costs to Massachusetts residents, it will ensure that public resources invested in child care help make quality child care services more accessible and affordable for working families.

Vote yes for our children’s future.

Authored by:
Andrew Tripp
Campaign for our Children’s Future
529 Main Street, Suite 222
Charlestown, MA 02129
(617) 241-3300

AGAINST: A “no” vote will allow home-based child care providers to retain their independent status with respect to negotiations for state-subsidized provided care.

This proposed law would allow home-based child care providers to form a union to negotiate terms and conditions of child care provider services instead of continuing to negotiate such terms on a case by case basis based on the individual needs for the child.

Authored by:

The law requires the Secretary to seek arguments for and against each ballot question from the principal proponents or opponents of each measure. If no argument is timely received, the law requires the Secretary to prepare an argument.

Full Text of 2006 Ballot Questions

QUESTION 1 Sale of Wine by Food Stores

1

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

Chapter one hundred and thirty-eight of the General Laws is hereby amended by inserting the following section:

Section 15B. An additional class of licenses allowing the sale of wine at food stores is hereby created. These licenses shall be known as “wine at food store licenses” and may be issued at the discretion of local licensing authorities following the procedures set forth in section fifteen A of this chapter. For purposes of this section “food store” shall mean a grocery store, shop, supermarket, warehouse-type seller, club, outlet, or other seller, which sells at retail food for consumption off the seller’s premises either alone or in combination with grocery items or other nondurable items typically found in a grocery store, provided such items are sold to individuals for their own personal, family, or household use; and provided further, that such food store must carry fresh or processed meat, poultry, dairy products, eggs, fresh fruit and produce, baked goods and baking ingredients, canned goods and dessert items.

Local licensing authorities may issue wine at food store licenses to individuals or business entities duly organized under the laws of the Commonwealth or any other state, provided the applicant is approved by the commission; and provided further that any individual applicant is twenty-one years of age or older and has not been convicted of a felony. No license holder may hold more than ten percent of the total number of wine at food store licenses this section authorizes local authorities to issue throughout the commonwealth, but wine at food store licenses shall not be considered in applying any limits on the number of licenses this chapter otherwise authorizes applicants to hold or local licensing authorities to issue. Irrespective of the number of other licenses issued under this chapter by a city or town’s licensing authorities, the local licensing authorities in any city or town are authorized, in their discretion, to issue up to five wine at food store licenses and, in any city or town with more than five thousand residents, to issue one additional such license for each additional population unit of five thousand or any fraction thereof residing in that city or town. Holders of such licenses may sell wine alone or in combination with any other item or items they offer for sale.

Except as expressly provided in this section, the provisions of law applicable to the issuance, renewal, suspension, and termination of licenses issued pursuant to section fifteen and the regulation of and operation by such license holders shall apply to wine at food store licenses and license holders. The amount of any initial or renewal fee for such a license shall be determined by the local licensing authorities issuing or renewing that license.

QUESTION 2 Nomination of Candidates for Public Office

2

Be it enacted by the people, and by their authority

Section 1: Policies and Purposes

(1) The citizens of the Commonwealth of Massachusetts hereby find and declare:

- (a) The people of Massachusetts expect and are entitled to meaningful participation in the Commonwealth’s system of democracy, based on the principle that all people have an equal say in the outcomes of elections.
 - (b) Many citizens are dissatisfied with the choices of candidates offered in elections. Eligible voter participation is declining, and elections are too frequently not competitive. Massachusetts’s election system should be an open process that encourages more debate, and allows voters to express their will.
 - (c) Practical and legal barriers make it difficult for many groups of citizens to gain access to the electoral arena. Too often, these barriers prevent citizens and citizen groups, even when banded together in coalition, from giving clear information to the general electorate about who their preferred candidate is as a choice on the ballot. A simple and inexpensive way to allow citizens and citizen groups to provide information to voters is the cross-endorsement of candidates.
 - (d) Under current law, independent candidates and minor parties can only be spoilers whose votes are ultimately wasted. Cross-endorsement allows independent voters and voters who want to send a message or cast a protest vote the freedom to do so while still having their votes counted for a viable candidate.
- (2) It is therefore the intent of this chapter to:
- (a) Repeal the old law that prohibited cross-endorsement voting in Massachusetts. Massachusetts voters will then be free to exercise their voting rights more effectively in a system that offers them more choices;
 - (b) Reduce the occurrence of the “spoiler” factor of minor party or independent candidates by giving another outlet for dissatisfied voters to cast their votes for candidates endorsed by more than one party. In this way, voters will be free to voice their opinions with their votes more clearly to all candidates;
 - (c) Encourage minor and major parties, citizens, and citizen groups to join electoral coalitions, which will lead to more cooperation and more accountability. When more than one political party is allowed to nominate the same candidate for the same office in the same election, but each party’s vote is counted on its own party line, voters have the freedom to send a message about what they want candidates to do, if they are elected;
 - (d) Enable citizens of Massachusetts – especially independent voters – to broaden the debate in elections to issues and solutions that are rarely discussed. Under this proposal, voters then would be free to express support for the party and the candidate who

best represents their views; and

(e) Establish a system in which all parties are free to engage in serious electoral competition and have the same opportunity as the major parties to nominate as their candidate for an elected office, the individual the party believes best represents its views.

Section 2: Repealing restrictive single-party endorsement law

(a) The fourth paragraph of Chapter 53, Section 48 of the General Laws of Massachusetts is repealed. The second paragraph of Chapter 53, Section 6 of the General Laws of Massachusetts is repealed.

(b) Section 48 is amended to add a new fourth paragraph, which shall read:

There shall not be printed on the ballot at the state primary the name of any person as a candidate for nomination for any office to be filled by all the voters of the commonwealth, or for representative in congress, governor's councilor, senator in the general court, representative in the general court, district attorney, clerk of court, register of probate and insolvency, register of deeds, county commissioner, sheriff, or county treasurer, unless the candidate is a registered member of the political party whose nomination is sought or has received the consent of the state committee of the political party whose nomination is sought. Membership in a political party shall be demonstrated by filing with the state secretary on or before the filing deadline a certificate from the registrars of voters of the city or town wherein such person is a registered voter, certifying that he has been enrolled as a member of the political party whose nomination he seeks throughout the ninety days prior to the last day herein provided for filing nomination papers with the state secretary. Said registrars shall issue such certificate, signed by a majority thereof, forthwith upon request of any such candidate so enrolled or of his authorized representative. Said registrars of voters shall issue such certificate to any person seeking the nomination of a political party, who is a newly registered voter of that city or town enrolled in that political party and who has not been an enrolled member of another political party during the year preceding the last day for filing nomination papers with the state secretary. Consent of the state committee of a political party shall be demonstrated by filing a letter from the state committee, certifying its consent, with the state secretary on or before the last day provided for filing nomination papers.

Section 3: Preventing double-counting of votes; other measures

(a) The fourth through sixth paragraphs of Chapter 54, Section 41 of the General Laws of Massachusetts are repealed.

(b) Section 41 is amended to add new fourth, fifth, and sixth paragraphs, which shall read:

If a candidate shall receive the nomination of more than one party or more than one political designation for the same office, the candidate's name shall appear once for each party or political designation received. The candidate shall specify the order in which the party or political designations will appear, provided

that all parties shall be listed before all political designations. The ballot shall allow voters who vote for a candidate nominated by multiple parties or political designations to vote for that candidate under the party or political designation line of their choice.

If voting technology allows, voting machines shall prevent a voter from voting more than the number of times permitted for any one office. If a voter votes for the same candidate for the same office on multiple party or political designation lines, the ballot shall remain valid and shall be counted as if the duplicate votes were a single vote for the candidate on a line without a party or political designation.

When elections are held for a full term and a partial term of the same office running concurrently, no person shall have their name printed on the official ballot or on ballot labels for both the election to fill the full term and the election to fill the partial term.

Section 4: Ensuring every vote counts

Chapter 50, Section 2 of the General Laws of Massachusetts is amended to add a second paragraph, which shall read:

If a candidate receives votes under more than one party or political designation, the votes shall be combined for purposes of determining whether the candidate has won the election. The total number of votes each candidate receives under each party or political designation shall be recorded. Whenever the results of elections are announced or recorded by election officials, the officials shall announce or record both the aggregate totals and the total by party or political designation.

Section 5: Definition of political party

The definition of "political party" in Chapter 50, Section 1 of the General Laws of Massachusetts is amended to read:

"Political party" shall apply to a party which at either of the two preceding biennial state elections polled for any office to be filled by all the voters of the Commonwealth at least three percent of the entire vote cast in the Commonwealth for such office, or which shall have enrolled, according to the first count submitted under section thirty eight A of chapter fifty three, a number of voters with its political designation equal to or greater than one percent of the entire number of voters registered in the Commonwealth according to said count. Such parties shall be eligible to conduct primary elections at the next following biennial state election. With reference to municipal elections and primaries and caucuses for the nomination of city and town officers, "political party" shall include a municipal party.

Section 6: Withdrawal of candidate's name from ballot

Chapter 53, Section 13 of the General Laws of Massachusetts is amended to read:

A person nominated as a candidate for any state, city, or town office may withdraw his name from nomination by a request signed and duly acknowledged by him before a notary public, and filed with the officer with whom the nomination was

filed, within the time prescribed by section eleven for filing objections to certificates of nomination and nomination papers, or within six days following five o'clock in the afternoon of any party's primary elections with respect to the office, regardless of whether the candidate sought nomination or was nominated in such primary, and no such requests for withdrawals shall be received after such time has expired. Any candidate who withdraws from an election shall not be listed on the ballot for that election, regardless of whether the candidate received multiple nominations. A person nominated at a city or town preliminary election may withdraw his name from nomination in the same manner, within six days succeeding five o'clock in the afternoon of the day of holding such preliminary election. Unless otherwise provided by the city or town charter, such nominee shall be replaced by the candidate with the next highest number of votes in said preliminary, if such candidate receives a number of votes at least equal to the number of signatures required by law to place his name on the preliminary election ballot.

Section 7: Implementation

The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

Section 8: Severability

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

QUESTION Family Child Care Providers



Be it enacted by the People, and by their authority:

The General Laws shall be amended by adding the following text as chapter 15E:

Section 1. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

- (1) "Commission" means the Labor Relations Commission created by Chapter 23, section 9O, et seq..
- (2) "Family child care provider" or "provider" means a provider of child care services, subsidized by the Commonwealth, in the provider's home or the home of the parent.
- (3) "Licensed family child care provider" means a family child care provider that has been licensed by the Office of Child Care Services or its successor, the Department of Early Education and Care, to provide child care services.
- (4) "Office of Child Care Services (OCCS)" means the Commonwealth's office of child care services.
- (5) "Department of Early Education and Care (DEEC)" means the Commonwealth's department of early education and care.
- (6) "Departments" means the department of early education and

care and/or the office of child care services and the executive office of health and human services.

(7) "Employee organization" means an employee organization as defined in Chapter 150E section 1.

(8) "License-exempt family child care provider" means a family child care provider who is not required by law to obtain OCCS or DEEC licensing but is legally authorized to provide family child care services in the Commonwealth.

(9) "Cost items" are the provisions of an agreement between the exclusive representative of the family child care providers and the Departments which require an appropriation by a legislative body.

Section 2. Collective Bargaining of Subsidized Child Care Provider Agreements.

(a) Licensed and license-exempt family child care providers in the Commonwealth may form, join or assist any employee organization for the purpose of bargaining collectively through representatives of their own choosing on questions concerning all terms and conditions of the provision of child care provider services under the Commonwealth's child care assistance program and its regulations.

(b) Family child care providers shall not be considered public employees for any purpose and nothing in this chapter shall be construed to make family child care providers employees of the Commonwealth for any purpose. However, to the extent provided in this chapter, Commission rules shall apply to family child care providers.

Section 3. Conduct of Collective Bargaining.

(a) Providers may designate an employee organization as the exclusive representative of all providers for the purpose of collective bargaining. The designation shall be made as provided in section 4, herein.

(b) After selecting an employee organization, providers may communicate with each other and their employee organization regarding matters to be negotiated with the departments.

(c) The employee organization may present to the departments a proposal concerning the terms and conditions of child care provider services, and the parties shall thereafter engage in good faith negotiations, subject to paragraph (d) of this section. The parties shall be bound by the terms and conditions arrived at through collective bargaining.

(d) To the extent that the terms or conditions proposed by the employee organization on behalf of the providers would require modification of existing regulations, the departments may not finally agree to such terms until they have completed the required procedures for modifying regulations and such modifications to existing regulations have been made and until any cost items have been approved by the legislature.

Section 4. Selection of Exclusive Representative.

(a) An employee organization may request that the Commission, upon a showing that the employee organization has written

authorization for certification as the exclusive representative from at least thirty percent (30%) of family child care providers, conduct an election to certify the employee organization as the exclusive representative of family child care providers.

(b) The Commission regulations relating to selection of an exclusive representative shall apply to family child care providers. Accordingly, the Commission shall verify a showing of interest and shall thereafter conduct a secret mail ballot election in accordance with its rules and regulations as modified if necessary to meet the purposes of this chapter and determine whether a majority of the voting family child care providers wish to be represented by the petitioner. If the election determines that a majority of the providers casting ballots wish to be represented by the petitioner, the Commission shall certify it as the exclusive representative. The exclusive representative shall be authorized to collect a fee from each provider to cover the costs of its preparation for participation in collective bargaining and other representational responsibilities.

(c) The Commonwealth, its departments, agencies, and employees and entities contracting with the Commonwealth shall not interfere with the right of a provider to select an employee organization and shall not retaliate or discriminate against a family child care provider for exercising that right.

Section 5. Removal of Exclusive Representative

The Commission regulations relating to the removal of an exclusive representative, as modified as necessary to meet the purposes of this chapter, shall apply to family child care providers. A petition to decertify an exclusive representative may be filed with the Commission and acted upon in accordance with the provisions of the Commission's rules and regulations; provided, however, that following the first certification of an exclusive representative, the Commission shall not entertain any decertification petition for at least two (2) years thereafter; and

provided, further, that any such petition must be supported by fifty percent (50%) or more of the overall number of providers. The Commission shall conduct a secret mail ballot election with respect to a validly submitted decertification petition pursuant to the Commission's rules and regulations.

Section 6. Good Faith Negotiations

It shall be unlawful for either the Departments or the exclusive representative engaged in a negotiation to refuse or fail to meet and negotiate in good faith. Any alleged violation of this provision may be filed with the Commission as a prohibited practice and considered and ruled upon in accordance with Chapter 150E of the general laws and the Commission's rules and regulations.

Section 7. Strikes Not Authorized

No provision of this chapter shall be construed to authorize family child care providers to engage in a strike, boycott, or cessation of the delivery of child care services.

Section 8. Exemption to Anti-Trust Laws

Collective bargaining and related activity by family child care providers, as authorized pursuant to this chapter, shall qualify for the state action exemption to the federal anti-trust laws.

Section 9. Subject to Appropriation

To the extent that this chapter or actions taken thereunder require the expenditure of state funds, such funds shall be subject to appropriation.

Section 10. Severability

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Services of the Secretary of the Commonwealth of Massachusetts

◆ ***Citizen Information Service*** functions as the primary information and referral agency for the state, offering data on state programs and agencies. CIS attempts to answer all requests, by providing either direct assistance or an immediate referral to the appropriate agency. The division is also an affiliate of the Massachusetts State Data Center and provides assistance in locating and understanding data of the U.S. Bureau of the Census. As part of its goal to make state government more accessible to the public, CIS has established a publication series on specific topics of interest, including:

- The Citizens' Guide to State Services: A Selective Listing of Government Agencies and Programs, with addresses, phone numbers and agency descriptions. Price: \$19.20 (\$15 plus \$4.20 shipping cost). Available from the State House Bookstore, see below.
- Your State Legislators, with addresses, phone numbers, committee assignments, of state senators and representatives as well as an alphabetized listing of the cities and towns with corresponding legislators. Price: \$6.20 (\$4 plus \$2.20 shipping cost). Available from the State House Bookstore, see below.
- Welcome to Massachusetts: A Practical Guide to Living in the State, free.
- Automobile Insurance Discounts, up-to-date information available for Massachusetts drivers, free.
- Your Automobile Excise Tax, free.
- Property Tax Exemptions for Elders, Surviving Spouses and Minors, free.
- Safe and Sanitary Housing for Massachusetts Residents, free.
- Veterans Laws and Benefits Guide, free.
- Massachusetts Facts: A Review of the History, Government and Symbols of the State, for junior high to high school age students, free.

Citizen Information Service can be contacted at (617)727-7030 or 1-800-392-6090 (toll-free in Massachusetts only), website: www.sec.state.ma.us/cis, where many of the above documents are available for viewing.

◆ ***The Elections Division*** administers all state elections, provides information on voting, and supplies election materials to the public, candidates and government officials. (617) 727-2828 or 1-800-462-VOTE, website: www.sec.state.ma.us/ele

◆ ***The Securities Division*** endeavors to protect Massachusetts investors by licensing the sale of securities, requiring that high-risk securities be registered, investigating complaints, and taking appropriate enforcement and disciplinary actions. (617) 727-3548 or 1-800-269-5428, website: www.sec.state.ma.us/sct

◆ ***The Public Records Division*** maintains, preserves and makes accessible government records, enforces lobbyist and disclosure laws and records all gubernatorial appointments and commissions. (617) 727-2832, website: www.sec.state.ma.us/pr

◆ ***The Massachusetts Archives*** collects, catalogs, and preserves records of enduring value from nearly 375 years of state government. It serves as a vital resource to scholars, genealogists, and students and as an advisor to the historical records community in Massachusetts. (617) 727-2816, website: www.sec.state.ma.us/arc

◆ ***The Commonwealth Museum*** brings Massachusetts history alive through exhibits, outreach and student programs and publications. (617) 727-2816, website: www.sec.state.ma.us/mus

◆ ***The Massachusetts Historical Commission*** is the state agency responsible for historical preservation in the Commonwealth. It offers assistance to communities in listing properties with the National Register of Historic Places and establishing local historic districts. (617) 727-8470, website: www.sec.state.ma.us/mhc

◆ ***The State Bookstore*** offers a wide range of books and pamphlets published by the Secretary of the Commonwealth and other state agencies, including the Code of Massachusetts Regulations. A free Bookstore Catalog is available. (617) 727-2834, website: www.sec.state.ma.us/spr

◆ ***The Regional Offices*** in Springfield and Fall River offer many of the services provided by the Boston office and brings state government closer to the citizens of Massachusetts. Springfield, (413) 784-1378, website: www.sec.state.ma.us/wes; Fall River (508) 646-1374.

◆ ***The Corporations Division*** is responsible for registering all Massachusetts profit and nonprofit corporations and providing immediate summary information about more than 250,000 corporations doing business in the state. (617) 727-2850 or (617) 727-9640, website: www.sec.state.ma.us/cor

◆ Other divisions include:

State Records Center

website: www.sec.state.ma.us/rec,

State Publications and Regulations

website: www.sec.state.ma.us/spr

State House Tours

website: www.sec.state.ma.us/trs.

Massachusetts Voters' Bill of Rights

Your voting rights are protected. These rights are guaranteed to qualified registered voters.

1. You have the right to vote if you are a qualified registered voter.
2. You have the right to cast your ballot in a manner that ensures privacy. You have the right to vote without any person trying to influence your vote and to vote in a booth that prevents others from watching you mark your ballot.
3. You have the right to remain in the voting booth for five (5) minutes if there are other voters waiting and for ten (10) minutes if there are no other voters waiting.
4. You have the right to receive up to two (2) replacement ballots if you make a mistake and spoil your ballot.
5. You have the right to request assistance when voting from anyone of your choice. If you do not bring someone with you, you have the right to have two (2) poll workers assist you.
6. You have the right to vote if you are disabled. The polling place must be accessible, and there must be an accessible voting booth.
7. You have the right to vote if you cannot read or write or cannot read or write English.
8. You have the right to vote but must show identification if: you are a first-time voter who registered to vote by mail and did not submit identification with the voter registration form; or your name is on the inactive voter list; or your vote is being challenged; or if requested by a poll worker. Acceptable forms of identification are: Massachusetts driver's license, other printed documentation containing your name and address such as a recent utility bill, rent receipt on landlord's letterhead, lease, or a copy of a voter registration acknowledgment or receipt.
9. You have the right to vote by absentee ballot if: you will be absent from your city or town on Election Day; or if you have a physical disability that prevents your voting at the polling place; or if you cannot vote at the polls due to religious belief.
10. You have the right to cast a provisional ballot if you believe you are a qualified registered voter but a poll worker tells you that you are ineligible to vote.
11. You have the right to follow up any challenge to your right to vote through the complaint process.
12. You have the right to vote if you are not currently incarcerated for a felony conviction and have registered as a voter after your release.
13. You have the right to take this Voters' Bill of Rights or any other papers, including a sample ballot, voter guide or campaign material into the voting booth with you. Please remember to remove all papers when you leave the booth.
14. You have the right to vote at your polling place any time between 7am and 8pm for state and federal elections—hours may vary for local elections. If you are in line at your polling place when the polls close at 8 pm, you have the right to vote.
15. You have the right to bring your children into the voting booth with you.

If you feel that your right to vote has been violated in any way, call the Secretary of the Commonwealth's Elections Division at 1-800-462-VOTE (8683). This call is free within Massachusetts.

Protect Your Rights As An Employee

Safeguarding Your Pension or 401K

Few investments are more important than your pension plan or 401K. The average American will rely on pension savings for years after retirement, so it is essential that you understand your rights and obligations under your plan.

A new federal law called the Pension Protection Act has made major changes that will effect most workers and in many cases change benefits. The Secretary of State's office, Securities Division, is willing to help you with these changes.

Below are some consumer tips for safeguarding your pension or 401K:

- Know your plan. Obtain and review your Summary Plan Description (SPD), the rulebook for your pension.
- Maintain a pension and 401K file. Keep records of where you've worked, dates you've worked there, your salary and any plan documents or benefit statements you've received.
- Notify your plan administrator of any changes that may affect your benefit payments (i.e., marriage, divorce, death of a spouse).
- Know the person in your company who has information about your plan and can give you plan documents.
- Know how the merger or acquisition of your company will affect your benefits.
- Know your pension rights. Request information on your pension rights and how to protect your pension from your employer and outside sources of information.
- Contact the Department of Labor's Pension and Welfare Benefits Administration if you have any additional questions about your rights under the law. You may call the Pensions section at (617)565-9600.

Secretary of State William F. Galvin and the New England Pension Assistance Project have entered into a formal partnership to provide pension-related services and information to retirees and current employees:

Securities Division

One Ashburton Place, Room 1701
 Boston, Massachusetts 02108
www.sec.state.ma.us/sct
 Toll-Free Hotline: 1-800-269-5428

New England Pension Assistance Project

Gerontology Institute
 University of Massachusetts/Boston
 100 Morrissey Boulevard
 Boston, MA 02125-3393
 (617) 287-7307 and Toll-Free (888) 425-6067
 E-mail: npln@umb.edu
 Website: www.pensionaction.org



Tear out and take to the polls.

Voter Checklist

BALLOT QUESTIONS

- Question 1 Yes No
- Question 2 Yes No
- Question 3 Yes No

BALLOT OFFICES

Offices on the ballot in 2006 appear in the following order:

- | | |
|------------------------------------|--|
| Senator in Congress _____ | Senator in General Court _____ |
| Governor/Lieutenant Governor _____ | Representative in General Court _____ |
| _____ | District Attorney _____ |
| Attorney General _____ | Clerk of Courts _____ |
| Secretary of State _____ | Register of Deeds _____ |
| Treasurer _____ | County Commissioner, or Franklin Council of |
| Auditor _____ | Government Committee (<i>except Berkshire, Essex,</i> |
| Representative in Congress _____ | <i>Hampden, Hampshire, Middlesex, Nantucket,</i> |
| Councillor _____ | <i>Suffolk and Worcester Counties</i>) _____ |

INFORMATION FOR VOTERS

is sent to voters by mail to residential addresses, to voters residing in group quarters and to convenient public locations throughout the Commonwealth. Limited additional copies may be obtained at local city and town halls and some libraries, or by calling Secretary Galvin's Elections Division at (617) 727-2828 or 1-800-462-VOTE; or Citizen Information Service at (617) 727-7030 in the Boston area or 1-800-392-6090. TTY users call (617) 878-3889.

Be sure to visit our web site at www.sec.state.ma.us.

The Spanish edition of Information for Voters and a large print edition for the visually impaired are also available at the same phone numbers. An audio CD is also available from the Braille and Talking Book Library in Watertown at 1-800-852-3133. Printed on recycled paper



William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Room 1705
Boston, MA 02108-1512



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OFFICIAL DOCUMENT

Residential Customer
VOTERS