



# **Massachusetts Information For Voters 2014 Ballot Questions Large Type Edition**

**State Election**

**Tuesday, November 4, 2014**

To receive a Mail-in Voter Registration Form, call the  
Elections Division at 617-727-2828 or 1-800-462-VOTE

Published by

William Francis Galvin

Secretary of the Commonwealth



*The Commonwealth of Massachusetts*  
*Secretary of the Commonwealth*  
*State House, Boston, Massachusetts 02133*

*William Francis Galvin*  
*Secretary of the Commonwealth*

**Dear Voter:**

Every four years the citizens of Massachusetts have the opportunity to set the course of government for our state and its communities. The leadership that you select will make important decisions that will affect you and your family. I urge you to participate in this process.

If you have not yet registered to vote or need to re-register because you moved, you must register by October 15, 2014 to have your name appear on the voting list. If you or any other members of your household would like any additional registration forms, please contact 1-800-462-VOTE (8683) or 617-727-2828, or visit my website at [www.sec.state.ma.us/ele](http://www.sec.state.ma.us/ele). You must register by October 15, 2014 to have your name appear on the voting list.

There are four binding statewide ballot questions that will appear on your ballot. The 2014 official Information for Voters booklet lists each question with the text of the proposed law, statements describing the effect of a yes or no vote, a summary, and brief argument for and against each question. This information will assist you in making a

thoughtful decision before you enter your polling place and you can even take it with you into the voting booth if you wish.

I urge you to vote on November 4, 2014 and exercise the most essential right of our democratic system. Polling places will be open from 7:00am to 8:00pm statewide. Absentee ballots are easily available before the election.

Very truly yours,

A handwritten signature in black ink that reads "William Francis Galvin". The signature is written in a cursive, flowing style.

William Francis Galvin  
Secretary of the Commonwealth

# **Offices on the Ballot in 2014**

Senator in Congress

Governor and Lieutenant Governor

Attorney General

Secretary of State

Treasurer

Auditor

Representative in Congress

Councillor

Senator in General Court

Representative in General Court

District Attorney

Register of Probate

County Treasurer

(Bristol, Dukes, Norfolk, Plymouth Counties only)

County Commissioner

(Barnstable, Bristol, Dukes, Norfolk, Plymouth Counties), or

Franklin Council of Governments

Sheriff

(Suffolk County only)

## **Deadline to Register to Vote!**

**To vote in the State Election, your Mail-in Voter Registration Form must be postmarked by Wednesday, October 15, 2014!**

To receive additional Mail-in Voter Registration Forms, visit our website at [www.sec.state.ma.us/ele](http://www.sec.state.ma.us/ele) or call the Elections Division at 617-727-2828 or 1-800-462-VOTE.

### **¡Atención, ciudadanos que hablan español!**

El Secretario de Estado ha publicado una versión de este folleto en español. Para solicitar ejemplares gratuitos de la versión en español, llame al teléfono 617-727-2828 o 1-800-462-8683 (esta llamada es gratuita).

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## **QUESTION 1:**

### **Law Proposed by Initiative Petition**

## **Eliminating Gas Tax Indexing**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

### **SUMMARY**

As required by law, summaries are written by the State Attorney General.

This proposed law would eliminate the requirement that the state's gasoline tax, which was 24 cents per gallon as of September 2013, (1) be adjusted every year by the percentage change in the Consumer Price Index over the preceding year, but (2) not be adjusted below 21.5 cents per gallon.

### **WHAT YOUR VOTE WILL DO**

As required by law, 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.

**A YES VOTE** would eliminate the requirement that the state's gas tax be adjusted annually based on the Consumer Price Index.

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**A NO VOTE** would make no change in the laws regarding the gas tax.

### **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 simply stops the linkage of the gas tax to inflation. This linkage causes the tax to increase every year without a vote of the Legislature. That's taxation without representation. If the Legislature wants to increase taxes, they should have to vote for it. No tax should automatically increase.

This initiative cuts no money for bridge or road repair. It just requires the Legislature to take a vote if and when they want to raise the tax.

You already pay hefty gas taxes - 26.5 cents for state taxes and 18.4 cents for federal. For an average 15 gallon fill-up, you spend \$6.73 in taxes.

Within the last year the administration has re-instituted tolls,



raised registry fees by 20%, and raised other taxes. And the last time gas taxes were increased the money was diverted from road repair. The state has a spending problem, not a revenue problem.

**Authored by:**

**Steven Aylward**

**Committee to Tank Automatic Gas Tax Hikes**

**154 Worcester Street**

**Watertown, MA 02472**

**617-744-0760**

**[www.tankthegastax.org](http://www.tankthegastax.org)**

**AGAINST:** Question One threatens the safety of you and your family when traveling on Massachusetts' roads and bridges. The problems are startling: according to the Federal Highway Administration, 53% of all bridges in the state are either structurally deficient or functionally obsolete. Moreover, 27 bridges have been closed because they are unsafe. Potholes and bad roads cost Massachusetts residents \$2.3 billion a year in car repairs.

After decades of neglect, the poor condition of Massachusetts bridges and roads is now a significant public safety crisis. The longer we wait, the more it will cost every taxpayer to fix the problems. A Yes vote would make things even worse, by taking away existing gas tax revenues that we need to solve this public safety crisis – revenues that, under the state constitution, can only be used for

transportation needs. Vote NO on Question One, and let's fix our unsafe bridges and roads now.

**Authored by:**

**Committee for Safer Roads and Bridges**

**89 Broad Street, #394**

**Boston, MA 02110**

**617-391-9663**

**[www.saferoadsbridges.com](http://www.saferoadsbridges.com)**

### **FULL TEXT OF QUESTION**

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

SECTION 1. Section 1 of chapter 64A of the General Laws is hereby amended by striking out, in the definition of “tax per gallon”, the following words:-, “adjusted at the beginning of each calendar year, by the percentage, if any, by which the Consumer Price Index for the preceding year exceeds the Consumer Price Index for the calendar year that ends before such preceding year; provided, that the Consumer Price Index for any calendar year shall be as defined in section 1 of the Internal Revenue Code pursuant to 26 U.S.C. section 1; provided further, that the tax shall not be less than 21.5 cents per gallon.”

SECTION 2. The provisions of this law are severable, and if any clause, sentence, paragraph or section of this measure, or an application thereof, shall be adjudged by any court of

competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid. Effective January 1, 2015.

## **QUESTION 2:**

**Law Proposed by Initiative Petition**

### **Expanding the Beverage Container Deposit Law**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

#### **SUMMARY**

As required by law, summaries are written by the State Attorney General.

This proposed law would expand the state's beverage container deposit law, also known as the Bottle Bill, to require deposits on containers for all non-alcoholic non-carbonated drinks in liquid form intended for human consumption, except beverages primarily derived from dairy products, infant formula, and FDA approved medicines. The proposed law would not cover containers made of paper-based biodegradable material and aseptic multi-material packages such as juice boxes or pouches.

The proposed law would require the state Secretary of Energy and Environmental Affairs (EEA) to adjust the container deposit amount every five years to reflect (to the nearest whole cent) changes in the consumer price index, but the value could not be set below five cents.

The proposed law would increase the minimum handling fee that beverage distributors must pay dealers for each properly returned empty beverage container, which was 2¼ cents as of September 2013, to 3½ cents. It would also increase the minimum handling fee that bottlers must pay distributors and dealers for each properly returned empty reusable beverage container, which was 1 cent as of September 2013, to 3½ cents. The Secretary of EEA would review the fee amounts every five years and make appropriate adjustments to reflect changes in the consumer price index as well as changes in the costs incurred by redemption centers. The proposed law defines a redemption center as any business whose primary purpose is the redemption of beverage containers and that is not ancillary to any other business.

The proposed law would direct the Secretary of EEA to issue regulations allowing small dealers to seek exemptions from accepting empty deposit containers. The proposed law would define small dealer as any person or business, including the operator of a vending machine, who sells beverages in beverage containers to consumers, with a contiguous retail space of 3,000 square feet or less, excluding office and stock room space; and fewer than four locations under the same ownership in the Commonwealth. The proposed law would require that the regulations consider at least the health, safety, and convenience of the public, including the distribution of dealers and redemption centers by population or by distance or both.

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The proposed law would set up a state Clean Environment Fund to receive certain unclaimed container deposits.

The Fund would be used, subject to appropriation by the state Legislature, to support programs such as the proper management of solid waste, water resource protection, parkland, urban forestry, air quality and climate protection.

The proposed law would allow a dealer, distributor, redemption center or bottler to refuse to accept any beverage container that is not marked as being refundable in Massachusetts.

The proposed law would take effect on April 22, 2015.

### **WHAT YOUR VOTE WILL DO**

As required by law, 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.

**A YES VOTE** would expand the state’s beverage container deposit law to require deposits on containers for all non-alcoholic, non-carbonated drinks with certain exceptions, increase the associated handling fees, and make other changes to the law.

**A NO VOTE** would make no change in the laws regarding beverage container deposits.

### **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:** A YES vote will improve the “Bottle Bill,” where consumers put down a refundable nickel deposit on a beer or soda. People get the nickel back when they return the container. A YES vote will extend this program to cover other beverages such as bottled water.

The Bottle Bill works: 80% of beer and soda containers get recycled. Only 23% of non-deposit containers do. So every year a billion bottles get tossed away, often on playgrounds, roads and beaches. Communities have to pay to clean them up.

A YES vote equals more recycling, less trash and litter, and big savings for towns’ waste management costs. That’s why this idea has been endorsed by 209 of our cities and towns, as well as Democratic Gov. Deval Patrick, former Republican Gov. Mitt Romney, 350 business leaders, and independent groups like the League of Women Voters, MASSPIRG, Sierra Club and hundreds more.

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**Authored by:**

**Coalition for an Updated Bottle Bill**

**294 Washington Street, Suite 5001**

**Boston, MA 02108**

**617-747-4322**

**[www.massbottlebill.org](http://www.massbottlebill.org)**

**AGAINST:** Massachusetts should be a recycling leader, but Question 2 will keep us in the past. Ninety percent of households now have access to curbside and community recycling programs. Let's focus on what works instead of expanding an outdated, ineffective, and inconvenient system.

Everyone wants to increase recycling rates—but expanded forced deposits are the wrong approach.

Question 2 would:

- cost nearly \$60 million a year, more than three times the price of curbside programs (while increasing recycling rates by less than 1 percent);
- waste taxpayer dollars on expanding an uneconomical, 30-year-old system;
- raise your nickel deposit and additional fees every five years—without your vote.

Today, more than \$30 million of your unclaimed nickels go into the state's general fund and into the hands of



politicians—not to environmental programs. Let's stop throwing money at an inefficient system and invest in modern recycling technology.

Vote NO on Question 2.

**Authored by:**

**Robert L. Moylan**

**Comprehensive Recycling Works**

**31 Milk Street, Suite 518**

**Boston, MA 02109**

**617-886-5186**

**[www.NoOnQuestion2.com](http://www.NoOnQuestion2.com)**

## **FULL TEXT OF QUESTION**

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

SECTION 1. Section 321 of chapter 94 of the General Laws is hereby amended by deleting the definition of "Beverage" and replacing it with the following definition:-

"Beverage", soda water or similar carbonated soft drinks, noncarbonated non-alcoholic beverages in liquid form intended for human consumption, mineral water, beer, and other malt beverages. This definition excludes beverages that are primarily derived from dairy products, infant formula, united states food and drug administration-approved medicines, wine, and alcoholic beverages other than beer and malt beverages as defined in chapter one hundred and

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thirty-eight.

SECTION 2. Paragraph 3 of said section 321 of said chapter 94 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:-

This definition shall not include containers made of paper-based biodegradable material and aseptic multi-layer packaging.

SECTION 3. Said section 321 of said chapter 94 is hereby further amended by inserting after the definition of "Plastic bottle" the following definition:-

"Redemption center", any business whose primary purpose is the redemption of beverage containers and which is not ancillary to any other business.

SECTION 4. Said section 321 of said chapter 94 is hereby further amended by inserting after the definition of "Reusable beverage container" the following definition:-

"Small dealer", any person or business, including any operator of a vending machine, who engages in the sale of beverages in beverage containers to consumers in the commonwealth, with a contiguous retail space of 3,000 square feet or less, exclusive of office and stock room space; and fewer than four (4) locations under the same ownership within the Commonwealth.

SECTION 5. Section 322 of said chapter 94 is hereby

amended by inserting after said section the following section:-

Section 322A: The secretary of the executive office of energy and environmental affairs shall review the refund value as referenced in section 322 every five (5) years and adjust said amount to the nearest whole cent to reflect the consumer price index as reported by the united states department of labor, but in no case shall the refund value be less than five (5) cents.

SECTION 6. Paragraph (c) of said section 323 of said chapter 94 of the General Laws is hereby amended by striking out the words “one cent” and inserting in place thereof the words “three and one half cents” and by adding the following sentence:-

The handling fee shall be reviewed every five (5) years by the secretary of the executive office of energy and environmental affairs and adjustments made to reflect the consumer price index as reported by the united states department of labor, or equivalent index selected by the secretary if the consumer price index is discontinued, as well as industry-specific increases or decreases in costs incurred by redemption centers.

SECTION 7. Paragraph (d) of said section 323 of said chapter 94 is hereby amended by striking out the words “one cent” and inserting in place thereof the words “three and one half cents” and by adding the following sentence:-

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The handling fee shall be reviewed every five (5) years by the secretary of the executive office of energy and environmental affairs and adjustments made to reflect the consumer price index as reported by the united states department of labor, or equivalent index selected by the secretary if the consumer price index is discontinued, as well as industry-specific increases or decreases in costs incurred by redemption centers.

SECTION 8. Paragraph (f) of said section 323 of said chapter 94 is hereby amended by changing the period at the end of the current paragraph into a comma, and adding the words “or for which there is no Massachusetts refund legend on the beverage container.”

SECTION 9. Said chapter 94 is hereby further amended by inserting after section 323E the following section:-

Section 323F. (a) There shall be established on the books of the commonwealth a separate fund to be known as the clean environment fund. All abandoned deposits collected pursuant to chapter 94, section 323D shall be deposited into the clean environment fund. Amounts deposited in said fund shall be used, subject to appropriation, for programs including but not limited to projects supporting the proper management of solid waste, water resource protection, parkland, urban forestry, air quality and climate protection.

SECTION 10. Paragraph (b) of said section 323 of said

chapter 94 is hereby amended by inserting the following words after the current paragraph:- Notwithstanding any general or special law to the contrary, the secretary of the executive office of energy and environmental affairs shall, on or before June 22, 2015, promulgate regulations providing small dealers with the right to seek exemptions from accepting empty deposit containers. Said regulations shall consider at least the health and safety of the public, and the convenience for the public, including distribution of dealers and redemption centers by population or by distance or both.

SECTION 11. This act shall take effect on April 22, 2015.

## QUESTION 3

### Law Proposed by Initiative Petition

## Expanding Prohibitions on Gaming

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

### SUMMARY

As required by law, summaries are written by the State Attorney General.

This proposed law would (1) prohibit the Massachusetts Gaming Commission from issuing any license for a casino or other gaming establishment with table games and slot machines, or any license for a gaming establishment with slot machines; (2) prohibit any such casino or slots gaming under any such licenses that the Commission might have issued before the proposed law took effect; and (3) prohibit wagering on the simulcasting of live greyhound races.

The proposed law would change the definition of “illegal gaming” under Massachusetts law to include wagering on the simulcasting of live greyhound races, as well as table games and slot machines at Commission-licensed casinos, and slot machines at other Commission-licensed gaming establishments. This would make those types of gaming subject to existing state laws providing criminal penalties

for, or otherwise regulating or prohibiting, activities involving illegal gaming.

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**

As required by law, 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.

**A YES VOTE** would prohibit casinos, any gaming establishment with slot machines, and wagering on simulcast greyhound races.

**A NO VOTE** would make no change in the current laws regarding gaming.

## **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:** Massachusetts can do better than casinos. Just ask the “experts”:

- Governor Patrick<sup>1</sup>, Speaker DeLeo<sup>2</sup> and Senate President Murray<sup>3</sup> agree: No casino in their hometowns.
- The former CEO of American Gaming said he would “work very, very hard against” a casino in his hometown.<sup>4</sup>
- Ledyard, Connecticut’s mayor said there has been “no economic development spin-off from (Foxwoods). Businesses do not come here.”<sup>5</sup>
- Moody’s downgraded its casino outlook from “stable” to “negative”<sup>6</sup> and Fitch Ratings said the casino market “is reaching a saturation point.”<sup>7</sup>
- Indiana prosecutors needed an additional court just to handle casino-related crimes.<sup>8</sup>

Listen to the experts. Vote Yes: Stop the casino mess.

1 [http://www.masslive.com/politics/index.ssf/ 2013/11/gov\\_deval\\_patrick\\_says\\_he\\_woul.html](http://www.masslive.com/politics/index.ssf/2013/11/gov_deval_patrick_says_he_woul.html)

2 [http://www.masslive.com/politics/index.ssf/ 2013/11/like\\_deval\\_patrick\\_massachuset.html](http://www.masslive.com/politics/index.ssf/2013/11/like_deval_patrick_massachuset.html)

3 [http://www.lowellsun.com/breakingnews/ci\\_24644606/like-patrick-and-deleo-murray-would-not-want](http://www.lowellsun.com/breakingnews/ci_24644606/like-patrick-and-deleo-murray-would-not-want)

4 <https://www.youtube.com/watch?v=ZbRYUEtpGVQ>



5 <http://www.seacoastonline.com/articles/20031002-NEWS-310029963?cid=sitesearch>

6 [http://www.streetinsider.com/Credit+Ratings/Moodys+Low+ers+Outlook+on+U.S.+Gaming+Industry+to+Negative+\(LVS\)+\(MGM\)+\(IGT\)+\(BYI\)/9624468.html](http://www.streetinsider.com/Credit+Ratings/Moodys+Low+ers+Outlook+on+U.S.+Gaming+Industry+to+Negative+(LVS)+(MGM)+(IGT)+(BYI)/9624468.html)

7 Wall Street Journal, June 19, 2014, Casino Boom Pinches Northeastern States Influx of Competition Leaves Early Players—Such as Delaware, New Jersey and West Virginia—Struggling to Keep Bets Flowing, By Scott Calvert and Jon Kamp

8 <http://www.repealthecasinodeal.org/documents/KarenRichardsLetter.pdf>

**Authored by:**

**Repeal The Casino Deal Committee**

**5 Michael's Mall, #520162**

**Winthrop, MA 02152**

**617-701-7823**

**[www.Question3Facts.org](http://www.Question3Facts.org)**

**AGAINST:** A no vote will preserve the state's Expanded Gaming Law, generating thousands of construction and permanent jobs and hundreds of millions of dollars in revenue for our cities and towns. Every year Massachusetts residents spend close to \$900,000,000 at casinos in Connecticut, Rhode Island and Maine adding millions to their state budgets.

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The Law already has provided voters in several communities, including Springfield and Plainville, an opportunity to bring much needed jobs and economic activity to their communities through first-class development projects. At the same time, the Law has ensured that no community opposed to a casino within its borders will have one. To help further protect residents, the Law contains industry leading consumer safeguards and dedicated public health funding.

Vote no on question 3 to create jobs, economic growth and much-needed new revenue in Massachusetts.

**Authored by:**

**The Honorable Domenic Sarno**

**Mayor of Springfield**

**P.O. Box 8670**

**Boston, MA 02114**

**617-520-4559**

**[www.ProtectMassJobs.com](http://www.ProtectMassJobs.com)**

### **FULL TEXT OF QUESTION**

Be it enacted by the people and their authority:

SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out clause Tenth and inserting in place thereof the following clause:

“Tenth, ‘Illegal gaming,’ a banking or percentage game played with cards, dice, tiles or dominoes, or an electronic, electrical or mechanical device or machine for money, property, checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the state lottery commission, under sections 24, 24A and 27 of chapter 10; (ii) pari-mutuel wagering on horse races under chapters 128A and 128C; (iii) a game of bingo conducted under chapter 271; and (iv) charitable gaming under said chapter 271.”

SECTION 2. Chapter 23K of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following section 72 following section 71:

“Notwithstanding the provisions of this chapter or any general or special law to the contrary, no illegal gaming as defined in section 7 of chapter 4 shall be conducted or permitted in this commonwealth and the commission is hereby prohibited from accepting or approving any application or request therefor.”

SECTION 3. The several provisions of this Act are independent and severable and the invalidity, if any, of any part or feature thereof shall not affect or render the remainder of the Act invalid or inoperative.

## **QUESTION 4**

### **Law Proposed by Initiative Petition**

## **Earned Sick Time for Employees**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 6, 2014?

### **SUMMARY**

As required by law, summaries are written by the State Attorney General.

This proposed law would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

Employees who work for employers having eleven or more employees could earn and use up to 40 hours of paid sick time per calendar year, while employees working for smaller employers could earn and use up to 40 hours of unpaid sick time per calendar year.

An employee could use earned sick time if required to miss work in order (1) to care for a physical or mental illness, injury or medical condition affecting the employee or the employee's child, spouse, parent, or parent of a spouse; (2) to attend routine medical appointments of the employee or the employee's child, spouse, parent, or parent of a spouse; or (3) to address the effects of domestic violence on the employee or the employee's dependent child. Employees

would earn one hour of sick time for every 30 hours worked, and would begin accruing those hours on the date of hire or on July 1, 2015, whichever is later. Employees could begin to use earned sick time on the 90th day after hire.

The proposed law would cover both private and public employers, except that employees of a particular city or town would be covered only if, as required by the state constitution, the proposed law were made applicable by local or state legislative vote or by appropriation of sufficient funds to pay for the benefit. Earned paid sick time would be compensated at the same hourly rate paid to the employee when the sick time is used.

Employees could carry over up to 40 hours of unused sick time to the next calendar year, but could not use more than 40 hours in a calendar year. Employers would not have to pay employees for unused sick time at the end of their employment. If an employee missed work for a reason eligible for earned sick time, but agreed with the employer to work the same number of hours or shifts in the same or next pay period, the employee would not have to use earned sick time for the missed time, and the employer would not have to pay for that missed time. Employers would be prohibited from requiring such an employee to work additional hours to make up for missed time, or to find a replacement employee.

Employers could require certification of the need for sick time if an employee used sick time for more than 24 consecutively

scheduled work hours. Employers could not delay the taking of or payment for earned sick time because they have not received the certification. Employees would have to make a good faith effort to notify the employer in advance if the need for earned sick time is foreseeable.

Employers would be prohibited from interfering with or retaliating based on an employee's exercise of earned sick time rights, and from retaliating based on an employee's support of another employee's exercise of such rights.

The proposed law would not override employers' obligations under any contract or benefit plan with more generous provisions than those in the proposed law. Employers that have their own policies providing as much paid time off, usable for the same purposes and under the same conditions, as the proposed law would not be required to provide additional paid sick time.

The Attorney General would enforce the proposed law, using the same enforcement procedures applicable to other state wage laws, and employees could file suits in court to enforce their earned sick time rights. The Attorney General would have to prepare a multilingual notice regarding the right to earned sick time, and employers would be required to post the notice in a conspicuous location and to provide a copy to employees. The state Executive Office of Health and Human Services, in consultation with the Attorney General, would develop a multilingual outreach program to inform the public

of the availability of earned sick time.

The proposed law would take effect on July 1, 2015, and states that if any of its parts were declared invalid, the other parts would stay in effect.

## **WHAT YOUR VOTE WILL DO**

As required by law, 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.

**A YES VOTE** would entitle employees in Massachusetts to earn and use sick time according to certain conditions.

**A NO VOTE** would make no change in the laws regarding earned sick time.

## **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:** A YES vote will allow workers in Massachusetts to earn up to 40 hours of sick time a year to take care of their

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own health or a family member's health.

Workers will earn one hour of sick time for every 30 hours worked, and can use their sick time only after working for 90 days.

Thousands of hardworking people in Massachusetts are forced to choose between going to work sick or losing a day's pay - or worse, their jobs. Some are even forced to send a sick child to school to save their income or job.

A YES vote on Question 4 will save jobs and income, allowing workers to spend more in the local economy, benefiting us all.

Businesses providing sick time find that it reduces employee turnover, increases productivity, and helps their bottom line.

**Authored by:**

**Debra Ann Fastino, Co-chair**

**Raise Up Massachusetts**

**150 Mt. Vernon Street, 2nd Floor**

**Dorchester, MA 02125**

**617-284-1260**

**<http://raiseupma.org>**

**AGAINST:** Protect Massachusetts Small Businesses. Vote NO on Question 4.

Question 4 would make Massachusetts the first state to require small and taxpayer funded employers to provide up



to a week of mandatory paid sick time and family leave to all employees, including part-timers. The red tape and mandate would be costly to small businesses and taxpayers.

When an employee at a typical office setting calls in sick, other employees usually step in to cover the workload. However, for customer service focused employers or employers with mandatory staffing levels, this may not be an option. These employers would be required to pay twice, once to the employee on leave and a second time to the employee working the shift. It would essentially double their payroll.

One size does not fit all, and small businesses and their employees depend on flexibility to increase salaries and other benefits, not costly state mandates.

**Authored by:**

**Retailers Association of Massachusetts**

**18 Tremont Street, Suite 810**

**Boston, MA 02108**

**617-523-1900**

## **FULL TEXT OF QUESTION**

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

SECTION 1. Chapter 149 of the General Laws is hereby amended by inserting after section 148B the following two sections:-

Section 148C. (a) As used in this section and section 148D, the following words, unless the context clearly requires otherwise, shall have the following meanings:-

“Child”, a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person who has assumed the responsibilities of parenthood.

“Earned paid sick time”, the time off from work that is provided by an employer to an employee as computed under subsection (d) that can be used for the purposes described in subsection (c) and is compensated at the same hourly rate as the employee earns from the employee’s employment at the time the employee uses the paid sick time; provided, however, that this hourly rate shall not be less than the effective minimum wage under section 1 of chapter 151.

“Earned sick time”, the time off from work that is provided by an employer to an employee, whether paid or unpaid, as computed under subsection (d) that can be used for the purposes described in subsection (c).

“Employee”, any person who performs services for an employer for wage, remuneration, or other compensation, except that employees employed by cities and towns shall only be considered Employees for purposes of this law if this law is accepted by vote or by appropriation as provided in Article CXV of the Amendments to the Constitution of the Commonwealth.

“Employer”, any individual, corporation, partnership or other private or public entity, including any agent thereof, who engages the services of an employee for wages, remuneration or other compensation, except the United States government shall not be considered an Employer and cities and towns shall only be considered Employers for the purposes of this law if this law is accepted by vote or by appropriation as provided in Article CXV of the Amendments to the Constitution of the Commonwealth.

“Health care provider”, the meaning given this term by the Family and Medical Leave Act of 1993, 29 U.S.C. sections 2601 to 2654, inclusive, as it may be amended and regulations promulgated thereunder.

“Parent”, a biological, adoptive, foster or step-parent of an employee or of an employee’s spouse; or other person who assumed the responsibilities of parenthood when the employee or employee’s spouse was a child.

“Spouse”, the meaning given this term by the marriage laws of the commonwealth.

(b) All employees who work in the commonwealth who must be absent from work for the reason set forth in subsection (c) shall be entitled to earn and use not less than the hours of earned sick time provided in subsection (d).

(c) Earned sick time shall be provided by an employer for an employee to:

(1) care for the employee's child, spouse, parent, or parent of a spouse, who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care; or

(2) care for the employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care; or

(3) attend the employee's routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of spouse; or

(4) address the psychological, physical or legal effects of domestic violence as defined in subsection (g 1/2) of section 1 of chapter 151A, except that the definition of employee in subsection (a) will govern for purposes of this section.

(d) (1) An employer shall provide a minimum of one hour of earned sick time for every thirty hours worked by an employee. Employees shall begin accruing earned sick time commencing with the date of hire of the employee or the date this law becomes effective, whichever is later, but employees shall not be entitled to use accrued earned sick time until the 90th calendar day following commencement of their employment. On and after this 90 day period,

employees may use earned sick time as it accrues.

(2) Nothing in this chapter shall be construed to discourage or prohibit an employer from allowing the accrual of earned sick time at a faster rate, or the use of earned sick time at an earlier date, than this section requires.

(3) Employees who are exempt from overtime requirements under 29 U.S.C. section 213(a)(1) of the Federal Fair Labor Standards Act shall be assumed to work 40 hours in each work week for purposes of earned sick time accrual unless their normal work week is less than 40 hours, in which case earned sick time shall accrue based on that normal work week.

(4) All employees employed by an employer of eleven or more employees shall be entitled to earn and use up to 40 hours of earned paid sick time from that employer as provided in subsection (d) in a calendar year. In determining the number of employees who are employed by an employer for compensation, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted.

(5) Notwithstanding section 17 of chapter 15D, sections 70-75 of chapter 118E, or any other special or general law to the contrary, the PCA Quality Home Care Workforce Council shall be deemed the Employer of all Personal Care Attendants, as defined in section 70 of chapter 118E, for

purposes of subsection (d)(4) of this section, the Department of Medical Assistance shall be deemed the Employer of said Personal Care Attendants for all other purposes under this section, and the Department of Early Education and Care shall be deemed the Employer of all Family Child Care Providers, as defined in section 17(a) of chapter 15D, for purposes of this section.

(6) All employees not entitled to earned paid sick time from an employer pursuant to subsection (d)(4)-(5) shall be entitled to earn and use up to 40 hours of earned unpaid sick time from that employer as provided in subsection (d) in a calendar year.

(7) Earned sick time shall be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time. Employees may carry over up to 40 hours of unused earned sick time to the next calendar year, but are not entitled to use more than 40 hours in one calendar year. Employers shall not be required to pay out unused earned sick time upon the separation of the employee from the employer.

(e) If an employee is absent from work for any reason listed in subsection (c) and, by mutual consent of the employer and the employee, the employee works an equivalent number of additional hours or shifts during the same or the next pay period as the hours or shifts not

worked due to reasons listed in subsection (c), an employee shall not be required to use accrued earned sick time for the employee's absence during that time period and the employer shall not be required to pay for the time the employee was so absent. An employer shall not require such employee to work additional hours to make up for the hours during which the employee was so absent or require that the employee search for or find a replacement employee to cover the hours during which the employee is utilizing earned sick time.

(f) Subject to the provisions of subsection (n), an employer may require certification when an earned sick time period covers more than 24 consecutively scheduled work hours. Any reasonable documentation signed by a health care provider indicating the need for earned sick time taken shall be deemed acceptable certification for absences under subsection (c)(1), (2) and (3). Documentation deemed acceptable under subsection (g 1/2) of section 1 of chapter 151A shall be deemed acceptable documentation for absences under subsection (c)(4). An employer may not require that the documentation explain the nature of the illness or the details of the domestic violence. The employer shall not delay the taking of earned sick time or delay pay for the period in which earned sick time was taken for employees entitled to pay under subsection (d), on the basis that the employer has not yet received the certification. Nothing in this section shall be construed to require an

employee to provide as certification any information from a health care provider that would be in violation of section 1177 of the Social Security Act, 42 U.S.C. 1320d-6, or the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 1320d-2 note.

(g) When the use of earned sick time is foreseeable, the employee shall make a good faith effort to provide notice of this need to the employer in advance of the use of the earned sick time.

(h) It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under or in connection with this section, including, but not limited to, by using the taking of earned sick time under this section as a negative factor in any employment action such as evaluation, promotion, disciplinary action or termination, or otherwise subjecting an employee to discipline for the use of earned sick time under this section.

(i) It shall be unlawful for any employer to take any adverse action against an employee because the employee opposes practices which the employee believes to be in violation of this section, or because the employee supports the exercise of rights of another employee under this section. Exercising rights under this section shall include but not be limited to filing an action, or instituting or causing



to be instituted any proceeding, under or related to this section; providing or intending to provide any information in connection with any inquiry or proceeding relating to any right provided under this section; or testifying or intending to testify in any inquiry or proceeding relating to any right provided under this section.

(j) Nothing in this section shall be construed to discourage employers from adopting or retaining earned sick time policies more generous than policies that comply with the requirements of this section and nothing in this section shall be construed to diminish or impair the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program or plan in effect on the effective date of this section that provides to employees greater earned sick time rights than the rights established under this section.

(k) Employers required to provide earned paid sick time who provide their employees paid time off under a paid time off, vacation or other paid leave policy who make available an amount of paid time off sufficient to meet the accrual requirements of this section that may be used for the same purposes and under the same conditions as earned paid sick time under this section are not required by this section to provide additional earned paid sick time.

(l) The attorney general shall enforce this section, and

may obtain injunctive or declaratory relief for this purpose. Violation of this section shall be subject to paragraphs (1), (2), (4), (6) and (7) of subsection (b) of section 27C and to section 150.

(m) The attorney general shall prescribe by regulation the employer's obligation to make, keep, and preserve records pertaining to this section consistent with the requirements of section 15 of chapter 151.

(n) The attorney general may adopt rules and regulations necessary to carry out the purpose and provisions of this section, including the manner in which an employee who does not have a health care provider shall provide certification, and the manner in which employer size shall be determined for purposes of subsection (d)(4).

(o) Notice of this section shall be prepared by the attorney general, in English and in other languages required under clause (iii) of subsection (d) of section 62A of chapter 151A. Employers shall post this notice in a conspicuous location accessible to employees in every establishment where employees with rights under this section work, and shall provide a copy to their employees. This notice shall include the following information:

(1) information describing the rights to earned sick time under this section;

(2) information about notices, documentation and

any other requirements placed on employees in order to exercise their rights to earned sick time;

(3) information that describes the protections that an employee has in exercising rights under this section;

(4) the name, address, phone number, and website of the attorney general's office where questions about the rights and responsibilities under this section can be answered; and

(5) information about filing an action under this section.

Section 148D. The executive office of health and human services, in consultation with the attorney general, shall develop and implement a multilingual outreach program to inform employees, parents, and persons who are under the care of a health care provider about the availability of earned sick time under this section. This program shall include the distribution of notices and other written materials in English and in other languages to all child care and elder care providers, domestic violence shelters, schools, hospitals, community health centers, and other health care providers.

SECTION 2. Section 150 of chapter 149 is hereby amended by inserting after the word "148B", the following word:- , 148C.

SECTION 3. If any provision of this act or application thereof

to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

SECTION 4. This act shall take effect on July 1, 2015.

## **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 can I register to vote?**

There is no waiting period to be eligible to register to vote. As soon as you consider your address your “home,” you may register to vote from that address. Please remember 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 4th State Election is October 15th. In order for you to be eligible to vote in the November 4th, 2014 State Election, your voter registration form must be postmarked or hand-delivered by October 15, 2014.

### **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

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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. Local election offices will be open until 8 p.m. on October 15th for voter registration.

**By Mail:** Mail-in registration forms are widely available. To obtain mail-in registration forms please visit our website at [www.sec.state.ma.us/ele](http://www.sec.state.ma.us/ele) to download a form or call 617-727-2828 or 1-800-462-VOTE (8683) and a form will be sent to you. Mail the completed form to your local city or town hall. You should receive an acknowledgement 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 applying for or renewing a driver's license at the RMV, you can complete a voter registration application. Check your Motor Voter receipt before you leave—it will indicate whether or not you registered to vote. 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 this is the first time you are registering to vote in Massachusetts. The Help America Vote Act of 2002 requires that those registering to vote by mail be required to show identification when voting for the first time in a federal election. If you do not attach a copy of your identification to your voter registration form, you may be required to show identification at your polling place on Election Day.

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, state issued identification card, current utility bill, bank statement, paycheck, government check, or other government document showing your name and the address at which you are registered to vote. If you send in a copy of your identification with your mail-in voter registration form, it may not be returned to you.

**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. You may also confirm your voter registration status on our website at [www.sec.state.ma.us/VoterRegistrationSearch/MyVoterRegStatus.aspx](http://www.sec.state.ma.us/VoterRegistrationSearch/MyVoterRegStatus.aspx).

## **Reminder! Bring Personal Identification to the Polls!**

You may be required to show personal identification to vote. If you registered to vote by mail, you may be required to show identification when you vote for the first time in a federal election, such as the 2014 State Election.

Also, under Massachusetts law, any voter may be asked to show identification if there is a question about their identity.

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, state issued identification card, current utility bill, bank statement, paycheck, government check, or other government document showing your name and the address at which you are registered to vote.



## Check Your Voter Registration Status

One of the most common problems that voters run into on Election Day is showing up at their polling place, only to realize that they are not registered to vote or are not registered at their current address. Now, there is an easy new way to make sure you are registered before this leads to frustration on Election Day: the new voter registration look-up tool on our website.

### How to use the voter registration look-up tool...

1. Go to [www.sec.state.ma.us/ele](http://www.sec.state.ma.us/ele);
2. Look for the banner shown below:



Register to Vote ★ Apply for an Absentee Ballot ★ Am I Registered to Vote?

3. Click on the words “Am I Registered to Vote?”
4. You will be asked to enter your first name, last name, date of birth, and your ZIP code.
5. If you are registered to vote at an address with the ZIP code you provided, you will be shown a screen with your voter information. If the system is unable to find your information, the words “Voter Registration Information Not Found” will appear on your screen.

### Information to look for...

If a record is found matching the information you provided, you will be shown a page containing your voter information.

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This page will include:

- Your name and address, as registered;
- Your date of birth;
- Your party enrollment;
- Your voting status;
- Whether you will be required to show identification at the polls;
- Contact information for your local election official;
- Your polling place, ward, and precinct; and
- A list of your voting districts and elected officials.

If any information on the page is incorrect, you should contact your local election official immediately. Be sure to pay close attention to your voting status; you may be listed as either “Active” or “Inactive.” Inactive voters will be asked for identification and to complete a form called an “Affirmation” at their polling places. You may also be flagged to show identification as a first-time voter in Massachusetts.

### **If your voter registration is not found...**

You may not be registered to vote, or you may be registered, but not at your current address. To determine whether you are still registered to vote at a previous address, you may try searching for your voter information using past ZIP codes. If you have moved to a new city or town in Massachusetts

within the last six months and have not re-registered, you may vote at your old polling place on Election Day; however, if there is time left before the voter registration deadline, it is best to update your address.

If your voter registration information cannot be found, you can click on the link provided on that page to complete a voter registration form. Remember, the form must be postmarked or hand-delivered to your local election official by October 15th!

## **Voting...**

### **Where do I vote?**

Every precinct in your city or town is assigned a polling place. Call your local election official or the Elections Division at 1-800-462-VOTE (8683) or 617-727-2828 to find out where your polling place is located. You can also visit the Elections Division's website at [www.wheredoivotema.com](http://www.wheredoivotema.com) 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 and instruction cards are posted at the polls on Election Day. You may also view a sample ballot at our website: [www.wheredoivotema.com](http://www.wheredoivotema.com).

**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 with the city or town clerk to see if you may be 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 at the polling place.

To cast a provisional ballot, you must complete 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 is the voting process?**

In Massachusetts, every voter casts a paper ballot. Upon entering the polling place, each voter must give their address and name so the poll worker can check it off the list before giving you a

ballot. Once you get your ballot, you go to a booth where you mark your choices for the candidates for offices and ballot questions. After marking your ballot, you must check-out by providing your address and name again before depositing your ballot into either the ballot box or tabulator.

### **What if I need assistance?**

If you need assistance because of vision impairment, disability, or inability to read or to read English, you may seek help from any person of your choice, including from the election officials in your polling place.

You may also ask the election officials to show you to the AutoMARK Voter Assist Terminal, an accessible ballot marking device which allows you to mark your ballot privately and independently. There will be at least one AutoMARK Voter Assist Terminal at each polling location. After inserting the ballot into the AutoMARK, the voter can review the ballot and make selections by using the touch screen and/or the keypad, while listening to the ballot over a set of headphones. The AutoMARK will mark the ballot in accordance with the voter's choices, by filling in the corresponding ovals or connecting the arrows on the ballot. The ballot will then be returned to the voter for deposit into the ballot box.

**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 pre-printed brochures or pamphlets, or your own notes, but you cannot display such materials while in the polling location. Also, you must take any materials with you when you leave the voting booth.

## **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 you from 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 no later than Noon on the day before the election. The deadline to request an absentee ballot for the November 4, 2014 State Election is Noon on Monday, November 3, 2014.

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 also apply on your behalf. Include on the application: your name and address as registered, date of birth, the address where the ballot should be sent, and your signature. 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 on the day before the election. Call the clerk's office to make certain that the absentee ballots are available.

**Voting by absentee ballot...**

The ballot will come with instructions and a set of return envelopes. You must be sure to sign the brown inner envelope. Ballots may be mailed with proper postage to city or town hall, or may be dropped off by either yourself or a family member. 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 in completing the inner envelope must sign your name as well as their name, address, and telephone number.

**Voting for the 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 due to disability. A completed application for an absentee ballot will be mailed to you for each election. This application must be signed and returned to the city or town clerk.

## **Military and Overseas Voters / Special Status**

In Massachusetts, members of the Uniformed Services serving on active duty, their families and U.S. citizens residing overseas are eligible to vote in all elections. These voters do not need to register to vote to request an absentee ballot. Absentee ballots can be requested using the Federal Post Card Application or any form of written communication, or a family member can request that an absentee ballot be sent to the voter.

These voters can request that their absentee ballots be sent to them either by mail, fax, or e-mail; ballots may also be returned to the local election officials by any of these methods.

Massachusetts also allows military and overseas voters to vote absentee in all elections by using the Federal Write-In Absentee Ballot (FWAB). The FWAB can be used to vote any time before an election, even if the voter did not apply for an absentee ballot. After voting on the FWAB, the voter may submit it by mail or electronically. Both the Federal Post Card Application and the Federal Write-in Absentee Ballot may be found on the website of the Federal Voting Assistance Program, [www.FVAP.gov](http://www.FVAP.gov)

## 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

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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 7 a.m. and 8 p.m. 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 p.m., 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.

## Services of the Secretary of the Commonwealth of Massachusetts

- Citizen Information Service functions as the primary information and referral agency for the state, offering information on state programs and agencies. CIS attempts to answer all requests, by providing either direct assistance or an immediate referral to the appropriate agency. 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: \$23.50 (\$18 plus \$5.50 shipping cost). Free online at [www.sec.state.ma.us/cis/ciscig/guide.html](http://www.sec.state.ma.us/cis/ciscig/guide.html). Available from the State House Bookstore, see below.
- Welcome to Massachusetts: A Practical Guide to Living in the State, free.
- 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](http://www.sec.state.ma.us/cis), where many of the above documents are available for viewing.

Email: [cis@sec.state.ma.us](mailto:cis@sec.state.ma.us)

- 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 (8683), website: [www.sec.state.ma.us/ele](http://www.sec.state.ma.us/ele)

Email: [elections@sec.state.ma.us](mailto:elections@sec.state.ma.us)

- 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 (within Massachusetts), website:

[www.sec.state.ma.us/sct](http://www.sec.state.ma.us/sct) Email: [securities@sec.state.ma.us](mailto:securities@sec.state.ma.us)

- The Public Records Division maintains, preserves and makes accessible government records, enforces lobbyist and disclosure laws and records all gubernatorial

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appointments and commissions. 617-727-2832, website:  
[www.sec.state.ma.us/pre](http://www.sec.state.ma.us/pre) Email: [pre@sec.state.ma.us](mailto:pre@sec.state.ma.us)

- Real Estate Records. Foreclosure and Homestead Information - Massachusetts is divided into 21 registry districts with an elected Register of Deeds responsible for each office. Documents related to the ownership of real estate within the district are recorded at the Registry of Deeds. Website: [www.masslandrecords.com](http://www.masslandrecords.com)

- 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](http://www.sec.state.ma.us/arc) Email: [archives@sec.state.ma.us](mailto:archives@sec.state.ma.us)

- The Commonwealth Museum brings Massachusetts history alive through exhibits, outreach and student programs and publications. 617-727-9268, website: [www.commonwealthmuseum.org](http://www.commonwealthmuseum.org)

- 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](http://www.sec.state.ma.us/mhc) Email: [mhc@sec.state.ma.us](mailto:mhc@sec.state.ma.us)



- 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](http://www.sec.state.ma.us/spr)  
Email: [bookstore@sec.state.ma.us](mailto:bookstore@sec.state.ma.us)

- The Regional Offices in Springfield and Fall River offer many of the services provided by the Boston office and bring state government closer to the citizens of Massachusetts. Springfield 413-784-1376, Fall River 508-646-1374, website: [www.sec.state.ma.us/wso](http://www.sec.state.ma.us/wso)

- The Corporations Division is responsible for registering all Massachusetts profit and non-profit 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](http://www.sec.state.ma.us/cor)  
Email: [corpinfo@sec.state.ma.us](mailto:corpinfo@sec.state.ma.us)

Other divisions include:

- State Records Center  
website: [www.sec.state.ma.us/rec](http://www.sec.state.ma.us/rec)

- State Publications and Regulations  
website: [www.sec.state.ma.us/spr](http://www.sec.state.ma.us/spr)

- State House Tours: website: [www.sec.state.ma.us/trs](http://www.sec.state.ma.us/trs)

## **If you have been the victim of investment fraud, Secretary Galvin's office might be able to help!**

Secretary Galvin's office regulates and enforces laws relating to risk investments of all kinds that are offered or sold in Massachusetts.

Secretary Galvin's office has been successful in returning millions of dollars directly back to defrauded investors.

**See if some of these situations where we were able to help are similar to yours:**

- A representative of a large broker-dealer got the list of a group of employees retiring from a local company. He lured many of those retirees into investments that were unsuitable for them, putting their retirement assets at risk. They contacted Secretary Galvin's office and we were able to get them out of the unsuitable investments.
- A rogue agent of a national broker-dealer made contact with an elderly woman via a mail solicitation. The woman was experiencing the early effects of dementia. The agent convinced her to withdraw her money from her bank accounts and persuaded her to invest in high risk investments. He even drove her to the banks to withdraw her funds. Her family contacted Secretary Galvin's office and her money was returned to her and the rogue agent was barred from doing business in Massachusetts.

- A group of citizens was lured into an investment scheme with the promise of big returns. The returns were so large that they sounded too good to be true. In fact they were too good to be true and turned out to be a Ponzi scheme. Secretary Galvin's office was able to recover assets before they were gone.
- A local investment adviser urged investors to purchase investments not approved by his employer and outside the scope of acceptable products. The investors complained to Secretary Galvin's office and we were able to get their money back and removed the adviser's registration in Massachusetts.
- Several senior citizens went to a free lunch seminar put on by a registered investment adviser who held himself out as a "senior specialist" who had special training to advise seniors on how to protect themselves during their retirement years. Instead, the seniors found themselves in unsuitable annuities with long surrender periods and high withdrawal penalties. They contacted Secretary Galvin's office and they got out of the annuities without incurring a high penalty.

If you need help you can reach us toll-free at 1-800-269-5428.

## **Help for Victims of Domestic Violence**

Massachusetts tries to protect victims of domestic violence, sexual assault, or stalking by helping them establish new confidential addresses to prevent perpetrators of violence from finding relocated victims.

This program, called the Address Confidentiality Program (ACP), is administered by the Secretary of the Commonwealth.

In order to be certified as a program participant, an applicant must show that disclosure of his or her address threatens the safety of the applicant or the applicant's children. ACP permits program participants to use a substitute mailing address when interacting with government agencies. The substitute address is used as the program participant's legal residence, as well as work and/or school address. Consequently, government records may be disclosed to the public without identifying the victim's new location.

### **How do I locate an application assistant to initiate the application process?**

You may call ACP at 1-866-SAFE-ADD in order to locate an application assistant. You may also contact an agency or non-profit program that provides counseling, referral, shelter or other specialized services to victims of domestic abuse, rape, sexual assault, or stalking.



# Voter Checklist

Tear out and take to the polls.

## Ballot Questions

Question 1     Yes     No

Question 2     Yes     No

Question 3     Yes     No

Question 4     Yes     No

## Ballot Offices

**Offices on the ballot in 2014 appear in the following order:**

Senator in Congress \_\_\_\_\_

Governor and Lieutenant Governor \_\_\_\_\_

Attorney General \_\_\_\_\_

Secretary of State \_\_\_\_\_

Treasurer \_\_\_\_\_

Auditor \_\_\_\_\_

Representative in Congress \_\_\_\_\_

Councillor \_\_\_\_\_

Senator in General Court \_\_\_\_\_

Representative in General Court \_\_\_\_\_

District Attorney \_\_\_\_\_

Register of Probate \_\_\_\_\_

County Treasurer \_\_\_\_\_  
(Bristol, Dukes, Norfolk, Plymouth Counties only)

County Commissioner \_\_\_\_\_  
(Barnstable, Bristol, Dukes, Norfolk, Plymouth Counties), or  
Franklin Council of Governments

Sheriff \_\_\_\_\_  
(Suffolk County only)



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

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## 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 (8683); 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 website at [www.sec.state.ma.us](http://www.sec.state.ma.us). The Spanish and Chinese editions of Information for Voters are also available at the same phone numbers. An audio edition is also available from the Braille and Talking Book Library in Watertown at 1-800-852-3133.