



Massachusetts Information For Voters 2016 Ballot Questions Large Type Edition

State Election

Tuesday, November 8, 2016

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

Massachusetts Register to Vote Online: registertovotema.com

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:

Your vote really matters!

This year your vote will choose a new President and may make new laws by vote of the people on questions presented in this publication.

To make it even easier to cast your vote, this year for the first time Massachusetts will have “early voting” available. This means that for the period from October 24, 2016 through November 4, 2016 any voter can cast their ballot at specially designated voting sessions; no reason is required to participate. Times and locations for early voting can be found on our website at www.sec.state.ma.us/ele or by checking with your local election official.

If you have not yet registered to vote or need to re-register because you moved, you must register by October 19, 2016 to have your name appear on the voting list. You can also now register online at www.RegisterToVoteMA.com.

There are four binding statewide ballot questions that will appear on your ballot. Some cities and towns will also have binding local questions. The 2016 official Information for

Voters booklet lists each statewide question with the text of the proposed law, statements describing the effect of a yes or no vote, a summary, statement of fiscal consequences and brief arguments 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 8, 2016 and exercise the most essential right of our democratic system. Polling places will be open from 7 a.m. to 8 p.m. statewide.

Very truly yours,

A handwritten signature in cursive script that reads "William Francis Galvin".

William Francis Galvin
Secretary of the Commonwealth

Offices on the Ballot in 2016

Electors for President and Vice President

Representative in Congress

Councillor

Senator in General Court

Representative in General Court

Sheriff

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

Register of Deeds (Dukes & Suffolk only)

District Attorney (Bristol only)

Deadline to Register to Vote!

To vote in the State Election, your Mail-in Voter Registration Form must be postmarked by Wednesday, October 19, 2016!

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

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QUESTION 1:

Law Proposed by Initiative Petition

Expanded Slot-Machine 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 3, 2016?

SUMMARY

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

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines.

The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

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 permit the state Gaming Commission to license one additional slot-machine gaming establishment at a location that meets certain conditions specified in the law.

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

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

The fiscal consequences of this proposed measure for state and municipal government finances could range from 0 dollars to an unknown positive amount. Under the Expanded Gaming Act, the Massachusetts Gaming Commission has the discretion to determine whether a gaming license should be issued and when that determination would be made. If the Gaming Commission did award the proposed license, a new analysis of the casino market would be needed to determine the amount of revenue from this license, based on proposed size and operations, and the potential impact of competition from other gaming establishments in Massachusetts and surrounding areas.

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

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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 allows one additional slots parlor in Massachusetts, providing millions of dollars to Massachusetts communities and creating thousands of jobs. In 2013 alone, Massachusetts residents who played at neighboring state gaming facilities gave those states over \$240 Million that could have stayed in Massachusetts.

Under the Gaming Law, nearly half the revenue collected benefits all Massachusetts residents. Over the past year, the existing slots parlor contributed over \$60 million for Massachusetts communities, plus additional funds paid to the host-community. (The Gaming Law ensures that a slots parlor will only be licensed in a community that votes for it.)

About \$1 of every \$5 collected goes to our State's horse racing industry, sustaining jobs at racetracks and breeding farms. A second slots parlor, together with the existing parlor, will assure that the long tradition of horse racing in Massachusetts survives while bringing thousands of new jobs to Massachusetts.

Authored by:

Eugene McCain

Horse Racing Jobs and Education Committee

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AGAINST: Legalized casino gambling in the Commonwealth is too new and unproven to expand at this time.

- Only one slot parlor has opened in Massachusetts, and it is significantly underperforming.
- Five casinos are expected to open in Massachusetts by 2019. The Wall Street Journal warns that New England already has more casinos than the market wants or needs.
- This ballot question was written by one casino developer, for one purpose: his own financial gain. It disrupts the process and limits established by the Legislature to protect communities and existing businesses.
- Proponents of the 'Act Relative to Gaming' have traveled across the globe to exploit the Commonwealth and send a message to other casino developers – they can come to Massachusetts and do the same.

Vote “No” to postpone the question of gambling expansion until a review of the costs and benefits of existing Massachusetts gaming establishments is completed.

Authored by:

Celeste Ribeiro Myers

Chair, Committee for Responsible and Sustainable

Economic Development

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MaCasinos.net

FULL TEXT OF QUESTION

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

SECTION 1. Subsection (a) of Section 8 of Chapter 23K of the General Laws, as appearing in the 2012 Official Edition is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

The commission shall issue a request for applications for category 1 and category 2 licenses.

SECTION 2. Section 20 of said Chapter 23K of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(g) Notwithstanding any general or special law, rule, or regulation to the contrary, the commission may issue 1 additional category 2 license; provided, however, that the additional category 2 license shall only be issued to applicants who are qualified under the criteria set forth in this chapter as determined by the commission and that the additional category 2 license meet the following additional qualification:

(1) The proposed location of the gaming establishment shall be at least 4 acres large, and shall be adjacent to, and within 1500 feet of, a race track, including the track, grounds, paddocks, barns, auditorium, amphitheatre and/or bleachers, if any, where a horse racing meeting may physically be held, which race track shall have hosted a horse racing meeting, provided that

said location is not separated from said race track by a highway or railway.

QUESTION 2:

Law Proposed by Initiative Petition

Charter School Expansion

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 3, 2016?

SUMMARY

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

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide

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assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board.

The proposed law would take effect on January 1, 2017.

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 allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

A NO VOTE would make no change in current laws relative to charter schools.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

This proposed measure would make no changes to the current

funding formula, which mandates that state and local per-pupil funding follow students who enroll in public charter schools. School districts that experience annual increases in payments to public charter schools receive transitional state education aid.

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 on Question 2 gives parents the right to choose the best public schools for their children.

Charter schools are PUBLIC schools open to all children. They offer longer school days and more individual attention, and have a proven record of closing the achievement gap for kids trapped in failing school districts.

Today, almost 33,000 children are stuck on waiting lists for public charter schools because of the legislature's arbitrary cap on enrollment. Voting YES would give more children the opportunity to attend these great public schools -- especially in the state's lowest-performing school districts.

Voting YES does not harm local school districts. Cities and

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towns with new public charter schools will receive MORE state education aid if Question 2 passes. Charter growth would happen gradually; new public charter schools must be approved by the State Board of Education and are subject to rigorous and frequent performance reviews.

Authored by:

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AGAINST: Every time a new charter school opens or expands, it takes funding away from the public schools in that district. This year alone, charter schools will take more than \$400 million from already-underfunded Massachusetts public schools. And charter schools are not accountable to the local taxpayers who fund them.

Under this proposal, the number of charter schools in Massachusetts would nearly triple in just 10 years, costing local public school districts more than \$1 billion a year.

If some public schools are falling short, we should fix them, not take money away and give it to privately-run charters. We need to support schools that serve all children. That means investing in areas such as STEM (science, technology, engineering, and math), arts and music, and Pre-K, not diverting even more resources to charters, which educate just four percent of students. Save Our Public Schools. Vote NO on 2.

Authored by:
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FULL TEXT OF QUESTION

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

SECTION 1.

Subsection (i) of section 89 of chapter 71 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after paragraph (4) the following new paragraph:—

(5) Notwithstanding the provisions of this subsection (i) relative to the number of charter schools allowed to operate in the commonwealth or in any district, the board may approve up to 12 additional commonwealth charters, commonwealth charter amendments to increase authorized enrollment, or a combination thereof per year; provided that the total enrollment authorized by all such approvals in a single fiscal year shall not exceed 1% of the total statewide public school enrollment for such year as determined by the board; provided further, that in the event that the number of qualified applicants in any year exceeds 12, the board shall give priority among such qualified applicants to those seeking to establish or expand enrollment in commonwealth charter schools in districts where overall student performance on the statewide assessment

system approved by the board is in the bottom 25% of all districts in the two years preceding the charter application and where the demonstrated parent demand for additional public school options is greatest; provided further that the board shall apply to all such applicants review and approval standards as rigorous as those applied to all other commonwealth charter applicants; provided further that the recruitment and retention and multilingual outreach provisions of paragraph (3) shall apply to any commonwealth charter school authorized under this paragraph; and provided further that any new commonwealth charter schools authorized by this paragraph shall be subject to annual performance reviews according to standards established by the board.

Nothing in this paragraph shall affect the issuance of commonwealth charters under paragraph (3). The percentages of net school spending set forth in paragraphs (2) and (3) shall not apply to or otherwise operate to limit the board's authority to approve commonwealth charters or commonwealth charter amendments under this paragraph; provided, however, that such percentages shall continue to apply to commonwealth charters issued otherwise than under this paragraph. Except as provided in this paragraph, all otherwise applicable provisions of this section shall apply to commonwealth charters or amendments approved under this paragraph.

SECTION 2.

This act shall become effective January 1, 2017, and shall apply to commonwealth charter and commonwealth charter amendment applications pending as of that date.

QUESTION 3

Law Proposed by Initiative Petition

Conditions for Farm Animals

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 3, 2016?

SUMMARY

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

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable

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laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. 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 any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

A NO VOTE would make no change in current laws relative to the keeping of farm animals.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

Because the law would not take effect until January 1, 2022, the fiscal consequences of this proposed measure for state and municipal government finances are unknown.

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 prevents cruel treatment of animals in Massachusetts by ending the practice of cramming farm animals into cages so small they can't turn around or stretch their limbs, and will remove inhumane and unsafe products from the Massachusetts marketplace.

Endorsed by the MSPCA, Animal Rescue League of Boston, The Humane Society of the United States, and 400 Massachusetts veterinarians because no animal should be

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immobilized in a cramped cage.

Endorsed by the Center for Food Safety and Consumer Federation of America because cage confinement increases food safety risks, and a YES vote protects Massachusetts consumers.

Endorsed by Massachusetts family farmers and the United Farm Workers because proper treatment of animals is better for farmers. From McDonald's to Walmart, retailers are switching to cage-free eggs—the right thing to do at the right cost.

Vote YES. Protect consumers. Prevent animal cruelty.

Authored by:

Stephanie Harris, Campaign Director

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AGAINST: A NO vote is necessary to protect Massachusetts consumers' right to choose from the variety of healthy foods available for purchase today.

Question 3 proposes to ban the sale of any veal, pork, and eggs from any state unless produced according to the wishes of the ballot promoters. A recent study undertaken at Cornell University estimates the cost to consumers—just on eggs—would be \$70 a year for a family of five.

This study also notes that an increase in food prices “disproportionately harms lower income households” and can impact their ability to maintain a “healthy and adequate diet.”

Let the free marketplace respond to consumer concerns. The veal industry plans to be completely phased out of veal crates by the end of 2017. 175 food suppliers have already pledged to switch to cage free eggs. Others will follow.

This proposed government mandate is neither necessary nor wise.

Authored by:

William Bell

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FULL TEXT OF QUESTION

Be it enacted by the People, and by their authority: Prevention of Farm Animal Cruelty Act

Section 1. The purpose of this Act is to prevent animal cruelty by phasing out extreme methods of farm animal confinement, which also threaten the health and safety of Massachusetts consumers, increase the risk of foodborne illness, and have negative fiscal impacts on the Commonwealth of Massachusetts.

Section 2. Notwithstanding any general or special law to the

contrary, it shall be unlawful for a farm owner or operator within the Commonwealth of Massachusetts to knowingly cause any covered animal to be confined in a cruel manner.

Section 3. Notwithstanding any general or special law to the contrary, it shall be unlawful for a business owner or operator to knowingly engage in the sale within the Commonwealth of Massachusetts of any:

(A) Shell egg that the business owner or operator knows or should know is the product of a covered animal that was confined in a cruel manner.

(B) Whole veal meat that the business owner or operator knows or should know is the meat of a covered animal that was confined in a cruel manner.

(C) Whole pork meat that the business owner or operator knows or should know is the meat of a covered animal that was confined in a cruel manner, or is the meat of the immediate offspring of a covered animal that was confined in a cruel manner.

Section 4. For the purposes of this Act, a covered animal shall not be deemed to be “confined in a cruel manner” during:

(A) Transportation.

(B) State or county fair exhibitions, 4-H programs, and similar exhibitions.

(C) Slaughter in accordance with any applicable laws, rules, and regulations.

(D) Medical research.

(E) Examination, testing, individual treatment or operation for veterinary purposes, but only if performed by or under the direct supervision of a licensed veterinarian.

(F) The five (5) day period prior to a breeding pig's expected date of giving birth, and any day that the breeding pig is nursing piglets.

(G) Temporary periods for animal husbandry purposes for no more than six (6) hours in any twenty-four (24) hour period.

Section 5. For purposes of this Act, the following terms shall have the following meanings:

(A) "Breeding pig" means any female pig of the porcine species kept for the purpose of commercial breeding.

(B) "Business owner or operator" means any person who owns or controls the operations of a business.

(C) "Calf raised for veal" means any calf of the bovine species kept for the purpose of commercial production of veal meat.

(D) "Covered animal" means any breeding pig, calf raised for veal, or egg-laying hen that is kept on a farm.

(E) "Confined in a cruel manner" means confined so as to prevent a covered animal from lying down, standing up, fully extending the animal's limbs, or turning around freely.

(F) "Egg-laying hen" means any female domesticated chicken, turkey, duck, goose, or guinea fowl kept for the purpose of commercial egg production.

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(G) “Enclosure” means any cage, crate, or other structure used to confine a covered animal or animals. “Enclosure” includes what is commonly described as a “gestation crate” or “stall” for pigs during pregnancy, a “veal crate” for calves raised for veal, and a “battery cage, enriched cage, or colony cage” for egg-laying hens.

(H) “Farm” means the land, building, support facilities, and other equipment that are wholly or partially used for the commercial production of animals or animal products used for food; and does not include live animal markets or establishments at which inspection is provided under the Federal Meat Inspection Act.

(I) “Farm owner or operator” means any person who owns or controls the operations of a farm.

(J) “Fully extending the animal’s limbs” means fully extending all limbs without touching the side of an enclosure. In the case of egg-laying hens, fully extending the animal’s limbs means fully spreading both wings without touching the side of an enclosure or other egg-laying hens and having access to at least 1.5 square feet of usable floor space per hen.

(K) “Person” means any individual, firm, partnership, joint venture, limited liability corporation, estate, trust, receiver, syndicate, association, or other legal entity.

(L) “Pork meat” means meat, as defined in 105 CMR 531.012 as of June 1, 2015, of a pig of the porcine species, intended for use as human food.

(M) “Sale” means a commercial sale by a business that sells

any item covered by Section 3, but does not include any sale undertaken at an establishment at which inspection is provided under the Federal Meat Inspection Act. For purposes of this section, a sale shall be deemed to occur at the location where the buyer takes physical possession of an item covered by Section 3.

(N) “Shell egg” means a whole egg of an egg-laying hen in its shell form, intended for use as human food.

(O) “Turning around freely” means turning in a complete circle without any impediment, including a tether, and without touching the side of an enclosure or another animal.

(P) “Uncooked” means requiring cooking prior to human consumption.

(Q) “Usable floor space” means the total square footage of floor space provided to each hen, as calculated by dividing the total square footage of floor space provided to hens in an enclosure (including both ground space and elevated flat platforms) by the number of hens in that enclosure.

(R) “Veal meat” means meat, as defined in 105 CMR 531.012 as of June 1, 2015, of a calf raised for veal, intended for use as human food.

(S) “Whole pork meat” means any uncooked cut of pork (including bacon, ham, chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of pork meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives. Whole pork meat does not include combination food products (including soups,

sandwiches, pizzas, hot dogs, or similar processed or prepared food products) that are comprised of more than pork meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

(T) “Whole veal meat” means any uncooked cut of veal (including chop, ribs, riblet, loin, shank, leg, roast, brisket, steak, sirloin or cutlet) that is comprised entirely of veal meat, except for seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives. Whole veal meat does not include combination food products (including soups, sandwiches, pizzas, hot dogs, or similar processed or prepared food products) that are comprised of more than veal meat, seasoning, curing agents, coloring, flavoring, preservatives and similar meat additives.

Section 6. The Attorney General shall have exclusive authority to enforce the provisions of this Act. Each violation of this Act shall be punished by a civil fine not to exceed one thousand dollars (\$1,000). The Attorney General may also seek injunctive relief to prevent further violations of this Act.

Section 7. It shall be a defense to any action to enforce this Act that a business owner or operator relied in good faith upon a written certification or guarantee by the supplier that the shell egg, whole pork meat, or whole veal meat at issue was not derived from a covered animal that was confined in a cruel manner, or from the immediate offspring of a female pig that was confined in a cruel manner.

Section 8. The provisions of this Act are in addition to, and not

in lieu of, any other laws protecting animal welfare. This Act is not intended, and should not be construed to limit any other state law or rules protecting the welfare of animals or to prevent a local governing body from adopting and enforcing its own animal welfare laws and regulations that are more stringent than this section.

Section 9. The provisions of this Act are severable and if any clause, sentence, paragraph or section of this Act, 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.

Section 10. The Attorney General shall promulgate rules and regulations for the implementation of this Act on or before January 1, 2020.

Section 11. Sections 2-7 of this Act shall take effect on January 1, 2022.

QUESTION 4

Law Proposed by Initiative Petition

Legalization, Regulation, and Taxation of Marijuana

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 3, 2016?

SUMMARY

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

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments. The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and

safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana

on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

The proposed law would take effect on December 15, 2016.

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 allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

A NO VOTE would make no change in current laws relative to marijuana.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

The fiscal consequences of this proposed measure may affect both projected state and municipal revenues and expenditures,

but these consequences are difficult to project due to the lack of reliable data. A March 2016 report from the Special Senate Committee on Marijuana concluded as follows: “Tax revenues and fees that would be generated from legal sales may fall short of even covering the full public and social costs (including regulation, enforcement, public health and safety, and substance abuse treatment).”

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: Law enforcement veterans support this initiative because it replaces the current unregulated marijuana market, controlled by drug dealers, with a tightly regulated system controlled by state and local authorities. Passing this measure will allow local law enforcement to shift resources and focus to serious and violent crimes.

The initiative includes strict regulations for business licensing, product testing, labeling and packaging, providing many more consumer safeguards than exist now. Marketing to minors is strictly prohibited, as is public use and driving under the

influence.

Local cities and towns can limit or ban marijuana businesses, and will govern operating hours, locations, and signage.

Taxing marijuana will generate an estimated \$100 million in annual revenue for state and local governments.

Regulation and taxation is working in Colorado, Washington, Alaska and Oregon, generating millions of dollars for education, infrastructure and more. Massachusetts can improve on the regulatory standards already in place and working elsewhere.

Authored by:

Will Luzier

YES on 4

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AGAINST: Vote “NO” on creating a billion-dollar commercial marijuana industry that, just like Big Tobacco, would make millions on the backs of our communities, compromise health and safety, and harm kids.

Vote “NO” because this measure:

- Allows the sale and marketing of highly-potent marijuana edibles like candy, cookies, gummy bears, and soda that are attractive to young people and can lead to accidental overdose by kids and pets.
- Allows people to “home grow” thousands of dollars’ worth of

marijuana, even if neighbors object.

- Severely restricts the ability of cities and towns to control the number of marijuana retailers entering communities and allows pot shops to locate near preschools and playgrounds.
- Ignores the deadly opioid epidemic and the impact legalized pot will have on overall drug use.

This legalization scheme would force Massachusetts into the commercial marijuana industry when communities across Colorado, the first state to legalize, are trying to get out.

Authored by:

Representative Hannah Kane

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FULL TEXT OF QUESTION

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

THE REGULATION AND TAXATION OF MARIJUANA ACT

SECTION 1. The purpose of this Act is to control the production and distribution of marijuana under a system that licenses, regulates and taxes the businesses involved in a manner similar to alcohol and to make marijuana legal for adults 21 years of age or older. Its intent is to remove the production and distribution of marijuana from the illicit market and to prevent the sale of marijuana to persons under 21 years of age by providing for a regulated and taxed distribution system. To the fullest extent possible, its terms are to be interpreted in accordance with the purpose and intent set forth in this section.

SECTION 2. This act may be known as “The Regulation and Taxation of Marijuana Act.”

SECTION 3. Chapter 10 of the General Laws is hereby amended by inserting after section 75 the following sections:

Section 76. Cannabis Control Commission; members; appointment; terms; chairman; secretary

(a) There shall be a commission known as the cannabis control commission to have general supervision and sole regulatory authority over the conduct of the business of marijuana establishments as defined in chapter 94G of the General Laws. The commission shall consist of 1 commissioner and 2 associate commissioners who shall be appointed by the treasurer. Not more than 2 members of the commission shall be of the same political party. The commissioner shall serve a term co-terminous with the treasurer. The associate commissioners shall serve a term

of 4 years. Any vacancy occurring for any reason other than the expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.

(b) The treasurer shall appoint commissioners based on their experience or expertise in public health, law enforcement, social justice, the regulation and business of consumer commodities and the production and distribution of marijuana and marijuana products.

(c) The commissioner shall serve as chair and shall preside over all official activities of the commission.

(d) The treasurer may remove any member for neglect of duty, misconduct or malfeasance in office, after providing the member with a written statement of the charges and an opportunity to be heard.

(e) Two members shall constitute a quorum for conducting the business of the commission. A vacancy shall not impair the right of the remaining members to exercise the powers of the commission.

(f) The commission may expend for such investigators and clerical and other assistants as may be necessary for the performance of its duties. The commissioner may appoint a chief investigator and other investigators, who shall be exempt from chapter 31 of the General Laws, to enforce or cause to be enforced the penalties provided by law against a marijuana establishment that violates chapter 94G of the General Laws and shall make all necessary and appropriate

investigations for that enforcement.

(g) All records of the commission shall be considered public records within the meaning of chapter 66 of the General Laws.

Section 77. Cannabis Advisory Board

(a) There shall be a cannabis advisory board to study and make recommendations on the regulation of marijuana and marijuana products. The board shall consist of 15 members appointed by the governor and shall consist of: 1 expert in marijuana cultivation, 1 expert in marijuana retailing, 1 expert in marijuana product manufacturing, 1 expert in marijuana testing, 1 board member or officer of a medical marijuana treatment center, 1 registered medical marijuana patient, 1 individual who represents marijuana retail consumers, 2 experts in public health, 2 experts in law enforcement, 2 experts in social welfare or social justice, and 2 attorneys with experience providing legal services to marijuana businesses, marijuana consumers or medical marijuana patients in the commonwealth. Members of the board shall serve terms of 2 years. Members of the board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties. Members of the board shall not be state employees for purposes of chapter 268A of the General Laws by virtue of their service on the advisory board. The board shall meet at the discretion of the commission. A majority of the members of the board present and voting shall constitute a quorum.

(b) The cannabis advisory board shall:

- (1) advise the commission on marijuana cultivation, processing, manufacture, transport, distribution, testing and sale;
 - (2) consider all matters submitted to it by the commission;
 - (3) on its own initiative, recommend to the commission guidelines, rules and regulations and any changes to guidelines, rules and regulations that the board considers important or necessary; and
 - (4) advise on the preparation of regulations under chapters 64N and 94G.
- (c) All records of the cannabis advisory board shall be public records under chapter 66 of the General Laws.

SECTION 4. The General Laws are hereby amended by inserting after chapter 64M the following chapter:

CHAPTER 64N.

MARIJUANA TAX.

Section 1. Definitions. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

- (a) "Commissioner", the commissioner of revenue.
- (b) "Marijuana," "Marijuana establishment," "Marijuana product" and "Marijuana retailer", as defined in chapter 94G of the General Laws.

Section 2. State excise imposition; rate; payment. An excise tax is hereby imposed upon the sale of marijuana or marijuana products by a marijuana retailer to anyone other

than a marijuana establishment at a rate of 3.75 per cent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products. The excise tax shall be levied in addition to state tax imposed upon the sale of property or services as provided in section 2 of chapter 64H of the General Laws and shall be paid by a marijuana retailer to the commissioner at the time provided for filing the return required by section 16 of chapter 62C of the General Laws.

Section 3. Local tax option. Any city or town may impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city or town to anyone other than a marijuana establishment at a rate not greater than 2 per cent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products. A marijuana retailer shall pay a local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth.

All sums received by the commissioner under this section shall not be considered received on account of the commonwealth and shall at least quarterly be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has adopted this section in proportion to the amount of such sums received from the sale or transfer of marijuana and marijuana products in the city or town.

Section 4. Exemptions. This chapter shall not apply to the sale of marijuana or marijuana products by a medical marijuana

treatment center or a registered personal caregiver to a qualifying patient or personal caregiver pursuant to chapter 369 of the acts of 2012, nor to any unlawful sale subject to taxation pursuant to chapter 64K of the General Laws.

Section 5. Application of tax revenue. The commissioner shall deposit revenue collected pursuant to this chapter, other than revenue collected pursuant to section 2 of chapter 64H of the General Laws, in the Marijuana Regulation Fund established by chapter 94G of the General Laws and it shall be subject to appropriation.

SECTION 5. The General Laws are hereby amended by inserting after chapter 94F the following chapter:

CHAPTER 94G

REGULATION OF THE USE AND DISTRIBUTION OF MARIJUANA NOT MEDICALLY PRESCRIBED

Section 1. Definitions

As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

- (a) “Consumer”, a person who is at least 21 years of age.
- (b) “Controlling person”, an officer, board member or other individual who has a financial or voting interest of 10 per cent or greater in a marijuana establishment.
- (c) “Commission”, the cannabis control commission established by section 76 of chapter 10 of the General Laws.

(d) “Experienced marijuana establishment operator”, (i) a medical marijuana treatment center as defined in chapter 369 of the acts of 2012 with a registration in good standing, or (ii) a reorganized marijuana business established by a vote of at least 2/3 of the board of directors of an entity that submitted an application for a registration to operate a medical marijuana treatment center to the department of public health before October 1, 2015 and was issued a provisional registration to operate a medical marijuana treatment center by the department of public health before the effective date of this chapter.

(e) “Hemp”, the plant of the genus *Cannabis* or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 per cent on a dry weight basis of any part of the plant of the genus *Cannabis*, or per volume or weight of marijuana product, or the combined per cent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus *Cannabis* regardless of moisture content.

(f) “Manufacture”, to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

(g) “Marijuana” or “Marihuana”, all parts of any plant of the genus *Cannabis*, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that “Marijuana” shall not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;

(2) Hemp; or

(3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

(h) “Marijuana accessories”, equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

(i) “Marijuana cultivator”, an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

(j) “Marijuana establishment”, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

(k) “Marijuana product manufacturer”, an entity licensed to obtain, manufacture, process and package marijuana and

marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

(l) “Marijuana products”, products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

(m) “Marijuana testing facility”, an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

(n) “Marijuana retailer”, an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

(o) “Process” or “processing”, to harvest, dry, cure, trim and separate parts of the marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in subsection (f) of this section.

(p) “Unreasonably impracticable”, that the measures necessary to comply with the regulations, ordinances or by-laws adopted pursuant to this chapter subject licensees to unreasonable risk or require such a high investment of risk, money, time or any other resource or asset that a reasonably prudent

businessperson would not operate a marijuana establishment.

Section 2. Limitations

(a) Operating under the influence. This chapter does not amend existing penalties for operating, navigating or being in actual physical control of any motor vehicle, train, aircraft, motorboat or other motorized form of transport or machinery while impaired by marijuana or a marijuana product or for consuming marijuana while operating, navigating or being in actual physical control of any motor vehicle, train, aircraft, motorboat or other motorized form of transport or machinery.

(b) Transfer to or possession by a person under 21 years of age. This chapter shall not be construed to permit the knowing transfer of marijuana, marijuana products or marijuana accessories, with or without remuneration, to a person under 21 years of age or to allow a person under 21 years of age to possess, use, purchase, obtain, cultivate, process, manufacture, deliver or sell or otherwise transfer marijuana or marijuana accessories.

(c) Manufacture of products. Unless done pursuant to a marijuana product manufacturer license issued by the commission, this chapter does not authorize a person to manufacture marijuana or hemp by means of any liquid or gas, other than alcohol, that has a flashpoint below 100 degrees Fahrenheit.

(d) Property. This chapter shall not be construed to:

(1) prevent a person from prohibiting or otherwise regulating the consumption, display, production, processing, manufacture

or sale of marijuana and marijuana accessories on or in property the person owns, occupies or manages, except that a lease agreement shall not prohibit a tenant from consuming marijuana by means other than smoking on or in property in which the tenant resides unless failing to do so would cause the landlord to violate a federal law or regulation;

(2) prevent the commonwealth, a subdivision thereof or local government agency from prohibiting or otherwise regulating the possession or consumption of marijuana or marijuana accessories within a building owned, leased or occupied by the commonwealth, a political subdivision of the commonwealth or an agency of the commonwealth or a political subdivision of the commonwealth; or

(3) authorize the possession or consumption of marijuana or marijuana accessories on the grounds of or within a public or private school where children attend classes in preschool programs, kindergarten programs or grades 1 to 12, inclusive, or on the grounds of or within any correctional facility.

(e) Employment. This chapter shall not require an employer to permit or accommodate conduct otherwise allowed by this chapter in the workplace and shall not affect the authority of employers to enact and enforce workplace policies restricting the consumption of marijuana by employees.

(f) Negligent conduct. This chapter shall not amend existing penalties for conduct involving the performance of any task while impaired by marijuana that would constitute negligence or professional malpractice and shall not prevent the imposition of

any civil, criminal or other penalty for such conduct.

(g) Relation to medical use of marijuana. This chapter shall not be construed to affect the provisions of chapter 369 of the acts of 2012, relating to the medical use of marijuana as enacted by the people in the state election in 2012.

(h) Adulteration and misbranding. This chapter shall not exempt marijuana or marijuana products from sections 186 to 195, inclusive, of chapter 94 of the General Laws, relating to the adulteration and misbranding of food, drugs and various articles. Marijuana included in a marijuana product manufactured in compliance with the regulations under this chapter shall not be considered an adulterant.

Section 3. Local control

(a) A city or town may adopt ordinances and by-laws that impose reasonable safeguards on the operation of marijuana establishments, provided they are not unreasonably impracticable and are not in conflict with this chapter or with regulations made pursuant to this chapter and that:

(1) govern the time, place and manner of marijuana establishment operations and of any business dealing in marijuana accessories, except that zoning ordinances or by-laws shall not prohibit placing a marijuana establishment which cultivates, manufactures or sells marijuana or marijuana products in any area in which a medical marijuana treatment center is registered to engage in the same type of activity;

(2) limit the number of marijuana establishments in the city or town, except that a city or town may only adopt an ordinance

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or by-law by a vote of the voters of that city or town if the ordinance or by-law:

(i) prohibits the operation of 1 or more types of marijuana establishments within the city or town;

(ii) limits the number of marijuana retailers to fewer than 20 per cent of the number of licenses issued within the city or town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under chapter 138 of the General Laws; or

(iii) limits the number of any type of marijuana establishment to fewer than the number of medical marijuana treatment centers registered to engage in the same type of activity in the city or town.

(3) restrict the licensed cultivation, processing and manufacturing of marijuana that is a public nuisance;

(4) establish reasonable restrictions on public signs related to marijuana establishments; and

(5) establish a civil penalty for violation of an ordinance or by-law enacted pursuant to this subsection, similar to a penalty imposed for violation of an ordinance or by-law relating to alcoholic beverages.

(b) The city council of a city and the board of selectmen of a town shall, upon the filing with the city or town clerk of a petition (i) signed by not fewer than 10 per cent of the number of voters of such city or town voting at the state election preceding the filing of the petition and (ii) conforming to the provisions of the

General Laws relating to initiative petitions at the municipal level, request that the question of whether to allow, in such city or town, the sale of marijuana and marijuana products for consumption on the premises where sold be submitted to the voters of such city or town at the next biennial state election. If a majority of the votes cast in the city or town are not in favor of allowing the consumption of marijuana or marijuana products on the premises where sold, such city or town shall be taken to have not authorized the consumption of marijuana and marijuana products on the premises where sold.

(c) No city or town shall prohibit the transportation of marijuana or marijuana products or adopt an ordinance or by-law that makes the transportation of marijuana or marijuana products unreasonably impracticable.

(d) No agreement between a city or town and a marijuana establishment shall require payment of a fee to that city or town that is not directly proportional and reasonably related to the costs imposed upon the city or town by the operation of a marijuana establishment. Any cost to a city or town by the operation of a marijuana establishment shall be documented and considered a public record as defined by clause Twenty-Sixth of section 7 of chapter 4 of the General Laws.

Section 4. The Cannabis Control Commission

(a) The commission shall, in consultation with the cannabis advisory board and in accordance with chapter 30A of the General Laws, adopt regulations consistent with this chapter for the administration, clarification and enforcement of laws

regulating and licensing marijuana establishments. The regulations shall include:

- (1) procedures for the issuance and renewal of licenses to operate marijuana establishments;
- (2) a schedule of application, license and renewal fees in an amount necessary to pay for all regulation and enforcement costs of the commission; provided however that fees may be relative to the volume of business conducted or to be conducted by the marijuana establishment and shall not exceed:
 - (i) For an initial application, \$3,000;
 - (ii) For a license for a retail marijuana store, \$15,000;
 - (iii) For a license for a marijuana product manufacturer, \$15,000;
 - (iv) For a license for a marijuana cultivator, \$15,000; and
 - (v) For a license for a marijuana testing facility, \$10,000.
- (3) qualifications for licensure and minimum standards for employment that are directly and demonstrably related to the operation of a marijuana establishment and similar to qualifications for licensure and employment standards in connection with alcoholic beverages as regulated under chapter 138 of the General Laws; provided that a prior conviction solely for a marijuana-related offense or for a violation of section 34 of chapter 94C of the General Laws shall not disqualify an individual or otherwise affect eligibility for employment or licensure in connection with a marijuana

establishment, unless the offense involved the distribution of a controlled substance, including marijuana, to a minor;

(4) procedures and policies to promote and encourage full participation in the regulated marijuana industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement and to positively impact those communities;

(5) requirements for the security of marijuana establishments, including security, lighting, video and alarm requirements and requirements for the secure transportation and storage of marijuana, marijuana plants and marijuana products, provided that the requirements shall not prohibit the cultivation of marijuana outdoors or in greenhouses;

(6) requirements to prevent the sale of marijuana and marijuana products to persons under 21 years of age;

(7) requirements for record keeping by marijuana establishments and procedures to track marijuana and marijuana products cultivated, processed, manufactured, delivered or sold by marijuana establishments;

(8) health and safety standards for the cultivation, processing, manufacture and distribution of marijuana and marijuana products, including standards regarding sanitation for the preparation, storage, handling and sale of food products and reasonable limitations on the use of organic and non-organic pesticides;

(9) requirements for the packaging of marijuana and marijuana products, which shall include special packaging requirements

to protect children from ingesting marijuana or marijuana products and requirements for dividing each serving within a package containing multiple servings in a manner that allows consumers to easily identify a single serving;

(10) requirements for the labeling of a package containing marijuana or marijuana products that shall include a symbol or other easily recognizable mark indicating that the package contains marijuana and an identification of the marijuana cultivator or the marijuana product manufacturer who produced the marijuana or marijuana product, and for the labeling of a package containing marijuana products, the amount of tetrahydrocannabinol in a package and in each serving of a marijuana product, the number of servings in a package and a list of ingredients and possible allergens;

(11) requirements for the testing of random samples of marijuana and marijuana products to verify that marijuana and marijuana products are accurately labeled and to verify that products intended for human consumption do not contain contaminants that are in excess of typical standards applied to other commercially available products intended for human consumption;

(12) requirements for safe disposal of excess, contaminated, adulterated or deteriorated marijuana or marijuana products;

(13) reasonable restrictions on signs, marketing, displays and advertising with respect to marijuana, marijuana products and marijuana accessories, including prohibiting marketing or advertising designed to appeal to children;

(14) procedures and requirements to enable the transfer of a license for a marijuana establishment to another qualified person or to another suitable location, which shall not be more restrictive than laws governing the transfer of a license for the sale of alcoholic beverages under chapter 138 of the General Laws; and

(15) provisions for: enforcing this chapter, including penalties for civil violations for the failure to comply with any regulation made pursuant to this section or for any violation of section 13 of this chapter; collecting fees and penalties imposed; suspending the license of a marijuana establishment that include provisions to allow for the continued maintenance and security of any marijuana and marijuana products; terminating the license of a licensee; and appealing civil penalties or licensing actions.

(b) In furtherance of the intent of this act, the commission may also adopt regulations in accordance with chapter 30A of the General Laws which:

(1) establish and provide for issuance of additional types or classes of licenses to operate marijuana-related businesses, including licenses that authorize only limited cultivation, processing, manufacture, possession or storage of marijuana or marijuana products, limited delivery of marijuana or marijuana products to consumers, licenses that authorize the consumption of marijuana or marijuana products on the premises where sold, licenses that authorize the consumption of marijuana at special events in limited areas and for a limited time and licenses intended to facilitate scientific research or

education;

(2) regulate the cultivation, processing, distribution and sale of hemp by marijuana establishments; and

(3) limit the total amount of marijuana cultivated within the commonwealth, if the commission determines after an analysis of the current and anticipated supply of and demand for marijuana and marijuana products, that a limit on the amount of marijuana cultivated within the commonwealth is necessary to minimize illicit markets for marijuana. If the commission limits the total amount of marijuana that may be cultivated within the commonwealth, the commission shall reconsider that determination biannually and shall not set the limit at a level below that which is necessary to provide an adequate supply of marijuana and marijuana products in the commonwealth. No such limit shall be imposed if the import or export of marijuana to or from the commonwealth is not prohibited by federal law.

(c) Regulations made pursuant to this section shall not:

(1) prohibit the operation of a marijuana establishment either expressly or through regulations that make operation of a marijuana establishment unreasonably impracticable;

(2) require testing of marijuana or marijuana products before the commission has licensed any marijuana testing facilities or, if such facilities have been licensed, before such facilities are capable of performing any required tests in a timely manner;

(3) require a customer to provide a marijuana retailer with identifying information other than identification to determine the customer's age and shall not require the marijuana retailer to

acquire or record personal information about customers other than information typically required in a retail transaction;

(4) prohibit a medical marijuana treatment center and an experienced marijuana establishment operator from operating a medical marijuana treatment center and a marijuana establishment at a shared location;

(5) prohibit marijuana establishments from transferring or acquiring marijuana seeds, clones, cuttings, plants or plant tissue from other marijuana establishments or from medical marijuana treatment centers or prohibit a marijuana establishment from transferring or otherwise selling marijuana to a marijuana retailer, a marijuana product manufacturer or a marijuana cultivator; or

(6) prohibit marijuana establishments from using inorganic cultivation methods.

(d) The commission shall administer the laws and regulations relating to licensing in this chapter.

(e) The commission may suspend or revoke the license of a licensee under regulations made pursuant to this chapter upon written notice of a violation and, if applicable, an opportunity to cure any violation within 30 days of such notice. All licensees shall be entitled to an adjudicatory hearing pursuant to chapter 30A of the General Laws prior to suspension of a license for longer than 5 days or the revocation of a license.

(f) The commission shall enforce the laws and regulations relating to the cultivation, processing, manufacture, delivery, storage, sale and testing of marijuana and marijuana products

by marijuana establishments. The commission shall conduct investigations of compliance with this chapter and shall perform regular inspections of marijuana establishments and the books and records of marijuana establishments as necessary to enforce this chapter. The commission shall cooperate with appropriate state and local organizations to provide training to law enforcement officers of the commonwealth and its political subdivisions.

(g) The commission shall hold a public hearing before the adoption, amendment or repeal of any regulation. Adjudicatory proceedings shall be conducted pursuant to chapter 30A of the General Laws and to standard rules of adjudicatory procedure established pursuant to section 9 of chapter 30A of the General Laws.

(h) The commission shall annually publish a full report of its action during each year containing a comprehensive description of its activities and including the number of licenses of each class issued, actions taken pursuant to clause (4) of subsection (a) of this section and a statement of revenue and expenses of the commission.

(i) The commission shall annually review the tax rate established by chapter 64N of the General Laws and may make recommendations to the General Court as appropriate regarding changes to the tax rate that further the intent of this act. The commission may study marijuana commerce and make recommendations to the General Court regarding changes in the laws of the commonwealth that further the intent of this act by filing those recommendations with the clerk of the

house and senate who shall forward the recommendations to the joint committee on consumer protection and professional licensure, the joint committee on revenue and any other committee deemed appropriate by the commission.

(j) The commission shall deposit all license, registration and monetary penalties collected pursuant to this chapter in the Marijuana Regulation Fund established by section 15 of this chapter.

(k) The commission and the department of public health shall work collaboratively to ensure that the production and distribution of marijuana is effectively regulated in the commonwealth in furtherance of the intent of this act.

Section 5. Licensing of marijuana establishments

(a) Upon receipt of a complete marijuana establishment license application and the application fee, the commission shall forward a copy of the application to the city or town in which the marijuana establishment is to be located, determine whether the applicant and the premises qualify for the license and has complied with this chapter and shall, within 90 days:

(1) issue the appropriate license; or

(2) send to the applicant a notice of rejection setting forth specific reasons why the commission did not approve the license application.

(b) Except as provided in subsection (c) of this section, the commission shall approve a marijuana establishment license application and issue a license if:

(1) the prospective marijuana establishment has submitted an application in compliance with regulations made by the commission, the applicant satisfies the requirements established by the commission, the applicant is in compliance with this chapter and the regulations made by the commission and the applicant has paid the required fee;

(2) the commission is not notified by the city or town in which the proposed marijuana establishment will be located that the proposed marijuana establishment is not in compliance with an ordinance or by-law consistent with section 3 of this chapter and in effect at the time of application;

(3) the property where the proposed marijuana establishment is to be located, at the time the license application is received by the commission, is not located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a city or town adopts an ordinance or by-law that reduces the distance requirement; and

(4) an individual who will be a controlling person of the proposed marijuana establishment has not been convicted of a felony or convicted of an offense in another state that would be a felony in the commonwealth, except a prior conviction solely for a marijuana offense or solely for a violation of section 34 of chapter 94C of the General Laws, unless the offense involved distribution of a controlled substance, including marijuana, to a minor.

(c) If a city or town limits the number of marijuana establishments that may be licensed in the city or town

pursuant to clause (2) of subsection (a) of section 3 of this chapter and that limit prevents the commission from issuing a license to all applicants who meet the requirements of subsection (b) of this section:

(1) until January 1, 2018, the commission shall issue licenses first to applicants with the most experience operating medical marijuana treatment centers and then by lottery among qualified applicants; or

(2) on and after January 1, 2018, the commission shall issues licenses by lottery among qualified applicants.

The lottery shall also designate the priority order of unselected applicants in the event that a license becomes available within a year.

Section 6. Expiration and renewal

(a) License term. Unless the commission authorizes the renewal of a license for a longer period, all licenses under this chapter shall be effective for 1 year from the date of issuance.

(b) Renewal. The commission shall issue a renewal license within 30 days of receipt of a renewal application and renewal license fee from a marijuana establishment to licensees in good standing and who have filed any tax returns required pursuant to chapter 64N of the General Laws.

Section 7. Personal use of marijuana

(a) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted,

penalized, sanctioned or disqualified under the laws of the commonwealth in any manner, or denied any right or privilege and shall not be subject to seizure or forfeiture of assets for:

(1) possessing, using, purchasing, processing or manufacturing 1 ounce or less of marijuana, except that not more than 5 grams of marijuana may be in the form of marijuana concentrate;

(2) within the person's primary residence, possessing up to 10 ounces of marijuana and any marijuana produced by marijuana plants cultivated on the premises and possessing, cultivating or processing not more than 6 marijuana plants for personal use so long as not more than 12 plants are cultivated on the premises at once;

(3) assisting another person who is 21 years of age or older in any of the acts described in this section; or

(4) giving away or otherwise transferring without remuneration up to 1 ounce of marijuana, except that not more than 5 grams of marijuana may be in the form of marijuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.

(b) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, if the import or export of marijuana to or from the commonwealth is not prohibited by federal law, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified under the laws of the commonwealth in any manner, or denied any right or privilege and shall not be

subject to seizure or forfeiture of assets for possessing, using, purchasing, cultivating, processing or manufacturing any amount of marijuana or marijuana products for personal use.

(c) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, a person shall not be arrested, prosecuted, penalized, sanctioned or otherwise denied any benefit and shall not be subject to seizure or forfeiture of assets for allowing property the person owns, occupies or manages to be used for any of the activities conducted lawfully under this chapter or for enrolling or employing a person who engages in marijuana-related activities lawfully under this chapter.

(d) Absent clear, convincing and articulable evidence that the person's actions related to marijuana have created an unreasonable danger to the safety of a minor child, neither the presence of cannabinoid components or metabolites in a person's bodily fluids nor conduct permitted under this chapter related to the possession, consumption, transfer, cultivation, manufacture or sale of marijuana, marijuana products or marijuana accessories by a person charged with the well-being of a child shall form the sole or primary basis for substantiation, service plans, removal or termination or for denial of custody, visitation or any other parental right or responsibility.

(e) The use of marijuana shall not disqualify a person from any needed medical procedure or treatment, including organ and tissue transplants.

(f) Notwithstanding any general or special law to the contrary,

except as otherwise provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified and is not subject to seizure or forfeiture of assets for possessing, producing, processing, manufacturing, purchasing, obtaining, selling or otherwise transferring or delivering hemp.

(g) For the purposes of this section, “marijuana concentrate” shall mean the resin extracted from any part of the plant of the genus *Cannabis* and every compound, manufacture, salt, derivative, mixture or preparation of that resin but shall not include the weight of any other ingredient combined with marijuana to prepare marijuana products.

Section 8. Marijuana accessories authorized

Notwithstanding any general or special law to the contrary, except as otherwise provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified and shall not be subject to seizure or forfeiture of assets for possessing, purchasing or otherwise obtaining or manufacturing marijuana accessories or for selling or otherwise transferring marijuana accessories to a person who is 21 years of age or older.

Section 9. Lawful operation of marijuana establishments

(a) Notwithstanding any general or special law to the contrary, except as otherwise provided in this chapter, the following people involved in the distribution of marijuana as authorized by this chapter shall not be arrested, prosecuted, penalized, sanctioned or disqualified and shall not be subject to seizure or

forfeiture of assets for activities specified for:

(1) a marijuana retailer or an owner, operator, employee or other agent acting on behalf of a marijuana retailer possessing or testing marijuana or marijuana products; purchasing, selling or otherwise transferring or delivering marijuana or marijuana products to or from a marijuana establishment; or selling or otherwise transferring or delivering marijuana or marijuana products to a consumer;

(2) a marijuana cultivator or an owner, operator, employee or other agent acting on behalf of a marijuana cultivator cultivating, propagating, breeding, harvesting, processing, packaging, testing, storing or possessing marijuana or marijuana products, or selling or otherwise transferring, purchasing or delivering marijuana and marijuana products to or from a marijuana establishment;

(3) a marijuana product manufacturer or an owner, operator, employee or other agent acting on behalf of a marijuana product manufacturer packaging, processing, manufacturing, storing, testing or possessing marijuana or marijuana products, or delivering, selling or otherwise transferring and purchasing marijuana or marijuana products to or from a marijuana establishment; or

(4) a marijuana testing facility or an owner, operator, employee or other agent acting on behalf of a marijuana testing facility possessing, processing, storing, transferring or testing marijuana or marijuana products.

(b) Notwithstanding any general or special law to the contrary,

except as otherwise provided in this chapter, a person acting in the person's capacity as an owner, employee or other agent of a marijuana retailer who transfers marijuana or marijuana accessories to a person under 21 years of age shall not be subject to arrest or prosecution, penalty, sanction or disqualification, or seizure or forfeiture of assets, if the person reasonably verified that the recipient appeared to be 21 years of age or older by means of government-issued photographic identification containing a date of birth.

Section 10. Contracts pertaining to marijuana enforceable

It is the public policy of the commonwealth that contracts related to the operation of marijuana establishments under this chapter shall be enforceable. A contract entered into by a licensee or its agents as permitted pursuant to a valid license issued by the commission, or by those who allow property to be used by a licensee or its agents as permitted pursuant to a valid license issued by the commission, shall not be unenforceable or void exclusively because the actions or conduct permitted pursuant to the license is prohibited by federal law.

Section 11. Provision of professional services

A person engaged in a profession or occupation subject to licensure shall not be subject to disciplinary action by a professional licensing board solely for providing professional services to prospective or licensed marijuana establishments related to activity under this chapter that is not subject to criminal penalty under the laws of the commonwealth.

Section 12. General marijuana establishment operation

(a) In addition to requirements established by regulation pursuant to section 4 of this chapter or by a city or town pursuant to section 3 of this chapter, a marijuana establishment shall:

(1) secure every entrance to the establishment so that access to areas containing marijuana is restricted to employees and others permitted by the marijuana establishment to access the area and to agents of the commission or state and local law enforcement officers and emergency personnel; and

(2) secure its inventory and equipment during and after operating hours to deter and prevent theft of marijuana, marijuana products and marijuana accessories.

(b) No marijuana establishment may cultivate, process, test, store or manufacture marijuana or marijuana products at any location other than at a physical address approved by the commission and within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the marijuana establishment to access the area. A greenhouse or outdoor marijuana cultivation area shall have sufficient security measures to demonstrate that outdoor areas are not readily accessible by unauthorized individuals, including perimeter security fencing designed to prevent unauthorized entry.

(c) No marijuana establishment shall allow cultivation, processing, manufacture, sale or display of marijuana or marijuana products to be visible from a public place without the use of binoculars, aircraft or other optical aids.

(d) No marijuana establishment shall refuse representatives of the commission the right at any time of operation to inspect the entire licensed premises or to audit the books and records of the marijuana establishment.

(e) No marijuana establishment shall allow any person under 21 years of age to volunteer or work for the marijuana establishment.

(f) No marijuana establishment shall cultivate, manufacture, sell or otherwise transact business with any products containing cannabinoids other than those that were produced, distributed and taxed in compliance with this chapter.

Section 13. Penalties

(a) Restrictions on personal cultivation. No person shall cultivate or process marijuana plants pursuant to section 7 of this chapter if the plants are visible from a public place without the use of binoculars, aircraft or other optical aids or cultivate or process marijuana plants outside of an area that is equipped with a lock or other security device. A person who violates this subsection shall be punished by a civil penalty of not more than \$300 and forfeiture of the marijuana, but shall not be subject to any other form of criminal or civil punishment or disqualification solely for this conduct.

(b) Restrictions on personal possession. No person shall possess more than 1 ounce of marijuana or marijuana products within the person's place of residence pursuant to section 7 of this chapter unless the marijuana and marijuana products are secured by a lock. A person who violates this subsection

shall be punished by a civil penalty of not more than \$100 and forfeiture of the marijuana.

(c) Restrictions on public consumption of marijuana. No person shall consume marijuana in a public place or smoke marijuana where smoking tobacco is prohibited. A person who violates this subsection shall be punished by a civil penalty of not more than \$100. This subsection shall not apply to a person who consumes marijuana or marijuana products in a designated area of a marijuana establishment located in a city or town that has voted to allow consumption on the premises where sold and shall not be construed to limit the medical use of marijuana.

(d) Possession of marijuana in motor vehicles. No person shall, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, possess an open container of marijuana or marijuana products in the passenger area of any motor vehicle. A person who violates this subsection shall be punished by a civil penalty of not more than \$500. For purposes of this section, "open container" shall mean that the package containing marijuana or marijuana products has its seal broken or from which the contents have been partially removed or consumed and "passenger area" shall mean the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passenger while in a seated position; provided however that the passenger area shall not include a motor vehicle's trunk, locked glove

compartment or the living quarters of a house coach or house trailer, or if a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not normally occupied by the driver or passenger.

(e) Possession or cultivation of excess marijuana.

Notwithstanding chapter 94C of the General Laws and until the import or export of marijuana to or from the commonwealth is not prohibited by federal law, a person who is at least 21 years of age and who cultivates more than 6 but not more than 12 marijuana plants or who possesses an amount of marijuana outside of his or her place of residence having a weight of more than 1 ounce but not more than 2 ounces shall be subject only to a civil penalty of not more than \$100 and forfeiture of the marijuana not allowed by section 7 of this chapter, but shall not be subject to any other form of criminal or civil punishment or disqualification solely for this conduct.

(f) Procurement of marijuana by a person under 21 years of age. A person under 21 years of age, except a qualifying patient holding a valid registration card for the medical use of marijuana, who purchases or attempts to purchase marijuana, marijuana products or marijuana accessories, or makes arrangements with any person to purchase or in any way procure marijuana, marijuana products or marijuana accessories, or who willfully misrepresents such person's age, or in any way alters, defaces or otherwise falsifies identification offered as proof of age, with the intent of purchasing marijuana, marijuana products or marijuana accessories, shall be punished by a civil penalty of not more than \$100 and shall

complete a drug awareness program established pursuant to section 32M of chapter 94C of the General Laws. The parents or legal guardian of any offender under the age of 18 shall be notified in accordance with section 32N of chapter 94C of the General Laws and the failure within 1 year of the offense of such an offender to complete a drug awareness program may be a basis for delinquency proceedings for persons under the age of 17 at the time of the person's offense.

(g) Enforcement. Civil penalties imposed pursuant to this section shall be enforced by utilizing the non-criminal disposition procedures provided in section 32N of chapter 94C of the General Laws.

Section 14. Marijuana Regulation Fund

(a) There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Marijuana Regulation Fund. It shall, subject to appropriation, consist of all monies received on account of the commonwealth as a result of applications for and licensing of marijuana establishments, all civil penalties received for violations of this chapter, revenue generated by the state tax imposed by section 2 of chapter 64N of the General Laws and interest earned or other income on balances in the fund.

(b) Subject to appropriation, the fund shall be expended first for the implementation, administration and enforcement of this chapter by the commission and by the cities and towns that authorize the operation of marijuana establishments within their jurisdictions. Subject to appropriation, at the end

of a fiscal year, unexpended balances may be redeposited in the General Fund after all necessary funds are expended for the implementation, administration and enforcement of this chapter.

SECTION 6. Notwithstanding any general or special law to the contrary, if the cannabis control commission fails to adopt regulations necessary for the implementation of this chapter on or before January 1, 2018, each medical marijuana treatment center may begin to possess, cultivate, process, manufacture, package, purchase or otherwise obtain and test marijuana and marijuana products and may deliver, sell or otherwise transfer marijuana to any person who is at least 21 years of age until the commission adopts the regulations necessary for implementation of this chapter and begins to issue licenses to operate marijuana establishments pursuant to section 5 of this chapter.

SECTION 7. The state treasurer shall make the initial appointments to the cannabis control commission under section 76 of chapter 10 of the General Laws by March 1, 2017. The initial appointments shall include 1 member who shall serve an initial term of 2 years.

SECTION 8. The governor shall make the initial appointments to the cannabis advisory board under section 77 of chapter 10 of the General Laws by February 1, 2017. Seven of the initial appointees, as determined by the governor, shall serve for a term of 1 year.

The cannabis advisory board shall meet not less frequently

than quarterly until January 1, 2020.

SECTION 9. The cannabis control commission shall promulgate the initial regulations under section 4 of chapter 94G of the General Laws not later than September 15, 2017.

SECTION 10. The commission shall begin accepting applications:

(a) for marijuana testing facility licenses, by October 1, 2017;

(b) from each experienced marijuana establishment operator for 1 marijuana cultivator license, 1 marijuana product manufacturer license and 1 marijuana retailer license, by October 1, 2017;

(c) if fewer than 75 provisional registrations to operate medical marijuana treatment centers have been issued on October 1, 2017, from all applicants for marijuana retailer, marijuana product manufacturer and marijuana cultivator licenses, on and after January 1, 2018;

(d) from all applicants for marijuana retailer licenses or for marijuana product manufacturer licenses, on and after October 1, 2018; and

(e) from all applicants for marijuana cultivator licenses, on and after October 1, 2019.

SECTION 11. If the commission accepts applications pursuant to subsection (c) of section 10 of this act, it shall license no more than 75 marijuana retailers, 75 marijuana product manufacturers and 75 marijuana cultivators until additional applications are accepted pursuant to subsection (d) or

subsection (e) of section 10 of this act. If this section prevents the commission from issuing licenses to all applicants who meet the requirements of this act, the commission shall issue licenses first to qualified applicants who submitted applications for registrations to operate medical marijuana treatment centers to the department of public health by October 1, 2015 and then by lottery among qualified applicants.

SECTION 12. This act shall take effect on December 15, 2016.

How to Register to Vote...

You may submit a voter registration form if you are:

- **a U.S. citizen, and**
- **a resident of Massachusetts, and**
- **at least 16 years old, and**
- **not currently incarcerated for a felony conviction.**

Pre-registering to Vote

While you must be 18 years old in order to vote, you may pre-register to vote if you are at least 16 years old. If you would like to pre-register, you may submit a voter registration form to your local election official. Your local election official will add you to the list of pre-registrants who will become registered voters upon turning 18. You will be notified by mail when you become eligible to vote.

Please note that you will only be eligible to vote in the November 8, 2016 State Election if you will be 18 years old on or before that date. If you will be turning 18 by Election Day, you must register by the October 19, 2016 deadline for registering to vote – even if your birthday falls after the deadline.

When to Register

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 any

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time 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 8th State Election is October 19th. A completed mail-in voter registration form must be postmarked by October 19, 2016 for you to be eligible to vote in the November 8, 2016 State Election.

How to Register

Online: If you have a Massachusetts driver's license or other identification card issued by the Registry of Motor Vehicles, you may submit your application online at www.RegisterToVoteMA.com. Online voter registration forms must be submitted before midnight on October 19th in order for you to be eligible to vote on November 8th.

In Person: Go to any registration location, such as your city or town hall, and complete an affidavit of registration. Local election offices must be open for voter registration until 8 p.m. on October 19, 2016.

By Mail: Mail-in registration forms are widely available. To obtain additional mail-in registration forms please visit our website at www.sec.state.ma.us/ele to download a form or call 1-800-462-VOTE (8683). Mail the completed form to your local city or town hall.

At the Registry of Motor Vehicles: While applying for, or renewing, a driver's license or updating your address at the RMV, you may 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.

Changing Your Address

If you have moved, you must register again. You may register to vote as soon as you move into your new home. You may update your registration by submitting a new form online, by mail, or in person at any voter registration location. Any changes must be made by the October 19th deadline to register to vote.

Confirmation of Voter Registration

No matter how you register, you should receive confirmation of your registration from your local election official within 2-3 weeks. If you do not receive your notice in the mail, 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/ele.

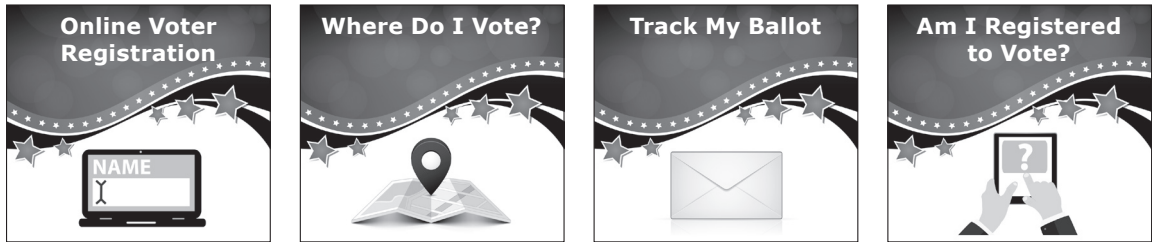
Reminder! Bring Personal Identification to the Polls!

You may be required to show personal identification in order to vote. If you registered to vote by mail, you may be required under federal law to show identification the first time you vote in a federal election, such as the 2016 State Election. Under Massachusetts law, any voter may be asked to show identification if there is a question about their identity. It is recommended that all voters be prepared to show identification on Election Day.

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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 card, current utility bill, bank statement, pay stub, government check, letter from your dormitory on school letterhead, or any other official and current document that shows your name and the address at which you are registered.

Online Tools



Register to Vote Online

Many Massachusetts citizens may now submit their voter registration forms online. If you have a Massachusetts driver's license or any other identification card issued by the Registry of Motor Vehicles, you may submit your voter registration form at www.RegisterToVoteMA.com.

The Secretary of the Commonwealth's online voter registration system allows you to register to vote, change your address, or update your political party. Whether you are registering to vote for the first time or you wish to make changes to an existing registration record, you may go to www.RegisterToVoteMA.com, click the button that says "I Have an RMV ID," and complete a new voter registration form. If you are making changes to your registration, your new form will be used to update your previous registration record.

Once you have submitted your online voter registration, you will be provided with a confirmation page to print for your records. This page is your proof that you submitted your form by the registration deadline. Your form will then be sent to your local election official, who must review and approve your form. Once your local election official has processed your form, you will be sent confirmation of your voter registration by mail. Applications

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submitted online must be completed by 11:59 p.m. on October 19, 2016, in order for you to be eligible to vote on November 8, 2016.

Check Your Voter Registration Status

If you would like to confirm that you are registered to vote at your current address, you may find your voter registration information online by going to www.sec.state.ma.us/ele and clicking on the button that says “Am I Registered to Vote?” We recommend confirming your voter registration information before the October 19, 2016 deadline to register to vote, so that you can make any changes necessary before that deadline.

Use this website to confirm your voter registration, address, and political party. If you are unable to find your voter registration information, you may still be registered to vote at a previous address. If you are not registered to vote at your current address, or you wish to make any other changes to your registration information, you may submit a new voter registration form at www.RegisterToVoteMA.com to make those changes.

Find Your Polling Place & View Your Ballot

Your polling place may have changed since you last voted. You may find your polling place by entering your address at www.WhereDoIVoteMA.com. In addition to your polling place information, you will also be provided with the option to view your ballot. Click “View My Ballot” to look at the candidates and questions that will appear on your ballot on November 8th.

Track Your Ballot

If you have applied for an absentee ballot or an early ballot by mail, you may track your ballot at www.sec.state.ma.us/ele. Enter your name and the address at which you are registered to view the date your ballot was mailed to you, the date it was received by your local election official, and the disposition of your ballot.

The information displayed on the website is provided by your local election official. You should contact your local election official with any questions or concerns about your absentee or early ballot. If your ballot has been rejected for any reason (such as failure to sign the affidavit on the ballot envelope), you will be sent a new ballot as long as time allows. It is recommended that you apply for your ballot and return it as soon before Election Day as possible.

Early and Absentee Voting

Introducing... Early Voting!

Beginning with the November 8th State Election, Massachusetts voters will be able to cast early ballots in biennial state elections.

What – Early ballots are regular election ballots which voters may request and cast before Election Day. All valid early ballots will be counted on Election Day, along with ballots cast at polling places.

Who – All registered Massachusetts voters are eligible to vote early.

How – You may request your early ballot by mail or in person. A printable early ballot application for mailed ballots is available at www.MassEarlyVote.com. This form should be completed and submitted to your local election official, who will then mail you your ballot. All ballots must be returned to your local election official by 8 p.m. on Election Day.

Where – If you would like to vote early in person, you may do so in the office of your local election official, or at any other designated early voting location in your city or town. Beginning in early October, you will be able to find available early voting locations at www.MassEarlyVote.com.

When – The early voting period will begin on Monday, October 24th and it will end on Friday, November 4th. Your local election official must conduct early voting sessions during their regular business hours, but they may hold extended hours.

You may find your town's early voting days and hours at www.MassEarlyVote.com, beginning in early October.

Absentee Voting

Absentee voting will continue to be available to those who qualify. Voters may cast absentee ballots if they will be absent from their municipality on Election Day, or if they have a disability or religious belief which prevents them from voting at their polling place. Unlike early voting, which is currently available only for November state elections, absentee voting will continue to be available for all elections.

Absentee ballot applications are available at www.sec.state.ma.us/ele.

The Postal Service recommends that voters mail ballots no later than one week before Election Day to account for any unforeseen events or weather issues and to allow for timely receipt and processing by election officials.

Military and Overseas Voters

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.

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 website at 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 as well as instruction cards are posted at the polls on Election Day. You may also view a sample ballot at our website: 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 preprinted 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.

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.

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, where many of the above documents are available for viewing.

Email: 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

Email: 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

Email: securities@sec.state.ma.us

- The Public Records Division maintains, preserves and makes accessible government records and records all gubernatorial appointments and commissions. 617-727-2832, website: www.sec.state.ma.us/pre

Email: 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.

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Documents related to the ownership of real estate within the district are recorded at the Registry of Deeds. Website: 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

Email: 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

- 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

Email: 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

Email: 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

- 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
Email: corpinfo@sec.state.ma.us

Other divisions include:

- Lobbyist: website: www.sec.state.ma.us/lob

- 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

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:

- An elderly widow went to her local bank branch to deposit money from the sale of property and was persuaded by the broker to invest in stock market funds and a market-linked CD. The customer was confused as to the nature of the investments because they were sold to her within the bank branch and the broker went against her express wishes not to have exposure to the stock market by placing her in those products. The customer contacted Secretary Galvin's office and was able to reverse the transactions and recover all of her money.
- Two rogue brokers from a broker-dealer engaged in excessive trading in an elderly man's account in order to generate substantial commissions for themselves. The agents concealed the amount charged to the customer so he would not detect the churning of his account. The customer contacted Secretary Galvin's office and was able to recover some of the excessive fees charged to his account and the

brokerage firm was permanently barred from doing business in Massachusetts.

- An older couple contacted Secretary Galvin's office because all of their money had been put into an annuity by their broker and they could not access their money without incurring substantial fees. Secretary Galvin's office was able to get them out of the annuity without having to pay the fees.
- An individual preyed on his elder relatives to obtain total control over their brokerage accounts and steal their money to use for personal expenses. They notified Secretary Galvin's office when he admitted what he did and Secretary Galvin's office was able to get the brokerage firm to reimburse the stolen funds.
- A retired couple hired an investment adviser to help them with their finances. He put them into a product for which he earned a large commission, but the product was unsuitable for their needs and the couple incurred substantial fees. Secretary Galvin's office was able to help get them out of the product and get the fees reimbursed to them.
- A large broker-dealer failed to provide adequate disclosures and documents to older customers regarding surrender charges they incurred when the customers switched variable annuities. Secretary Galvin's office was able to have the broker-dealer reimburse the surrender charges to Massachusetts senior citizens.
- A company paid an individual to advertise and sell its unregistered promissory notes related to real estate to

Massachusetts residents. Secretary Galvin's office was able to get the company to offer reimbursements to all Massachusetts investors and stop the note sales in Massachusetts. Further, his office prevented the individual from being able to get into the securities industry in the future.

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.

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 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.

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 2016 appear in the following order:

Electors for President and Vice President _____

Representative in Congress _____

Councillor _____

Senator in General Court _____

Representative in General Court _____

Sheriff _____

County Commissioner _____

(Barnstable, Bristol, Dukes, Norfolk, Plymouth, or Franklin
Council of Governments)

Register of Deeds _____

(Dukes & Suffolk only)

District Attorney _____

(Bristol only)



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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. The Spanish and Chinese editions of Information for Voters and a large print edition for the visually impaired 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.