

SENATE No. 345

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act authorizing cities, town, and districts to send certain information to registered voters..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 AN ACT AUTHORIZING CITIES, TOWNS AND DISTRICTS TO SEND CERTAIN
2 INFORMATION TO REGISTERED VOTERS.

3 Be it enacted by the Senate and House of Representatives in General Court assembled,
4 and by the authority of the same, as follows:

5 SECTION 1. Chapter 53 of the General Laws is hereby amended by inserting, after
6 section 18A the following section:-

7 SECTION 18B. (a) As used in this section “governing body” shall mean, in a city, the
8 city council or board of aldermen acting with the approval of the mayor subject to the charter of
9 the city, in a town having a town council, the town council, in every other town the board of
10 selectmen, and in a district as provided in sections 113 to 119, inclusive, of chapter 41, the
11 prudential committee, if any, otherwise the commissioners of the district. (b) The governing
12 body of a city, town or district which accepts this section in the manner provided in section 4 of
13 chapter 4 shall print information relating to each question that will appear on the city, town or

14 district ballot. The information shall include: (1) the full text of each question; (2) a fair and
15 concise summary of each question, including a 1-sentence statement describing the effect of a
16 yes or no vote, which shall be prepared by the city solicitor, town counsel or counsel for the city,
17 town or district; and (3) arguments for and against each question as provided in subsections (d)
18 and (e). Not later than 7 days before an election at which the question will be submitted to the
19 voters in a city, town or district, the information in this subsection shall be sent to each
20 household wherein a person whose name appears on the current voting list for the city, town or
21 district resides.

22 (c) Not later than the day following the date of the determination that a question will
23 appear on the ballot in an election, The governing body shall provide written notification to the
24 city solicitor or town or district counsel and to the city or town clerk. (d) Not later than 7
25 days after the determination that a question shall appear on the ballot, the city, town or district
26 solicitor or counsel, as applicable, shall seek written arguments from the principal proponents
27 and opponents of the question. For the purposes of this section, the principal proponents and
28 opponents of a question shall be those persons determined by the solicitor or counsel to be best
29 able to present the arguments for and against the question. The solicitor or counsel shall provide
30 not less than 7 days' written notice to the opponents and proponents of the date on which the
31 written arguments shall be received. Proponents and opponents shall submit their arguments,
32 which shall be not more than 150 words, to the solicitor or counsel, together with a copy thereof
33 to the city or town clerk or, in a district, to the clerk of each city and town within the district.
34 The arguments and summary shall be submitted by the solicitor or counsel to the governing body
35 not more than 20 days before the election for distribution to voters in accordance with subsection

36 (b) of this section. A copy of the arguments and summary shall also be submitted by the solicitor
37 or counsel to the city, town or district clerk.

38 (e) In determining the principal proponents and opponents of a ballot question, the
39 solicitor or counsel shall contact each ballot question committee, if any, as defined in section 1 of
40 chapter 55. The principal proponents or opponents of a ballot question may include officers of a
41 ballot question committee or officers of a city, town or district office or committee including, but
42 not limited to, a finance committee or a school committee. In addition, the principal proponents
43 or opponents may include the first 10 signers or a majority of the first 10 signers of any petition
44 initiating the placement of such question on the ballot. The solicitor or counsel shall determine,
45 based on a review of arguments received, the person or group best able to present arguments for
46 and against a question. If no argument is received by the solicitor or counsel within the time
47 specified by the solicitor or counsel, the solicitor or counsel shall prepare an argument and
48 submit the argument to the governing body, and to the city or town clerk or, in a district, to the
49 clerk of each city and town within the district, within the time specified in subsection (d).

50 (f) All arguments filed or prepared pursuant to this section, and the information prepared
51 pursuant to subsection (b), shall be open to public inspection at the office of city or town clerk
52 or, in a district, at the office of the clerk of each city and town within the district. In addition,
53 each city or town clerk shall make such information available to the voters at all polling places
54 within the city, town or district.