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Rec'd 3/88  
 Please take time to study this booklet. It will provide you with information to make informed choices on election day, November 4.



# Massachusetts Information for Voters

## The Ballot Questions in 1986

Published by the  
 Office of the Secretary of State  
 Michael J. Connolly, Secretary

### Inside you'll find:

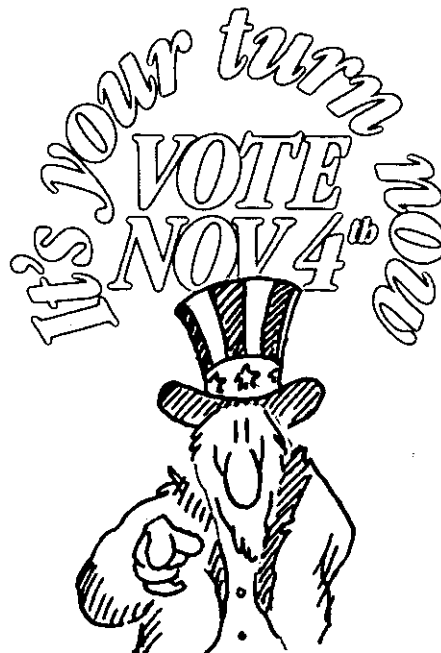
▷ **The Ballot Questions**  
 Including the question as it will appear on the ballot, a summary of the proposal and its purposes, what a "yes" vote or "no" vote means, arguments for and against. In addition, legislative committee reports and complete texts.

<i>Question 1</i>	2
Regulating or prohibiting abortion	
<i>Question 2</i>	3
Government aid to non-public schools and students	
<i>Question 3</i>	4
Limiting state tax revenue increases	
<i>Question 4</i>	7
Cleaning up oil and hazardous materials	
<i>Question 5</i>	10
Requiring use of safety belts in motor vehicles	
<i>Question 6</i>	12
Voter registration by mail	
<i>Question 7</i>	15
National health program	
<i>Question 8</i>	16
National acid rain control program	
<i>Full Texts of Questions</i>	17-25

▷ **Also:**

How to register	26
How to vote	27
How to vote by absentee ballot	28
Services of the Office of the Secretary of State	29

▷ **On the back cover:**  
 Tear-out check lists to take with you to the polls.





## **The Commonwealth of Massachusetts**

Office of the Secretary of State  
Michael Joseph Connolly, Secretary

Dear Voter:

The front cover of this booklet lists eight very significant issues facing Massachusetts voters this year. All of these questions will appear on your ballot on Election Day, November 4.

As a result, the 1986 election is a very important one for all of us. Not only will we be choosing statewide officeholders, representatives on Capitol Hill and Beacon Hill, and some county officials, but we also will be determining public policy with our answers to these ballot questions.

The 1986 *Information for Voters* booklet, as constitutionally required, lists the eight questions with summaries, as well as brief arguments for and against each issue. Those statements will assist you to make a thoughtful decision before you enter your polling place.

The legislators and petitioners who placed these questions on the ballot have done their jobs. It's your turn now. I strongly urge you to read carefully the enclosed material and even take it into the voting booth if you desire. But, by all means, exercise that most essential right of our democratic system, and vote on Tuesday, November 4.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Connolly". The signature is written in a cursive style with a large, looping initial "M".

Michael J. Connolly  
Secretary of State

# About the 1986 ballot questions

There are four kinds of questions which will appear on the November 4th statewide ballot. This booklet gives you detailed information on these questions only. In addition to the statewide ballot questions, there may be other questions in some communities or districts. Contact your city or town officials for the exact format of your ballot and for information on these questions.

## Constitutional Amendments

- Question 1: Regulating or prohibiting abortion
- Question 2: Government aid to non-public schools and students

These are CONSTITUTIONAL AMENDMENTS proposed by the Legislature. A majority of the members of two(2) consecutively elected Legislatures have approved them, and now they will appear on the November 4th ballot. If a majority of voters voting on such a question approves the measure, it will become part of the constitution.

## Initiative Petitions for a Law

- Question 3: Limiting state tax revenue increases
- Question 4: Cleaning up oil and hazardous materials
- Question 6: Voter registration by mail

These are INITIATIVE PETITIONS FOR A LAW proposed by citizens who have obtained the required

number of signatures from Massachusetts voters to place the law on the November 4th ballot. If such a measure receives more "yes" votes than "no" votes, and also receives "yes" votes from at least 30 percent of those voting in the election, it will become law.

## Referendum Petition

- Question 5: Requiring use of safety belts in motor vehicles

This is a REFERENDUM PETITION. The Legislature has already passed this law, but citizens have obtained the required number of signatures from Massachusetts voters to place the law on the November 4th ballot for voter approval or disapproval. If at least as many voters vote "no" as vote "yes" on this question and if at least 30 percent of those voting in the election vote "no", this law will be repealed. Otherwise, it will remain in effect.

## Legislative Advisory Questions

- Question 7: National health program
- Question 8: National acid rain control program

These are LEGISLATIVE ADVISORY QUESTIONS. The Legislature has placed these questions on the statewide ballot to learn voters' opinions about these issues. The results of the vote on these kinds of questions are not binding.

*The Table of Contents is on the cover*

## Attention, Spanish-speaking citizens!

This booklet has been published by the Secretary of State in Spanish. In addition, the full text of the proposals, which is not printed in the Spanish Information for Voters, is available. To request free copies of the Spanish "Information for Voters" and/or the full text, please call Citizen Information Service at 727-7030 in the Boston Metropolitan area, or, toll-free, 1-800-392-6090.

## ¡Atencion, Ciudadanos de baba española!

Este librito ha sido publicado en español por el Secretario de Estado. Además, el texto completo de las propuestas, que no es incluido en "Información en Español para Votantes", es disponible. Para pedir copias gratuitas de "Información en Español para Votantes" y/o los textos completos, favor de llamar al Servicio de Información al Ciudadano al número 727-7030 en el área metropolitana de Boston, o, sin cargos, al 1-800-392-6090.

## Regulating or prohibiting abortion

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the House of Representatives and the Senate on June 27, 1984 by a vote of 120-67, and on April 30, 1986 by a vote of 123-69?

YES   
NO

### Summary

The proposed constitutional amendment would allow the legislature to prohibit or regulate abortions to the extent permitted by the United States Constitution. It would also

provide that the state constitution does not require public or private funding of abortions, or the provision of services or facilities for performing abortions, beyond

what is required by the United States Constitution. The provisions of this amendment would not apply to abortions required to prevent the death of the mother.

**A YES vote** would change the state constitution to allow the state Legislature to regulate or prohibit abortion or the funding of abortion, to the extent permitted by the United States Constitution.

**A NO vote** would leave the state constitution unchanged and continue state constitutional protection of abortion.

### Argument for

If abortion is a private "choice", why do Massachusetts taxpayers pay up to \$1,407,000 for 8,546 convenience abortions each year?

When our tax dollars pay for abortion, abortion is not just "a private matter between a woman and her doctor". The State and each citizen become directly involved in the procuring of that abortion.

A YES vote would:

- Let Massachusetts join the Federal Government and the 36 states which do not use tax dollars to pay for elective abortion.
- Bring the Massachusetts Constitution in line with the United States Constitution on abortion and abortion funding.
- Let the will of the people be expressed in Massachusetts on whether taxpayers must continue paying for convenience abortions, repeat abortions, and abortions obtained out-of-state by Massachusetts minors without parental knowledge or consent.

Vote YES, to lift the burden of tax-funding of abortion from the conscience of the Massachusetts taxpayer.

### Argument against

Before voting to eliminate your rights guaranteed in our constitution, you should understand what that change will mean.

Supporters of this Constitutional Amendment claim it will simply eliminate tax funded abortions. In fact, the intent is to give our state legislators absolute power to prohibit all abortions except when the woman's life is at stake.

The wording of this amendment allows outright prohibition of abortions to the extent the United States Constitution does not stand in the way. A one vote switch in the United States Supreme Court will eliminate protection for safe, legal abortion, so protection under the Massachusetts Constitution is essential.

By failing to include any language which protects victims of rape and incest as well as women whose mental and physical health is gravely threatened, supporters expose the real purpose of this amendment: prohibition.

A NO vote keeps personal, private decisions about childbearing free from government control.

**IMPORTANT:** The 150-word arguments above are written by proponents and opponents of each question, as required by law. The printing of these arguments does not constitute an endorsement by the Commonwealth of Massachusetts, nor does the Commonwealth certify the accuracy or truth of any statement made in the arguments. The names of the individuals and organizations responsible for each argument are on file in the Office of the Massachusetts Secretary of State.

See full text of Question 1 on page 17

# Government aid to non-public schools and students

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the House of Representatives and the Senate on December 12, 1984 by a vote of 108-79, and on April 16, 1986 by a vote of 107-87?

YES   
NO

## Summary

The proposed constitutional amendment would allow the expenditure of public funds for private schools and private school students.

It would remove primary and secondary schools from the list of non-public institutions barred from receiving public aid and would allow

public money, property, or loans of credit to be used for founding, maintaining, or aiding those schools. The proposed amendment would also allow public financial aid, materials, or services to be provided to a non-public school student requesting such aid, but only if that school

does not discriminate in its entrance requirements on the basis of race, color, national origin, religious belief, sex, or physical handicap. The state legislature would have the power to impose limits on aid, materials, or services provided to students.

**A YES vote** would change the state constitution to allow government aid to non-public schools and non-public school students, to the extent allowed by the United States Constitution.

**A NO vote** would keep in the state constitution the current restrictions on government aid to non-public schools and non-public school students.

## Argument for

The Massachusetts Constitution contains language, making it more restrictive than the United States Constitution. It was conceived in anti-Catholic, anti-immigrant bigotry during the last century when mobs were attacking convents. It remains now as an embarrassment to the people of Massachusetts.

A yes vote assures that the second-class citizen status of parochial school students will be eliminated and that such students will enjoy the same status enjoyed by all children in America.

The United States Constitution protects adequately the public treasury and the separation of church and state.

The current *Anti-Aid Amendment* does not protect, it punishes.

The lending of textbooks to primary and secondary non-public school children is allowed in other states, but prohibited in Massachusetts. Yet such a program was authorized in Massachusetts until 1978 when it was challenged under the *Anti-Aid Amendment*.

A yes vote is a vote for equality.

## Argument against

A "no" vote assures that public tax dollars will not be spent to support private schools. Everyone has the constitutional right to choose private or religious schooling, but taxpayers should not have to subsidize it.

We should not give the legislature the power to spend more to subsidize private education. Millions of dollars to pay for private education will have to come from increases in state and local taxes or from money for public schools and municipal services.

Massachusetts is already among the top 12 states with programs for private school students, so additional subsidies are not warranted. Public school programs should not be jeopardized to divert more money to assist private schools.

Very importantly, too, this amendment permits the state to intrude in private or religious education through the "strings" attached when it dispenses public tax dollars.

In 1982, Massachusetts voters overwhelmingly defeated a similar measure. Vote "no" again.

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See full text of Question 2 on page 17

## Limiting state tax revenue increases

Do you approve of a law summarized below, which was disapproved by the House of Representatives on May 6, 1986, by a vote of 49-93, and on which no vote was taken by the Senate before May 7, 1986?

YES   
NO

### Summary

The proposed law would reduce and then repeal the 7½ % surtax on Massachusetts state income taxes and would limit state tax revenue growth to the level of growth in total wages and salaries of the citizens of the state.

It would set the rate of the surtax on Massachusetts state income taxes at 3¾ % for tax years beginning during 1986, and it would repeal the surtax for tax years beginning on or after January 1, 1987.

The allowable state tax revenues for any fiscal year are limited to the allowable state tax revenues for the prior fiscal year as increased by the average rate of growth of Massachusetts wages and salaries for the three immediately preceding calendar years. For purposes of calculating the proposed limit for fiscal year 1987, allowable state tax revenues for fiscal 1986 are the net tax revenues for that fiscal year, but excluding revenues derived from the surtax on state personal income tax. Further, if in any fiscal year the calculation of the limit results in allowable state tax revenues

less than the amount of allowable state tax revenues for the prior year, then allowable state tax revenues for that fiscal year shall be equal to the allowable state tax revenues for the prior year. The revenues limited by this law would not include non-tax revenues such as federal reimbursements, tuitions, fees and earnings on investments.

The amount of allowable state tax revenues for any fiscal year would have to be reduced if a new state law were enacted allowing local governments to impose new or increased taxes or excises. The reduction would be equal to the amount of revenue derived from the new tax or increase. The reduction in state tax revenues would first take effect in the fiscal year following the enactment of the new law authorizing new local taxes or increases.

If state tax revenues exceed the limit imposed by the proposed law, as determined by the State Auditor, a tax credit would have to be granted equal to the total amount of excess tax revenue.

The credit would be applied to the then current personal income tax liability of all taxpayers in proportion to their personal income tax liability in the preceding year.

The provisions of this Act could be enforced in court by a group of taxpayers.

**A YES vote** would limit increases in state tax revenue.

**A NO vote** would leave state tax laws unchanged.

## Argument for

A "YES" vote will encourage economic stability; it mandates that state taxes cannot increase at a rate faster than the wage and salary growth of all Massachusetts workers. A limit on state taxes will prevent the government from spending itself into a crisis—a pattern which in the past required the creation of a "temporary" surtax that lasts until a petition like this one forces its repeal.

While low unemployment and low inflation diminished the need for state services, this year's state budget increased by over one billion dollars! The result of tax over-collection is a state budget surplus in excess of \$600 million! Our tax limit would have returned 75% of that surplus to the taxpayers without cutting state programs or local aid.

A "YES" vote will encourage fiscal responsibility, by telling state government that its budget cannot grow at a rate faster than our own personal budgets.

## Argument against

A NO vote is the only way to preserve the Massachusetts success story.

The myth of "Taxachusetts" is dead: Our state taxes are now 10 percent *below* the national average. The state surtax has *already* been repealed.

The Massachusetts economy is strong. State spending helps business grow and prosper. Why tamper with a system that works?

This tax limit is dangerous and inflexible. It puts the state in a straight-jacket. It threatens our ability to clean up hazardous waste dumps, fund education reform and build more affordable housing. The state aid that keeps Proposition 2½ working would be at risk.

A responsible plan will prevent future budget crises. This scheme will make them more likely. It could disrupt our economy and create deficits.

Help keep Massachusetts' future bright. Join civic, labor and community leaders in voting NO.

**IMPORTANT:** *The 150-word arguments above are written by proponents and opponents of each question, as required by law. The printing of these arguments does not constitute an endorsement by the Commonwealth of Massachusetts, nor does the Commonwealth certify the accuracy or truth of any statement made in the arguments. The names of the individuals and organizations responsible for each argument are on file in the Office of the Massachusetts Secretary of State.*

## Legislative committee reports

### MAJORITY REPORT

House 4004 is an initiative petition which would impose a state tax limit based upon growth in wages and salaries. In addition, it includes a two-year phase-out of the personal income tax surtax.

The language in H.4004 which would phase-out the surtax is exactly what was passed by the Legislature and signed into law in December, 1985. This part of the proposal is thus moot.

A majority of the members of the Joint Committee on Taxation believes that the tax cap as proposed by H.4004 is far too restrictive and unworkable. It would seriously limit the state's ability to respond to future fiscal crises. For example, had this cap been in effect when Proposition 2½ was passed (Chapter 580 of the Acts of 1980), it would have severely constrained the state's ability to increase local aid and thus help communities facing large budget cuts.

There is no provision in H.4004 that allows the cap to be suspended in times of crisis; it is absolutely binding. There is also no provision to allow the state to address the large federal budget cuts which we will soon face. Under H.4004, any revenue used to offset federal losses would be included in the cap.

The cap as proposed in H.4004 will hurt the fiscal future of our cities and towns. This is because cities and towns now rely on state aid for almost one-third of their budgets and one-half of all increases in spending. The state's capacity to keep supplying ever increasing local aid will surely be in doubt under such a cap.

The cap will surely lead to unreasonable declines in public resources. Since local taxes under Proposition 2½ are capped well below the growth in wages and salaries, the limit proposed will result in total state and local revenue growth well below the growth in wages and salaries in the state.

When recession or slow economic growth coupled with high inflation produces wage and salary increases significantly below the inflation rate, the cap will produce decreases in real state spending.

The cap proposed in H.4004 will prevent Massachusetts from addressing important unmet needs. The Commonwealth is now faced with serious needs which are not being funded out of our current budget. For example, we face a huge unfunded pension liability, deferred maintenance of our roads and bridges and

serious hazardous waste clean-ups. In addition, we should do much more in improving education and in providing decent and affordable housing, adequate and affordable health care and responsive human services.

Beginning in fiscal year 1987, the cap will seriously restrict state budget growth, leaving the state unable to pick up federal budget cuts in vital areas such as revenue-sharing, economic development, transportation and housing. Within ten years, hard to control costs will take up a larger and larger share of the state budget, forcing present state programs to compete for a shrinking share of the budget.

A majority of the Committee believes that with the state economy and the business climate so strong at this time, it is unwise to make such a major change in our revenue system. Massachusetts is no longer a high-tax state; our combined state and local tax burden is now well below the national average and the average for the New England states, high technology states and major industrial states.

Further, state spending is not out of control. After adjusting for inflation, the state budget for 1986 is only eleven percent higher than for 1977, making the

**Legislative Committee Reports continued on next page**



average growth rate below one percent.

Finally, such a cap could hurt our economic climate by lowering our bond rating and undermining the Commonwealth's ability to train much needed labor, ensure an adequate housing supply and maintain our transportation and infrastructure system.

For these reasons, it is the recommendation of the Committee on Taxation that this proposal ought not to pass. The Committee recommends that the General Court continue to work towards the development of a legislative alternative that incorporates reasonable limitations on the growth in state taxes.

**Representatives**

John H. Flood  
Frank N. Costa  
William J. Glodis, Jr.  
Thomas M. Gallagher  
Stephen W. Doran  
Frank A. Emilio  
Joseph K. Mackey  
Eleanor Myerson

**Senators**

John W. Olver  
Royal L. Bolling, Sr.  
Richard A. Kraus  
Paul J. Sheehy

**MINORITY REPORT**

H.4004 is an initiative petition filed by Citizens for Limited Taxation.

The proposed legislation would phase out over a two year period the 7 1/2 % surtax on Massachusetts personal income taxes and would also impose an allowable limit on state tax revenues by tying the growth in tax revenues to the growth of the state's economy as measured by a three-year moving average growth in wages and salaries. The revenues limited by this law would exclude non-tax revenues such as federal reimbursement, department revenues and interest income. If state tax revenues exceed the limit, a tax credit would have to be granted equal to the total amount of excess tax revenue.

The primary objective of a limit on state tax revenues is to make state government both affordable and accountable to its taxpayers. The cost of state government should be more certain and predictable. A reasonable limit is possible and can be effected without jeopardizing existing programs or neglecting citizens most in need of state services. Absence of a limit, on the other hand, encourages increased state spending during periods of economic prosperity to a level which is painful to sustain during an economic downturn.

In 1985 the largest tax cut in the state's history was signed into law, reducing taxes by \$320 million by the end of fiscal year 1987. State tax revenues continue to climb and the state budget surplus is now projected in excess of one half a billion dollars. The perfect opportunity for putting a limit on tax revenues is now, when our economy is robust. Restraints put into place now will be relatively painless, thereby preventing a fiscal crisis during periods of economic hardship.

We have a surplus. Will it be spent on programs that will be unaffordable in the future, or will it be spent as a credit against personal income taxes for the deserving taxpayers of the Commonwealth? 137,000 registered voters who signed the Initiative have put a tax cut and limit on the public agenda, and they are waiting for action on their petition.

For the foregoing reasons, a minority of the committee, after due deliberation, recommend the act in the Initiative Petition H.4004 ought to pass.

Rep. Theodore J. Alcixo, Jr.  
Rep. John R. Driscoll  
Rep. Mary Jeanette Murray  
Sen. Paul V. Doane  
Sen. Mary L. Padula

***See full text of Question 3 on page 17***

# Cleaning up oil and hazardous materials

Do you approve of a law summarized below, which was approved by the House of Representatives on May 5, 1986, by a vote of 145-0, and on which no vote was taken by the Senate before May 7, 1986?

YES   
NO

## Summary

The proposed law would require the state Department of Environmental Quality Engineering (DEQE) to search for sites in the Commonwealth where oil or hazardous materials have been disposed of and to take all steps necessary to clean up those sites within specified time limits. Provisions are made for informing the public about sites in their communities.

Beginning on January 15, 1987, DEQE would be required to publish lists every three months of all sites where it has confirmed that uncontrolled oil or hazardous materials have been disposed of and locations to be investigated as possible disposal sites. The lists would describe what actions have been taken at each site or location. DEQE would be required to list, to the extent that it has identified, at least 400 possible disposal sites by January 15, 1987, 600 additional locations by January 15, 1988, and 1,000 additional locations in each

subsequent year.

Within one year after a location is listed as a possible disposal site, DEQE would be required to determine if further investigation is warranted. If so, within two years after the listing, DEQE must confirm whether the location is a disposal site, and whether it poses an imminent or substantial hazard to health, safety, public welfare or the environment.

For sites found to pose a substantial hazard, DEQE would be required, within the next two years, to ensure that those hazards are eliminated and to develop a plan to eliminate permanently future risks from those sites. Imminent hazards would have to be eliminated immediately. For sites found not to pose any substantial hazards DEQE must, within seven years after the listing, ensure that the full extent of contamination is evaluated and that a plan to eliminate permanently future risks is developed.

The proposed law would

require DEQE to provide public notice and encourage public participation. Within 30 days after completing a site investigation, DEQE would have to inform the public through local newspapers of the results of that investigation and of the rights of local citizens under the state law. If ten citizens of a town potentially affected by a site submit a request, DEQE would be required to develop a plan for involving the public in its clean-up decisions and present that plan at a public meeting. The chief municipal officer of a city or town in which a disposal site is located could appoint individual(s) to inspect the site on behalf of the community.

Massachusetts residents could bring lawsuits to enforce the provisions of the proposed law or to lessen a hazard related to oil or hazardous materials. If such a lawsuit is brought, a court could award costs, including reasonable fees for attorneys and expert witnesses.

**A YES vote** would require that specific timetables and standards be met in cleaning up places where oil or hazardous materials have been disposed of.

**A NO vote** would not establish such new requirements for cleaning up places where oil and hazardous materials have been disposed of.

## Argument for

One person in ten in Massachusetts is drinking water that shows signs of toxic chemical contamination.

Despite this fact, the state at its current pace will take 50 years to clean up the hazardous waste dumps poisoning our water, our health, and our future.

A YES vote on Question 4 will speed up hazardous waste cleanup in Massachusetts.

A YES vote will mean:

- 2000 potentially toxic sites in our communities will be investigated within four years; and
- the dangers at all sites will be controlled within four years after they are found.

Over 80 environmental, civic, and public health leaders support this plan. So does the Massachusetts House of Representatives, which approved it unanimously.

We can't afford to wait 50 years to protect our health and that of our children.

Let's get hazardous waste under control in the next decade, not the next century.

Vote YES on Question 4.

## Argument against

A NO vote will go farther toward the timely and workable cleanup of hazardous waste sites that everyone desires than will this proposed law.

The proposal is so seriously flawed that while it was under legislative consideration a number of environmental groups, including Environmental Lobby of Massachusetts, Sierra Club, Massachusetts Audubon Society, and the League of Women Voters, characterized it as containing provisions which undermine its effectiveness, compromise its workability, and unnecessarily inflate the costs to the public. Major business groups agree.

This proposal:

- fails to emphasize the need for a permanent cleanup of sites;
- contains timetables and quotas which may require sacrificing other important environmental programs;
- continues to make an innocent landowner financially responsible for cleanup; and
- requires publication of suspected waste sites, even before verification, and will generate groundless public fears.

A NO vote on this proposal represents a demand for a workable, responsible, and efficient cleanup program.

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## Legislative committee reports

### MAJORITY REPORT

The Joint Committee on Natural Resources and Agriculture has had referred to it H.4002, an Initiative Petition of ten citizens of the Commonwealth, signed by 85,852 registered voters of the state, entitled An Act Providing for Timely and Effective Cleanup and Emergency Relief at Oil and Hazardous Material Disposal Sites.

This Committee has under its jurisdiction matters concerning the protection of our environment, and recognizes the extreme dangers that hazardous and toxic materials pose to the general public's health, safety and welfare.

The Initiative Petition proposed in H.4002 is similar to other matters pending before the General Court. Supported by legislators from every region of Massachusetts, these environmental measures would all fundamentally alter the manner in which the state discovers, investigates, assesses, contains and cleans up hazardous waste dumpsites.

We all know that these dumpsites threaten our environment and endanger public health. In particular, the hazardous materials at these sites imperil our state's most precious and sensitive natural resource: the Commonwealth's drinking water supplies.

Unseen and unheard, toxic chemicals from undiscovered hazardous waste dumpsites can leach into our wellfields and taint our groundwater, leaving it unfit for human consumption. Over a score of our communities have lost underground wells as a result of this contamination.

Unless we engage in an aggressive program to discover and control these dumpsites, more cities and towns will be forced to close polluted wells.

The Committee strongly supports the goals and components of H.4002. The measure would establish strict timelines designed to implement a comprehensive program to discover, assess and contain the dangers at hazardous waste dumpsites.

Those sites which pose an immediate threat to the environment would be cleaned up within six years, and all dumpsites would be controlled within seven years of the time they are discovered.

The proposal directly includes citizens and local officials in the decision-making process by requiring the state to hold public meetings and provide notice in the event that a dumpsite is discovered in a community.

The Initiative would also direct the Commonwealth to look to the future by establishing needed research and development programs to investigate new and improved methods of dealing with hazardous materials.

In order to strengthen and perfect the Initiative Petition and to ensure that it will work smoothly and be as effective as possible when implemented, the Legislature should consider this the first step toward the establishment of the state's comprehensive response to the enormous

## **Legislative Committee Reports, continued**

challenge of hazardous waste cleanup. The Committee feels that after H.4002 becomes law, perfecting amendments can and will be addressed expeditiously by the General Court as part of the ongoing legislative process.

H.4002 presents a balanced and aggressive plan to control the hazardous waste crisis in Massachusetts. By enacting this measure we will be taking great strides in the effort to more fully protect our environment, preserve our drinking water supplies, and ensure the public's health.

The Committee feels that the time for action is now.

We strongly recommend that H.4002 be approved.

Rep. Geoffrey C. Beckwith  
Rep. Carmen D. Buell  
Rep. Frank M. Hynes  
Rep. Robert Emmet Hayes  
Sen. Peter C. Webber  
Rep. Robert A. Durand  
Rep. Christopher J. Hodgkins  
Rep. Patricia A. Walrath  
Rep. Henri S. Rauschenbach  
Sen. Francis D. Doris  
Rep. Barbara A. Hildt  
Sen. Edward L. Burke

### **MINORITY REPORT**

We are opposed to H.4002, not because we do not share the sponsors' concerns about the need for an improved state clean-up program, but rather because we believe that the initiative petition is not only an inappropriate vehicle but may in fact impede the cause it so rightly identifies as deserving support. That H.4002 is not seen as the proper response is quite clear from the statement issued April 29, 1986, from a vast majority of the state's environmental groups, including the Environmental Lobby of Massachusetts, the Sierra Club, the Audubon Society, the League of Women Voters and the Berkshire Natural Resources Council. A letter to the Legislature co-signed by these groups states:

"In its present form, we believe the initiative contains provisions which undermine its effectiveness, compromise its workability, and unnecessarily inflate the costs to the public. Our position remains that the unamended bill is unacceptable." And even the majority report recognizes that the initiative needs amendments "to ensure that it will work smoothly".

Among the major problems with the initiative petition are concerns that H.4002 contains timetables which may be unattainable because of requirements specifying the number of sites that must be addressed each year through a program so resource intensive that other desirable DEQE-mandated environmental programs could be at risk; that the initiative petition

contains no mechanism for funding and therefore places a greater reliance on public rather than private funds for implementation; that requirements for publishing *suspected sites*—sites not yet confirmed to contain hazardous waste—could compromise any undercover surveillance of illegal activity at suspected sites and warn guilty parties before the state takes formal action, or on the other hand assign guilt unjustly to an innocent party. Surveillance has been utilized in several enforcement actions that led to convictions; the language in H.4002 raises serious legal questions about the Commonwealth's ability to force responsible parties to pay for cleanup.

Other problems with the initiative include insufficient emphasis on permanent clean-up and a failure to address what many of us see as a serious problem—the liability of an innocent landowner. These problems not only result in an inadequate bill which would cost taxpayers dearly, but creates the promise of improvement without providing the means to accomplish it. Further, as we have seen recently with the publication of a list of suspect municipal water supplies, merely placing a site on some list and then making the list public without any screening mechanism for assuring that the site, in fact, presents a health and public safety risk, may only cause groundless fear and apprehension.

A number of bills under consideration by the Natural Resources Committee seek to accomplish the goals of H.4002. Others propose to remedy a problem with the state's Superfund Law (Chapter 21E) regarding the liability of a landowner who had no knowledge of any hazardous waste on his property, but who is liable under the statute to pay containment or clean-up costs up to the value of his property. The issue of who is responsible to pay for clean-up—the public or the property owner—is an integral part of any program for hazardous waste site identification and clean-up and must be reconciled.

Perhaps more important than further discussion of the flaws of the petition is an understanding of how close the various parties are to achieving resolution on legislation which not only addresses the concerns raised by the majority in the initiative petition but also addresses the urgency of the problem to the innocent landowner.

For several weeks, negotiation sessions have been held by Natural Resources Committee members and other interested groups, including the Administration, banking interests, real estate developers, representatives of the Attorney General's office, and environmental groups, to discuss the policies that should encompass a comprehensive proposal linking discovery and innocent owner amendments. This working group intends to

complete its discussions and formulate legislation to recommend to the Natural Resources Committee in mid-June, at the latest.

The sponsors of the initiative petition, H.4002, have been among the parties participating in these sessions and have stated their desire not to place the initiative on the November state ballot if a comprehensive bill which they can support is approved by the Legislature prior to the July deadline to submit additional signatures. They have stated publicly that while they want the initiative passed as quickly as possible and would then be willing to work for amendments, their intention, if the Legislature and the governor do not act by the May 7th deadline set in the Constitution, would be to collect the necessary additional signatures to place their initiative on the ballot but not submit them until the July deadline.

The Legislature should allow the next few weeks to be spent completing the task of developing a comprehensive, workable solution at a time when all interested parties are willing to achieve that goal, rather than enacting H.4002. If the efforts fail, the petitioners still have an opportunity to place their proposal before the public.

If the Legislature and the various parties who have been working to improve the petition do not have a few more weeks to come to a resolution, then those who are pushing for early enactment must be prepared to live with the consequences; they should not assume that the Legislature will be prepared to act twice during this session—once on the initiative petition, a second time to make the petition work.

Let us once again stress that opposition to the petition does not mean acceptance of the status quo.

The Legislature has a marvelous opportunity to consolidate and resolve these two issues—one, discovery and cleanup of hazardous waste sites, and two, removing innocent owner liability so that innocent property owners can be free of liability. Enactment of the petition would both remove this opportunity and leave the Commonwealth with a flawed hazardous waste program. We urge members to vote against H.4002.

Sen. Carol Amick  
Rep. Steven Angelo

**See full text of  
Question 4 on page 19**

# Requiring use of safety belts in motor vehicles

Do you approve of a law summarized below, which was approved by the House of Representatives on October 17, 1985 by a vote of 77-62, and by the Senate on October 17, 1985?

YES   
NO

## Summary

The law requires all drivers and passengers to wear properly adjusted and fastened safety belts while travelling in motor vehicles on public ways. It does not apply to: children under five years old who are required by another law to wear safety belts or be restrained in safety car seats; passengers in vehicles where all safety belts are being used by others; passengers in buses; persons riding in vehicles built before July 1, 1966, or in which safety belts were not installed as original equipment; or persons who are certified by a physician to be physically unable to use safety belts. The law also does not apply to police officers, rural mail carriers, or drivers or passengers of other vehicles that stop frequently and travel at speeds not exceeding 15 miles per hour between stops.

Drivers or passengers sixteen years or older who do not wear safety belts are subject to a \$15 fine. The driver of a vehicle is also subject to a \$15 fine for each

passenger under sixteen who does not wear a safety belt. This law, however, can be enforced only if the driver is stopped for a violation of another motor vehicle law. Safety belt violations will not result in surcharges on motor vehicle insurance premiums. The law also requires that when the Commissioner of Insurance sets motor vehicle insurance rates, the rates must reflect any savings attributable to increased use of safety belts.

The law also requires that all motor vehicles manufactured after September 1, 1989, that are sold or registered in Massachusetts be equipped with crash protection devices, as specified by federal regulations. Any manufacturer who sells or delivers motor vehicles that are not equipped with such safety devices will be subject to a fine of not more than \$100 for each sale or delivery. This law is not intended to eliminate the federal requirements for passive crash protection devices in motor vehicles.

The law also provides that

a non-binding question, unlike this binding referendum, shall be placed on the 1986 general election ballot asking whether the voters approve of the law.

**A YES vote** would keep in place the state law that requires use of safety belts in motor vehicles.

**A NO vote** would repeal the state law that requires use of safety belts in motor vehicles.

## **Argument for**

*The law has a simple goal—saving lives and preventing lifelong disabilities. If I had been wearing a safety belt at the time of my accident, I would not be paralyzed today. And because no insurance lasts forever, taxpayers have to pay the costs for thousands of people like me, confined to wheelchairs for life—hidden costs like disability, welfare, worker's compensation and health care.*

*Seat belts work. In the first four months of the seat belt law, auto deaths dropped significantly and police reported 500 fewer people were seriously injured.*

*It's a privilege to drive but some feel the safety belt law restricts individual liberty. I know that your most important liberty is being able to walk and talk—something that hundreds lose in auto accidents every year in Massachusetts.*

*Vote YES to keep this important law. It really is a matter of life and death.*

## **Argument against**

*Vote NO on the Mandatory Seat Belt Law to continue to protect your rights as a citizen of these United States, guaranteeing your freedom of choice as set forth in the Constitution.*

*State and Federal governments don't have the right to dictate personal choice when nobody's safety but that individual's is concerned.*

*The Center for Automobile Safety in Washington, D.C. has conducted studies which reveal an appallingly high level of defects in design, manufacture and installation of safety belts which have been proven to directly cause hundreds of deaths and injuries each year.*

*If the mandatory wearing of seat belts is considered to be a matter of safety for the residents of Massachusetts, why are school children exempt from them? Is a child's safety not worth the effort, too hard to enforce, or too expensive.*

*A NO vote guarantees freedom of choice... a choice to wear them or not to wear them.*

**IMPORTANT:** *The 150-word arguments above are written by proponents and opponents of each question, as required by law. The printing of these arguments does not constitute an endorsement by the Commonwealth of Massachusetts, nor does the Commonwealth certify the accuracy or truth of any statement made in the arguments. The names of the individuals and organizations responsible for each argument are on file in the Office of the Massachusetts Secretary of State.*

**See full text of Question 5 on page 22**

## Voter registration by mail

Do you approve of a law summarized below, which was disapproved by the House of Representatives YES   
on May 6, 1986, by a vote of 56-93, and on which no vote was taken by the Senate before May 7, 1986? NO

### Summary

The proposed law would provide a system of voter registration by mail applicable to all qualified voters and would eliminate statutory provisions permitting certain persons to vote only for presidential electors.

Under this proposed law, the State Secretary would be required to prepare blank forms for affidavits of registration. The Secretary and local boards of registrars would be required to make such forms available to any person eligible to vote in whatever quantity the person requests and to transmit such forms, upon written request, to any person claiming to be qualified to vote. Registrars would also be required to make these forms available at all post offices and at other places within their municipalities. The Secretary would be required to establish a reasonable fee for providing more than 50 forms and to prepare instructions to accompany the forms.

A person seeking to register to vote would be required to complete the affidavit of registration and sign it under oath in the presence of a

witness who is at least eighteen years old. The witness would be required to certify that the affidavit was signed in his presence and to date the affidavit.

A completed affidavit of registration could be either delivered or mailed to the appropriate registrar's office. If, from the facts set forth in the affidavit, it appears that the person is qualified to vote, the registrars would be required to add the person's name to the list of registered voters and to so notify the person by first-class, non-forwardable mail, unless the person's name already appears on the local list of residents at the same address. The cost of mailing such notices would be assumed by the Commonwealth, subject to appropriation. If in any year the General Court fails to appropriate funds for that purpose, such notices would not have to be sent. If such a notice is returned undelivered, the city or town clerk would be required to instruct election officials to challenge the person's right to vote at the next election in which he attempts to vote.

The proposed law would also impose criminal penalties of imprisonment for up to two years or a fine up to \$2,000 for knowingly or willfully making a false affidavit, taking a false oath, or signing a false certificate relative to the qualifications or registration of any person to vote.

**A YES vote** would provide a system of voter registration by mail.

**A NO vote** would continue the present requirement that most voters register in person.

## Argument for

Voting is a right—but you can't vote unless you are registered. For working persons, the military, seniors, handicapped, commuters and anyone who moves who can't visit an election office during business hours, voter registration by mail-in affidavit allows them to register to vote.

Over 1,200,000 eligible Massachusetts adults are not registered—they can't vote. This new law allows us to register without the obstacles presented by 9 - 5 weekday registration.

We pay taxes and insurance and register for the draft by mail. Most communities do the listing of residents by mail. Twenty-three other states, including Maine, New York, Pennsylvania, New Jersey, Maryland, Texas and California, have mail-in voter registration; the Federal Election Commission concludes it works well.

The Governor, Secretary of State, the Democratic party, the Republican leader of the Massachusetts House support this new law. It has stronger anti-fraud provisions than the present law. Join with all of us—VOTE YES.

**IMPORTANT:** The 150-word arguments above are written by proponents and opponents of each question, as required by law. The printing of these arguments does not constitute an endorsement by the Commonwealth of Massachusetts, nor does the Commonwealth certify the accuracy or truth of any statement made in the arguments. The names of the individuals and organizations responsible for each argument are on file in the Office of the Massachusetts Secretary of State.

## Argument against

The public must maintain its confidence in the electoral process. Postcard registration carries the danger of fraud for there is no personal contact with the people. The supposed check on the voter depends on mail being delivered to the registrant's address. An agreement with the residents to accept this letter would permit a non-resident to become registered.

People may register every day of the year that city and town halls are open. Special registration hours are held before each election, the last running from 9 am to 10 pm. Those unwilling to go to these sessions are not likely to vote. Postcard registration will *not* increase voter turnout.

An alternative method has been proposed and is pending in the legislature whereby registration may be achieved when returning census forms. The form could be signed and that person would be registered. As the town or city already knows the person exists from its records, fraud would be prevented.

## Legislative committee reports

### MAJORITY REPORT

We, the undersigned majority of the Election Laws Committee, after extensive deliberation and with strong conviction, strongly state that Initiative Petition H4000 ought not to pass.

We oppose the permanent registering of voters by mail because we believe it has great potential for fraud and abuse. Registering by mail prevents those responsible for registering voters from asking for identification of the registrant in person. Any fraudulent voting dilutes the effect of legitimately cast ballots.

Unlike many states, Massachusetts registration laws are administered by our 351 cities and towns rather than by a centralized system. The potential for duplicate registration and confusion on election day under a mail-in system is great.

Massachusetts is the only state that grants permanent voter registration thereby making the detection of a fraudulent registration by mail more difficult.

Voter registration lists are also used by citizens for other identification purposes, such as foreign travel and proof of citizenship. Thus, it is vital that every effort be made to ensure honest and accurate voter registration. Such assurance

requires the personal identification of each registrant at least once, as does the present system.

We question whether a mail-in system will increase voter registration. Massachusetts now has a higher percentage of eligible voters than do more than half of those states that utilize the mail-in system. Massachusetts also presently makes special provisions to register any disabled person if they cannot go to the registration session.

Finally, we believe mail-in registration is not necessarily more convenient, does not show marked increases in voter participation and in itself, is a system that is an open invitation to duplication and fraud.

#### Representatives

Robert Emmet Hayes  
Robert B. Ambler  
Charles E. Silvia  
James T. Brett  
Vincent J. Lozzi  
Peter Forman  
Augusta Hornblower

#### Senators

Paul V. Doane  
Arthur Joseph Lewis, Jr.  
Mary L. Padula  
Paul J. Sheehy

### MINORITY REPORT

House 4000 is an initiative petition by the Campaign for Mail-In Voter Registration.

This proposed legislation would simplify voter registration procedures by allowing all eligible citizens to register by mail. Any person qualified to vote would be able to register by completing a simple form, called an "affidavit of registration", in the presence of an adult witness. Affidavits could be submitted by mail or hand delivery. Affidavit forms would be available in public buildings such as post offices, city and town halls, and could be requested by mail.

The mail-in voter registration system in this initiative petition is a simpler and easier system for the voter than the present Massachusetts law. Current state law only allows unregistered persons to register only at the local clerk's office during office hours or at temporary registration sites.

Registration by mail will be more

**Legislative  
Committee Reports  
continued on next page**



convenient for all unregistered voters—senior citizens, working people, commuters, and the handicapped, including all those who can't be at the local clerk's office during business hours. Mail-in should help the situation which exists near the registration deadline of long lines. Mail-in should lessen or even erase those long lines.

This initiative petition contains a strong anti-fraud provision requiring local registrars to send a non-forwardable, first class mail notice to any registrant whose name does not appear on the annual street list. If the notice is returned undelivered, the registrant would be submitted to automatic challenge at the polling place. In addition, the maximum penalties for false registration would be doubled to a \$2000 fine and two years imprisonment.

Under current Massachusetts law, there is no systematic procedure for double-checking registration affidavits against annual street lists. In addition, each registration affidavit would have to be signed under the penalties of perjury by both the registrant and an adult witness. There is no evidence that fraud is a problem in any of the 23 states (comprising about 60% of the American people) with mail-in registration. The Massachusetts Secretary of State's office has conducted two surveys of the mail-in registration states and, without exception, the election officials in these states praise mail-in registration and report no fraud problems.

Current voting levels in the United States are lower than in any industrial democracy in the world except Switzerland. Many Americans don't vote because of difficult

voter-registration procedures. Passage of mail-in voter registration is a positive step that will enable citizens to exercise their right to vote.

For the foregoing reason, we, the undersigned members of the Committee on Election Laws, firmly believe that mail-in voter registration, petitioned for in the initiative petition (H. 4000), is in the public interest and ought to pass.

Sen. Gerard D'Amico  
Sen. Royal L. Bolling, Sr.  
Rep. John A. Businger  
Rep. Michael J. McGlynn  
Rep. Roberta R. Goldman  
Rep. Patricia A. Walrath

***See full text of Question 6 on page 23***

# National health program

Shall the Commonwealth of Massachusetts urge the United States Congress to enact a national health program which: provides high quality comprehensive personal health care including preventive, curative and occupational health services; is universal in coverage, community controlled, rationally organized, equitably financed, with no out-of-pocket charges, is sensitive to the particular health needs of all, and is efficient in containing its cost; and whose yearly expenditure does not exceed the proportion of the Gross National Product spent on health care in the immediately preceding fiscal year?

YES   
NO

## Summary

The Legislature has placed this question on the ballot in order to determine whether the people favor or oppose urging the United States Congress to enact a national

health program. This question asks whether the people favor the enactment of a national health program, specifying the goals but not the specific details of the

program. The vote on this question does not bind either the state Legislature or the United States Congress.

**A YES vote** would urge the United States Congress to enact a national health program that meets certain goals.

**A NO vote** would not urge the United States Congress to enact the proposed national health program.

## Argument for

To all Massachusetts voters:

Skyrocketing medical and insurance costs have forced many Massachusetts families to choose between providing for the future and paying for medical care today. Lose your job, or face a chronic illness, and your life's savings could be wiped right out.

The Insurance Industry, their high-paid lobbyists and lawyers **DO NOT** put your financial health first.

America is a great country. We can afford to meet our nation's health care needs.

A YES vote on question seven would establish a comprehensive health care plan to:

- Provide affordable personal health care.
- Get rid of confusing claims-forms.
- Emphasize prevention.
- Cover hospitalization *and* office visits.
- Preserve quality.
- Cut waste and mismanagement.
- Protect the average American family.
- Cap costs at today's levels.

Your yes vote instructs our leaders and Congress to support a cost-effective fair national health program, and cap its costs.

**VOTE YES ON QUESTION SEVEN** for quality health care which everyone can afford!!!

## Argument against

We are justifiably proud of our national commitment to excellence in health-care services. We assert the right of all citizens to accessible, affordable, quality health care. Preserving that right has been and continues to be a firm national priority. But, while recent scientific and technological advances have enabled us to preserve, lengthen and enhance human life, costs of maintaining quality health care have dramatically escalated. Enactment of a national health-care program would place the staggering financial burden of health costs squarely and entirely on the federal government. No government can meet such a commitment without imposing new, burdensome taxes on every citizen. We can learn from the experiences of other national health-care systems in which cost and use guidelines require that people sometimes must wait months for needed medical treatment. We must make every effort to further improve the efficiency and cost profile of our *present system* of private-sector health care.

**IMPORTANT:** The 150-word arguments above are written by proponents and opponents of each question, as required by law. The printing of these arguments does not constitute an endorsement by the Commonwealth of Massachusetts, nor does the Commonwealth certify the accuracy or truth of any statement made in the arguments. The names of the individuals and organizations responsible for each argument are on file in the Office of the Massachusetts Secretary of State.

## National acid rain control program

Shall the Commonwealth of Massachusetts urge the President of the United States and the United States Congress to enact a national acid rain control program which would require a fifty per cent reduction in total national sulfur dioxide emissions by the year nineteen hundred and ninety-five and which would allocate the required reductions in sulfur dioxide emissions, and the costs of achieving those reductions, equitably among the states?

YES   
NO

### Summary

The Legislature has placed this question on the ballot in order to determine whether the people favor or oppose urging the United States

Congress to enact a national acid rain reduction program. This question specifies the goal of a national acid rain reduction program but not

the specific details of the program. The vote on this question does not bind either the state Legislature or the United States Congress.

**A YES vote** would urge the President and Congress to enact a national acid rain control program that meets certain goals.

**A NO vote** would not urge the President and Congress to enact the proposed national acid rain program.

### Argument for

The effects of acid rain throughout the United States have been devastating. In Massachusetts, 5% of our 2500 lakes, ponds, and streams are "dead", 16% will be acidified in the near future and another 18% are endangered. Research indicates that 70% to 90% of the acid rain in Massachusetts comes from out of state.

This petition addresses the national problem of acid rain by urging President Reagan and Congress to enact a national acid rain program requiring a 50% reduction in national sulfur dioxide emissions by 1995. It demonstrates the Commonwealth's willingness to participate, with other states, in meeting the costs of the reduction.

Massachusetts cannot solve the acid rain problem alone, national legislation is urgently needed to reduce acid rain damage. This petition will urge the President and Congress to take action on this tragic problem.

### Argument against

Requiring a fifty percent reduction in sulfur dioxide emissions is arbitrary and lacks any scientific base. Additional research on acid deposition is needed before such a large scale cutback is mandated. Further, the mandate might well lead to severe economic hardship in Massachusetts. This program focuses on only one pollutant and not on nitrogen oxides, particulates, metals and others that may impact on forests, water and public health. Massachusetts already has very stringent air pollution regulations and high energy costs compared to other states, resulting from emission reductions already achieved. This program would require further reductions in Massachusetts and cost sharing to fund reductions in other states. Massachusetts should not be asked to make any further reductions or share in the costs of achieving reductions in other states. This requirement would increase already high energy costs, placing traditional manufacturers and low income consumers at a greater competitive disadvantage. Accordingly, a "NO" vote is urged.

**IMPORTANT:** The 150-word arguments above are written by proponents and opponents of each question, as required by law. The printing of these arguments does not constitute an endorsement by the Commonwealth of Massachusetts, nor does the Commonwealth certify the accuracy or truth of any statement made in the arguments. The names of the individuals and organizations responsible for each argument are on file in the Office of the Massachusetts Secretary of State.

# Full text of proposals

## QUESTION ONE

### Full text of amendment

**Proposal for a Legislative Amendment to the Constitution relative to allowing the General Court to regulate the practice and public funding of abortions consistent with the United States Constitution.**

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution (if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following):

#### ARTICLE OF AMENDMENT

No provision of the Constitution shall prevent the General Court from regulating or prohibiting abortion unless prohibited by the United States Constitution, nor shall any provision of the Constitution require public or private funding of abortion, or the provision of services or facilities therefor, beyond that required by the United States Constitution.

The provisions of this article shall not apply to abortions required to prevent the death of the mother.

## QUESTION TWO

### Full text of amendment

**Proposal for a Legislative Amendment to the Constitution permitting the Commonwealth or its political subdivisions to extend aid to non-public school students within the limits of the United States Constitution.**

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution (if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following):

#### ARTICLE OF AMENDMENT

Article XLVI of the Articles of Amendments to the Constitution of the Commonwealth is hereby amended by striking out section 2 and inserting in place thereof the following section:

Section 2. No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the Commonwealth or any political subdivision thereof for the purpose of

founding, maintaining, or aiding any infirmary, hospital, institution, or charitable or religious undertaking which is not publicly owned or under the exclusive control, order and supervision of public officers or public agents authorized by the Commonwealth or federal authority or both, except that appropriations may be made for the maintenance and support of the Soldiers' Home in Massachusetts and for free public libraries in any city or town and to carry out legal obligations, if any, already entered into; and no such grant, appropriation or use of public money or property or loan of public credit shall be made or authorized for the purpose of founding, maintaining or aiding any church, religious denomination or society. Nothing herein contained shall be construed to prevent the Commonwealth from making grants-in-aid to private higher education institutions or to students or parents or guardians of students attending such institutions.

This amendment shall not be construed to prevent the Commonwealth or any of its political subdivisions from providing aid, materials, or services to a pupil in a private school, which does not discriminate in its entrance requirements on the basis of race or color or national origin, religious belief, sex or physical handicap, to the full extent permissible under the first amendment to the constitution of the United States; provided, that the individual pupil requests the same; and provided, further, that the general court shall have full power to impose conditions or restrictions upon the furnishing of said aid, materials, or services.

## QUESTION THREE

### Full text of law

**Initiative petition for a law phasing out the surtax on the state personal income tax and limiting state tax revenue growth to the level of growth in state wages and salaries.**

*Be it enacted by the people:*

SECTION ONE. Repeal of Surtax on State Income Tax

#### Section 1.

Section eighty-eight of chapter six hundred and eighty-four of the Acts of nineteen hundred and seventy-five is hereby repealed.

#### Section 2.

For taxable years commencing on or after January 1, 1986 and before January 1, 1987, there is hereby imposed, in addition to the taxes levied under the provisions of chapter sixty-two of the General Laws, a tax equal to three and seventy-five one hundredths percent of the taxes levied under the provisions of said chapter. All

provisions of law relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, levied under said chapter shall, so far as pertinent be applicable to the tax imposed by this section.

SECTION TWO. Limitation on the Growth of State Tax Revenues

The General Laws are hereby amended by inserting after Chapter 62E, the following new chapter, Chapter 62F:

#### Section 1. Preamble.

It is the intent of this chapter that there be established for each fiscal year a state tax revenue growth limit calculated on the basis of the level of growth in total wages and salaries of the citizens of the Commonwealth. Further, although not specifically required by anything contained in this chapter, it is assumed that from allowable state tax revenues as defined herein the Commonwealth will give priority attention to the funding of state financial assistance to local governmental units, obligations under the state governmental pension systems, and payment of principal and interest on debt and other obligations of the Commonwealth. Any other provisions of the general or special laws of the Commonwealth notwithstanding, the following provisions shall be effective.

#### Section 2. Definitions

For the purposes of this chapter the following definitions apply:

"Allowable State Tax Revenues" means for any fiscal year beginning after June 30, 1986 an amount equal to the computed maximum state tax revenues, as defined herein, for said fiscal year. Provided, however, that if the computed maximum state tax revenues for a fiscal year are less than the amount of allowable state tax revenues for the immediately preceding fiscal year, then allowable state tax revenues for said fiscal year shall be equal to the allowable state tax revenues for the immediately preceding fiscal year. Provided further, that only for the fiscal year ending on June 30, 1986, allowable state tax revenues for said fiscal year shall be equal to the net state tax revenues for said fiscal year.

"Allowable State Tax Growth Factor" for a fiscal year means a number which equals one-third of the sum derived by adding together for each of the three calendar years ending immediately prior to said fiscal year the quotients which result for each of said calendar years from dividing total Massachusetts wages and salaries for each of said calendar years by total Massachusetts wages and salaries for the calendar year immediately preceding each of said calendar years. Provided, however, that in calculating the allowable state tax growth factor for any fiscal year, the same

# Full text of proposals

total for Massachusetts wages and salaries for a calendar year utilized in prior calculations involving said calendar year shall be utilized in subsequent calculations involving said calendar year, notwithstanding periodic adjustments by the Bureau of Economic Analysis of the United States Department of Commerce made in total Massachusetts wages and salaries for said calendar year.

"Commissioner" means the Commissioner of Revenue as defined in section four(a) of chapter seven of the general laws.

"Computed Maximum State Tax Revenues" means for any fiscal year beginning after June 30, 1986 an amount determined by multiplying the computed maximum state tax revenues for the immediately preceding fiscal year by the allowable state tax growth factor, as defined herein, for the then current fiscal year. Provided, however, that only for the fiscal year ending on June 30, 1986, computed maximum state tax revenues for said fiscal year shall be equal to the net state tax revenues for said fiscal year.

"Excess State Tax Revenues" means the amount by which net state tax revenues, as defined herein, for a fiscal year exceed the allowable state tax revenues, as defined herein, for said fiscal year.

"Local Governmental Unit" means any city, town, county, district or other political subdivision of the Commonwealth.

"Massachusetts Wages and Salaries" means the most current data on annual wages and salaries of citizens of the Commonwealth for the most recently completed calendar year as compiled by the Bureau of Economic Analysis of the United States Department of Commerce, or its successor agency.

"Net State Tax Revenues" means state tax revenues, as defined herein, as decreased by the amount of state tax revenues abated or refunded.

"State Tax Revenues" means the revenues of the Commonwealth from every tax, surtax, receipt, penalty and other monetary exaction, and interest in connection therewith, including but not limited to, taxes and surtaxes on personal income, excises and taxes on retail sales and use, meals, motor vehicle fuels, businesses and corporations, public utilities, alcoholic beverages, tobacco, inheritances, estates, deeds, room occupancy and pari-mutuel wagering; but excluding federal reimbursements, proceeds from bond issues, earnings on investments, tuitions, fees, service charges and other departmental revenues, and revenues directly attributable to the additional taxes levied pursuant to section eighty-eight of chapter six hundred and eighty-four of the

Acts of nineteen hundred and seventy-five.

"Taxable Year" means the taxable year as defined in the Internal Revenue Code of the United States as from time to time amended.

### *Section 3. Limitation on Growth of Allowable State Tax Revenues*

Except as otherwise specifically provided herein, the governor and the general court in exercising their respective constitutional and statutory duties shall endeavor in each fiscal year to establish and approve a budget for the Commonwealth and set rates of taxation for the citizens of the Commonwealth such that net state tax revenues for said fiscal year shall not exceed allowable state tax revenues for said fiscal year.

### *Section 4. Adjustments to Allowable State Tax Revenues*

Allowable state tax revenues for a fiscal year shall be reduced, if, after the effective date of this chapter, by an enactment of the general court, authority is granted to local governmental units by local option or otherwise to impose or levy a new, or to increase an existing, tax or excise. The amount by which allowable state tax revenues for such fiscal year shall be reduced shall be as nearly as possible equal to the additional amount of revenues to be derived by local governmental units by the tax or excise as determined by the Commissioner. Provided, however, that any reduction in allowable state tax revenues for a fiscal year required by this subsection shall first occur in the allowable state tax revenues for the fiscal year beginning immediately after the effective date of the enactment of the general court which gives rise to the reduction herein required.

### *Section 5. State Auditor; Oversight*

(a) Within thirty days of the end of the fiscal year ending June 30, 1987 and within thirty days of the end of each subsequent fiscal year, the Commissioner shall prepare a report of the net state tax revenues and the allowable state tax revenues of the Commonwealth for said fiscal year, and shall submit the report to the State Auditor. The Auditor shall review the report for completeness and accuracy, and may make or request the Commissioner to make any necessary adjustments or modifications to assure its completeness and accuracy.

(b) The State Auditor shall also on or before August 15, 1987, and on or before August 15 of each succeeding year, independently determine whether net state tax revenues for the immediately preceding fiscal year exceeded the allowable state tax revenues for said fiscal year. If the State

Auditor determines that the allowable state tax revenues for the immediately preceding fiscal year were exceeded, except as otherwise specifically authorized herein, he shall report that determination and the amount by which allowable state tax revenues were exceeded to the Governor, the President of the Senate, the Speaker of the House, the respective Chairpersons of the Committees on Ways and Means of the Senate and the House, and the Commissioner. Thereafter, the Commissioner shall take all necessary action to effectuate the provisions of section six of this chapter.

(c) Except as otherwise provided herein, the determination of the State Auditor both as to the existence and the amount of an excess of net state tax revenues over the allowable state tax revenues in a fiscal year shall be conclusive for purposes of section six of this chapter.

### *Section 6. Effect of Net State Tax Revenues in Excess of Allowable State Tax Revenues; Tax Credit*

If net state tax revenues in any fiscal year exceed allowable state tax revenues for said fiscal year the amount of such excess, as determined by the State Auditor and reported to the Commissioner pursuant to section five of this chapter, shall result in a credit equal to the total amount of such excess. The credit shall be applied to the then current personal income tax liability of all taxpayers on a proportional basis to the personal income tax liability incurred by all taxpayers in the immediately preceding taxable year.

The Commissioner shall take such action and shall have the authority to issue such rules and regulations as are necessary to effectuate the requirements of this section.

### *Section 7. Taxpayer Suits*

The Supreme Judicial Court or Superior Court may, upon the petition of not less than twenty-four taxable inhabitants of the Commonwealth, not more than six of whom shall be from any one county, enforce the provisions of this chapter. If successful, said taxable inhabitants shall be entitled to recover reasonable attorneys' fees and other costs from the Commonwealth incurred in maintaining such suit.

### *Section 8. Severability*

The provisions of this law are severable, and if any clause, sentence, paragraph, or section of this chapter 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, or section adjudged invalid.

# Full text of proposals

## QUESTION FOUR

### Full text of law

**An act providing for timely and effective cleanup and emergency relief at oil and hazardous material disposal sites**

*Be it enacted by the people and by their authority:*

#### SECTION 1.

Section 2 of chapter 21E of the General Laws is hereby amended by inserting the following definitions:

"Chief municipal officer", the city manager in any city having a city manager, the mayor in any other city; the town manager in any town having a town manager, the board of selectmen in any other town.

"Disposal site", any structure, well, pit, pond, lagoon, impoundment, ditch, landfill or other place or area, excluding ambient air or surface water, where uncontrolled oil or hazardous material has come to be located as a result of any spilling, leaking, pouring, abandoning, emitting, emptying, discharging, injecting, escaping, leaching, dumping, discarding or otherwise disposing of such oil or hazardous material. The term shall not include any site containing only oil or hazardous materials which: are lead-based paint residues emanating from a point of original application of such paint; resulted from emissions from the exhaust of an engine; are building materials still serving their original intended use or emanating from such use; or resulted from a release of source, byproduct or special nuclear material from a nuclear incident, as those terms are defined in 42 USC Sec. 2014, if such release was subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under 42 USC Sec. 2210.

"Exposure", any contact, ingestion, inhalation or assimilation of or with oil or hazardous materials, including irradiation.

"Imminent hazard", a hazard which poses a significant or otherwise unacceptable risk of harm to health, safety, public welfare, or the environment if it were present even for a short period of time.

"Priority disposal site", a disposal site which constitutes a substantial hazard to health, safety, public welfare, or the environment.

"Substantial hazard", a hazard which would pose a significant or otherwise unacceptable risk of harm to health, safety, public welfare, or the environment if it continued to be present for several years.

#### SECTION 2.

Chapter 21E of the General Laws is hereby amended by inserting after section 3 the following:

*Section 3A. Timetables and Specifications for Action at Disposal Sites*  
The following timetable and specifica-

tions shall apply to the activities of the department in implementing this chapter.

(a) By May 1, 1987 the department shall submit to the general court alternative plans including a plan recommended by the department, for the future staffing, equipping and funding of its programs under this chapter. The department shall develop such plans in consultation with the governor.

These plans shall specify future staff, equipment, funding and resource needs, the timing of those needs, and changes in current staffing and equipping procedures necessary to ensure that the program will conform to the requirements of this chapter and this section without undermining the progress of any other programs of the department.

In developing the future funding portions of the plan, the department shall project the amount of funding needed to fulfill the requirements of this chapter over time, and shall consider and evaluate the needs for, and possible mechanisms for, sources of additional funding; including selling bonds, expanding taxes or assessments already established for the purposes of this chapter, and establishing new taxes or assessments.

Beginning in the year 1988, the department and the department of public health shall revise and update on an annual basis the plans required by this subsection, and shall submit such updated plans to the general court by September 30 of each year, along with an assessment of the progress of the programs under this chapter.

(b) By January 15, 1987 the department shall publish a list of all disposal sites confirmed by the department to that date, and a list of locations to be investigated as possible disposal sites. Thereafter, such lists shall be updated and published on at least a quarterly basis. Such lists shall denote the assessment or response action status of each of the sites or locations, provided, however, that the department may hold confidential for up to 180 days all information regarding any location to be investigated as a possible disposal site if the department determines that public disclosure may interfere with enforcement action by the department or the attorney general, except that for a location held confidential the department shall list its city or town and the number of locations in such city or town held confidential, and the department shall provide on a confidential basis to any person who has reported a location to the department as a potential disposal site a statement as to whether such site has been deemed by the department to be a location to be investigated.

Except as otherwise allowed by this section, the department shall include on the list of locations to be investigated as possible disposal sites each location which, based upon the uses of the

property, the conditions reported, or other information the department has, is reasonably likely to be a disposal site.

In developing the initial list of locations to be investigated, the department shall consider any existing lists of potential disposal sites previously compiled by the department or the United States Environmental Protection Agency, and all active or inactive public and private landfills known to the department.

Further, in developing and updating the list of locations to be investigated the department may assign a site a priority according to the likelihood of such site being a disposal site, and may hold some of the lower priority locations in reserve, rather than immediately listing them as locations to be investigated, provided, however, that the department shall list, to the extent it has identified or has had reported to it, the following numbers of locations:

(1) by January 15, 1987, at least 400 such locations;

(2) by January 15, 1988, at least 600 additional locations beyond those listed in the previous year;

(3) by January 15, 1989, at least 1000 additional locations beyond those listed in the previous year; and

(4) for each subsequent year, at least 1000 additional locations. For any locations reported to the department by a Massachusetts resident after May 1, 1987, the department shall decide whether to list such location as a location to be investigated no later than one month after it was reported to the department.

(c) By November 1, 1988, the department shall undertake and complete a comprehensive program to identify potential disposal sites by: using notifications required by this chapter and other laws; encouraging businesses and members of the general public through financial and/or other incentives to provide information anonymously or otherwise on the location of potential disposal sites; identifying locations within the Commonwealth which are particularly likely disposal sites, for example, vacant or formerly vacant land adjacent to industries of a type that typically have used or disposed of oil or hazardous materials in the past, surface impoundments, and reclaimed or abandoned mines or quarries; where appropriate, interviewing persons and/or examining the records of persons who have been involved in activities such as production, use, transportation or disposal of oil or hazardous materials; or using any other methods which the department deems appropriate.

(d) The department shall address the confirmed disposal sites listed in its initial list of confirmed sites and all locations which it lists as locations to be investigated in accordance with the following procedures and timetables:

# Full text of proposals

(1) As quickly as possible and at most within one year of the listing of any location to be investigated the department shall complete a preliminary assessment of the location. A preliminary assessment shall include a review of available existing data and an offsite reconnaissance visit to the location to determine whether there is a need to further investigate the location to confirm if it is a disposal site.

(2) For a location for which a preliminary assessment indicates further investigation is warranted, as soon as possible and at most within two years after the listing of such location, the department shall complete a site investigation of the location and shall evaluate whether the location is a disposal site or priority disposal site. A site investigation shall include observations, including testing, necessary to determine whether the location is a disposal site or a priority disposal site. Procedures and criteria for evaluating whether a site is a priority disposal site shall be established by the department in accordance with subsection(m) of this section.

(3) If a location is confirmed to be a priority disposal site, as soon as possible and at most within four years of the listing of the location as a location to be investigated, the department shall ensure that the full extent of environmental contamination due to oil or hazardous materials resulting in or from the priority disposal site is evaluated, that interim remedial response actions are taken consistent with the requirements of subsection (f) of this section, and that a plan is developed for final remedial response at the disposal site consistent with the requirements of subsection (g) of this section. For any confirmed disposal sites listed on the initial list of confirmed disposal sites required by this section which are determined to be priority disposal sites, within three years of the initial listing the department shall ensure that the actions described in this paragraph are achieved.

(4) If a location is confirmed to be a disposal site, but not a priority disposal site, or for confirmed disposal sites listed on the initial list of confirmed sites which are determined not to be priority disposal sites, within seven years of the first listing of such location or site pursuant to this section, the department shall ensure that the full extent of environmental contamination due to oil or hazardous materials resulting in or from the disposal site is evaluated and that a plan is developed for final remedial response at the disposal site consistent with the requirements of subsection (g) of this section.

(e) If significant evidence exists at any time of an imminent hazard to public health, safety, welfare, or the environment from oil or hazardous materials at or from the disposal site, the department shall immediately ensure, using its response

powers under section four and its enforcement powers under other sections, that, at a minimum, action is taken to control the potential for health damage, human exposure, safety hazards and environmental harm through appropriate short term measures such as, but not limited to, limiting access to the site, evacuating the area or relocating residents, blocking environmental movement of oil or hazardous materials, providing alternative water supplies, or taking other similar temporary action that will remain effective until other remedial measures of the extent described in subsections (f) or (g) of this section can be implemented.

(f) At each priority disposal site an interim remedial response shall be completed within the deadlines of this section. Such a response shall ensure that, at a minimum, temporary solutions are implemented to the extent feasible for an interim period prior to the implementation of permanent solutions as described in subsection (g). Such solutions shall eliminate any substantial hazard to health, safety, public welfare, or the environment which is presented by the disposal site or any oil or hazardous materials from the site in the environment, and may include, but not be limited to, containment or removal of oil or hazardous materials, relocation, or the provision of alternative water supplies. The department shall ensure that permanent solutions as required under subsection (g) of this section are implemented within the deadlines for an interim remedial response if the department finds that such permanent solutions are feasible and that the immediate implementation of such solutions would be more cost-effective than phased implementation of temporary and permanent solutions.

Any temporary measures implemented in accordance with this section involving construction relative to oil or hazardous materials at a site shall be designed to be effective for a minimum of fifteen years, unless there is established a schedule pursuant to subsection (g) which will ensure the implementation of permanent measures prior to the expiration of fifteen years, in which case, such temporary measures may be designed to be effective for an appropriately shorter period of time.

At each site at which temporary measures are implemented, appropriate systems to monitor the effectiveness of the required measures shall be installed, maintained and used. Where these systems indicate failure of any temporary measures, steps necessary to restore effectiveness shall be taken immediately. At each site where the temporary measures applied initially do not eliminate all substantial hazards to health, safety, public welfare, or the environment, additional temporary measures shall be implemented as they become feasible. Temporary solu-

tions shall be designed to facilitate the permanent solutions required by subsection (g) of this section.

The removal of oil or hazardous materials or contaminated soil or water from a site for land disposal at another location shall not be a satisfactory interim remedial response unless there is no other feasible and acceptable temporary solution.

The order in which priority sites are addressed under this subsection shall be determined in accordance with the Massachusetts Contingency Plan.

(g) The department shall ensure that a final remedial response plan shall be developed for each disposal site within the deadlines of this section. Such final remedial response plan shall establish for a site a timetable of definitive and enterprising steps to be taken by the department and/or other specified persons to identify, develop, and implement a feasible, permanent solution at the site. Where permanent solutions are not yet feasible, the plan shall specify actions to be taken toward making such solutions feasible including, where appropriate, the development of technologies to be applied at the site, and shall ensure that any temporary solutions on the site remain effective until a permanent solution is effectuated.

For the purposes of this section, a "permanent solution" shall mean a measure or combination of measures that, at a minimum, will ensure the attainment of a level of control of each identified substance of concern at disposal site or in the surrounding environment such that no such substance of concern will present a significant or otherwise unacceptable risk of damage to health, safety, public welfare, or the environment during any foreseeable period of time. In determining whether the risks remaining following implementation of such solution will be significant, the department shall consider existing public health or environmental standards where applicable or suitably analogous, and any current or reasonably foreseeable uses of the disposal site and the surrounding environment that may be affected by the oil or hazardous materials at the site or in the surrounding environment.

If appropriate, permanent solutions may be implemented on portions of a site. Where feasible, permanent remedial action shall include measures designed to reduce to the extent possible the level of oil or hazardous materials in the environment to the level that would exist in the absence of the disposal site of concern.

(h) Response actions required pursuant to subsections (f) and (g) of this section shall be deemed to be feasible unless:

(1) no technology exists to achieve the extent of response action mandated by the applicable subsection; or

(2) the costs of conducting, or the risks resulting from, the response action mandated would not be justified by the benefits, considering such factors as



# Full text of proposals

potential damage to the environment or health, costs of environmental restoration, long-term operation and maintenance costs, and nonpecuniary values; or

(3) individuals with the expertise needed to effectively implement available solutions would not be available, regardless of the arrangement for securing their services; or

(4) the only available means of achieving applicable response action would necessitate land disposal other than at the site itself and no off-site facility is available in the commonwealth or in other states that is in full compliance with all applicable federal and state regulatory requirements.

(i) By November 1, 1988 the department shall:

(1) establish, in cooperation with federal agencies, universities, other states, private corporations and others, research, development, and demonstration programs to develop and demonstrate the viability of technologies necessary to accomplish the specifications for final remedial responses provided in subsection (g). Such programs shall be designed to help to ensure that permanent cleanup as described in subsection (g) is achievable at all sites by January 1, 1997.

(2) establish, in cooperation with federal agencies, universities, other states, private corporations and others, training programs designed to help to ensure that the department has access to individuals with the expertise necessary to accomplish the requirements of this section. Such programs shall provide for the further training of current department personnel and for training of potential future department personnel.

(j) The Commonwealth may provide incentives to encourage voluntary cleanup efforts, and may negotiate with persons potentially liable for response actions under section 5(a) of this chapter to ensure that they undertake needed response actions at disposal sites, provided, however, that the department shall ensure that all of the action deadlines specified in this section are met. Toward that end, the department shall establish and implement intermediate deadlines for each disposal site, including but not limited to, deadlines for compliance with orders and termination of settlement discussions which will ensure action by the department or other persons consistent with the deadlines of this section. To the extent that action by any person is not being undertaken at a time, rate or manner that will meet the specifications and deadlines of this section, the department shall utilize its authority under section four of this chapter to ensure response action within the specifications and deadlines of this section, and earlier if possible.

(k) The department shall make every effort to provide the documentation required under CERCLA in order to make

sites eligible for federal response action monies. In entering or revising cooperative agreements and contracts with the federal government under CERCLA, the department shall, to the greatest extent possible, seek to include in each agreement or contract sufficient flexibility and authority to allow response actions to be undertaken utilizing federal monies within the deadlines and specifications of this section.

(l) In the event that conditions beyond the control of the department and peculiar to a particular disposal site substantially impede compliance with a deadline for interim remedial response action at such disposal site, or if the department reasonably anticipates that federal monies will be available for such response actions but such monies are not available soon enough to meet the timelines or specifications of this section, the department may extend for up to one year any deadline of this section for completing an interim remedial response action at the site.

(m) By January 1, 1988, the department shall revise or complete the Massachusetts contingency plan mandated by subsection (b) of section 3 of this chapter to conform to the requirements of this section. Such plan shall include simple, standardized methods and criteria for evaluating the degree of hazard present at a disposal site including whether the disposal site is an imminent or substantial hazard and whether it is a priority disposal site, and the feasibility and effectiveness of response actions mandated by subsections (f) and (g). Such methods and criteria may comport with and complement the methods and criteria of the National Contingency Plan prepared under the authority of 33 U.S.C. Sec. 1321 (c) and 42 U.S.C. Sec. 9605, and shall be biased to be protective of health, safety, public welfare and environment.

(n) Nothing in this section shall be construed to limit the authority of the department under this chapter or any other provision of the General Laws to take actions to protect public health, safety, welfare or the environment.

## SECTION 3.

Said Chapter 21E is hereby amended by inserting after section 13 the following:

### *Section 14. Public Notice and Participation*

(a) Within thirty days after the completion of each site investigation required by section 3A of this chapter, the department shall publish in newspapers, which circulate to communities potentially affected by oil or hazardous materials from the location investigated, a notice summarizing the results of the investigation, stating whether there is a disposal site at the location, stating whether it has been deemed to be a priority disposal site, and summarizing the rights of local residents pursuant to this chapter. The

department shall concurrently with such notice submit to said newspapers a press release with the same type of information.

(b) Upon written petition of ten or more residents of a municipality in which a disposal site is located, or of a municipality potentially affected by a disposal site, the department shall hold a public meeting at a time and location convenient to the affected public, and at such meeting shall present a proposed plan for involving the public in decisions regarding response actions at the site. The department shall inform residents of potentially affected communities of the meeting in the manner described in subsection (a). The department shall design the proposed plan to ensure: that interested members of the public will have sufficient notice, access to documents, and opportunity to comment to enable them to affect decisions regarding response actions at the disposal site; that all public meetings or hearings will be held at locations and times convenient to the affected public; and that public documents regarding the site will be available at locations and times convenient to the affected public. Following the meeting on the proposed plan, the department shall revise the plan to reflect comments it receives and make it available to the public. Nothing in this section shall preclude the development of a public participation plan or the conducting of public meetings or hearings by the department in the absence of a petition.

(c) Subject to appropriation, the department may provide for limited grants to be given to any group of individuals who may be affected by oil or hazardous materials from any disposal site. Any recipient group shall use such grant to obtain expert advice and technical assistance on matters relating to handling of disposal sites pursuant to this chapter. The department shall promulgate by November 6, 1987 regulations specifying terms and conditions of eligibility for and use of such grant.

(d) The chief municipal officer of a city or town in which a disposal site is located may appoint from members of the potentially affected public an individual, or individuals, to inspect the site on behalf of the community. Such individual or individuals shall be given reasonable opportunities by the department and the site owner or operator to inspect such site prior to, during, and after the implementation of major response actions, and may bring with them on such inspections experts on oil or hazardous materials releases or responses.

### *Section 15. Citizen Enforcement*

In any suit by Massachusetts residents to enforce the requirements of this chapter, or to abate a hazard related to oil or hazardous materials in the environment, the court may award costs, including reasonable attorney and expert witness fees, to any party other than the Commonwealth



# Full text of proposals

who advances the purposes of this chapter.

## SECTION 4.

The provisions of this act are severable, and if any of its provisions or an application thereof shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions or other applications thereof.

## QUESTION FIVE

### *Full text of law*

#### **An act requiring the use of safety belts in certain motor vehicles**

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

SECTION 1. Section 1 of chapter 90 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the definition of "Operator" the following definition:—

"Occupant crash protection device", a passive restraint device which operates in accordance with the specifications of 49 Code of Federal Regulations 571.208, as authorized by 15 USC 1392, in effect on July first, nineteen hundred and eighty-five.

SECTION 2. Section 7A of said chapter 90, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

The purpose of the safety and combined safety and emissions inspection regulations shall require that motor vehicles are provided with the following equipment maintained in good order: a vehicle identification number, brakes, stop lamps, lights, directional signals, horn, exhaust system, steering and suspension systems, glazing, windshield cleaner, number plates, tires, fenders, bumpers, external sheet metal, reflectors, splash guards, chock blocks, air pollution emission control systems or devices, and safety belts for motor vehicles subject to section seven BB.

SECTION 3. Said chapter 90 is hereby further amended by inserting after section 7AA the following section:—

Section 7BB. No person shall operate a motor vehicle nor ride as a passenger in a motor vehicle on any way unless such person is wearing a safety belt which is properly adjusted and fastened. No person operating a motor vehicle shall permit any person under the age of sixteen to ride as a passenger in such motor vehicle unless such person is wearing a safety belt which is properly adjusted and fastened.

The provisions of this section shall not apply to: (1) any child less than five years

of age who is subject to the provisions of section seven AA; (2) any person riding as a passenger in a motor vehicle in which all seating positions equipped with safety belts are occupied by other passengers who are using said restraints; (3) any person riding as a passenger in a bus or motor bus as defined in section one; (4) any person riding in a motor vehicle manufactured before July first, nineteen hundred and sixty-six; (5) any person operating or riding as a passenger in any motor vehicle in which safety belts were not installed as original equipment at the date of manufacture; (6) any person who is physically unable to use safety belts; provided, however, that such condition is duly certified by a physician who shall state the nature of the condition, as well as the reason such use is inappropriate; and provided, further, that no such physician shall be subject to liability in any civil action for the issuance or for the failure to issue such certification; (7) any rural mail carrier of the United States Postal Service operating a motor vehicle while in the performance of his duties; (8) any driver or passenger who frequently stops and leaves a motor vehicle or delivers property from said vehicle, if the speed of such vehicle between stops does not exceed fifteen miles per hour; (9) any police officer operating a motor vehicle while performing his duties as a police officer.

Any person who operates a motor vehicle without wearing a safety belt, and any person sixteen years of age or over who rides as a passenger in a motor vehicle without wearing a safety belt, who is not subject to the exceptions provided in this section shall be subject to a fine of fifteen dollars. Any operator of a motor vehicle shall also be subject to an additional fine of fifteen dollars for each person under the age of sixteen who is a passenger in said motor vehicle and who is not subject to the exceptions provided in this section and is found to be in violation of this section. The provisions of this section shall be enforced by law enforcement agencies only when an operator of a motor vehicle has been stopped for a violation of the motor vehicle laws. For the purpose of enforcing this section, any passenger in a motor vehicle shall, upon the request of a law enforcement officer, give his true name, address and age.

Any person who receives a citation for violating this section may contest such citation pursuant to section three of chapter ninety C. Except for proceedings conducted pursuant to said section three, a violation of this section shall not be used as evidence in any civil action. A violation of this section shall not be considered as a conviction of a moving violation of the motor vehicle laws for the purposes of determining surcharges on motor vehicle insurance premiums pursuant to section one hundred and thirteen B of chapter one hundred and seventy-five.

SECTION 4. Section 113B of chapter 175 of the General Laws, as so appearing, is hereby amended by inserting after the twelfth paragraph the following paragraph:—

In fixing and establishing a premium charge for bodily injury coverage for a motor vehicle, the commissioner shall reflect the savings attributable to the increased use of safety belts as required by the provisions of section seven BB of chapter ninety.

SECTION 5. Any motor vehicle offered for sale or registered in the Commonwealth which is manufactured on or after September first, nineteen hundred and eighty-nine shall be equipped with an occupant crash protection device, as defined in section one of chapter ninety of the General Laws.

Any motor vehicle manufacturer who sells or delivers a motor vehicle which fails to comply with this section shall be punished by a fine of not more than one hundred dollars for each sale or delivery of a noncomplying motor vehicle. Compliance with this section by the manufacturer shall be made by self-certification and the manufacturer shall forward to the registrar of motor vehicles a statement certifying that such vehicles are in compliance with the provisions of this section.

SECTION 6. The governor's highway safety bureau shall conduct a public information and education program in motor vehicle occupant protection under the supervision of the secretary of public safety. The public information and education program shall consist of public service announcements, demonstrations, regional conferences, pre-school and grammar school education programs and police training.

The secretary of public safety shall file a report containing his findings on the effectiveness of such education program with the clerk of the house of representatives and said clerk shall forward the report to the joint legislative committee on public safety no later than March thirtieth, nineteen hundred and eighty-six; provided, however, that the report shall include a survey showing the percentage of drivers in the Commonwealth wearing safety belts in February of nineteen hundred and eighty-six.

SECTION 7. The secretary of the commonwealth shall cause to be placed upon the official ballot to be submitted to the voters at the next biennial state election the following nonbinding question: "Do you approve of an act passed by the General Court in the year nineteen hundred and eighty-five, entitled 'An Act requiring the use of safety belts in certain motor vehicles'?"

SECTION 8. The passage of this act shall not be interpreted to rescind the

# Full text of proposals

requirement of occupant crash protection as contained in 49 Code of Federal Regulations 571.208, as authorized by 15 USC 1392.

**SECTION 9.** This act shall take effect on January first, nineteen hundred and eighty-six.

## QUESTION SIX

*Full text of law*

**An act providing for a more effective and simplified voter registration system.**

*Be it enacted by the people, and by their authority:*

### SECTION 1.

Section 1 of chapter 51 of the General Laws is hereby amended by striking out the first sentence and inserting in the place thereof the following sentence:—

Every citizen eighteen years of age or older, not being a person under guardianship and not being temporarily or permanently disqualified by law because of corrupt practices in respect to elections, who is a resident in the city or town where he claims the right to vote at the time he registers, or who resides outside the United States and last resided in such city or town before departing the United States, and who has complied with the requirements of this chapter, may have his name entered on the list of voters in such city or town, and may vote therein in any such election, or except insofar as restricted in any town in which a representative town meeting form of government has been established, in any meeting held for the transaction of town affairs.

### SECTION 2.

Section one A of said chapter fifty-one is hereby repealed.

### SECTION 3.

Sections one E and F of said chapter fifty-one are hereby repealed.

### SECTION 4.

Section 3 of said chapter 51 is hereby amended by striking out the last sentence.

### SECTION 5.

Section 12 of said chapter 51 is hereby amended by striking out in the first sentence the words "or where applications under section one A are made to qualify for voting electors of president and vice-president".

### SECTION 6.

Section twenty-two A of said chapter fifty-one is hereby repealed.

### SECTION 7.

Said chapter 51 is hereby further amended by striking out section 26 and inserting in place thereof the following section:—

*Section 26.* The registrars, for the purpose of registering voters, in the manner hereinafter provided, shall hold such day and evening sessions as the town by by-law or the city by ordinance shall prescribe and such other sessions at locations that they deem effective for the purpose of registering voters, and they may, for such purposes, use mobile registration units; but except as provided in section thirty-four, there shall be no registration of voters between ten o'clock in the evening on the twenty-eighth day preceding, and the day following, the biennial state primary, the presidential primary and the biennial state election, nor in any city between ten o'clock in the evening on the twentieth day preceding and the day following a city election, or city primary or preliminary election, nor in any town between ten o'clock in the evening on the twentieth day preceding and the day following the annual town meeting notwithstanding any contrary provisions in any special law. In any city or town in which the annual city or town election is held on the first Monday in March, in a year when the presidential primary is held, the registration sessions held by the election commissioners or registrars of voters in preparation for the city or town election shall also serve as registration sessions for the primary. If any person applies for registration during a period prior to a regular or special preliminary, primary or election when registration to qualify as a voter in such preliminary, primary or election is prohibited by the provisions of this section, such person, if otherwise qualified, shall be registered and his name shall be placed on the voting lists as a registered voter for all later preliminaries, primaries or elections. The time and place of registration shall be the same for male and female applicants.

### SECTION 8.

Section 32 of said chapter 51 is hereby amended by striking out the last sentence.

### SECTION 9.

Said chapter 51 is hereby further amended by striking out section 33 and inserting in place thereof the following section:—

*Section 33.* Any registrar, at such places as may be appointed, and on the day and during hours designated for the purpose, may receive affidavits of registration, but all the actions of one registrar shall be subject to review and acceptance by the board.

In cities, and in towns having six hundred or more registered voters, any person shall be registered, as aforesaid, during regular business hours except during such times as such registration is not permitted by law to be made.

### SECTION 10.

Section 34 of said chapter 51 is hereby amended by striking out the last sentence.

### SECTION 11.

The first paragraph of section 36 of said chapter 51 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— In accordance with section forty-two A, the state secretary shall prepare in sufficient quantity blank forms for affidavits of registration which shall be in substantially the following form:

### SECTION 12.

The form of affidavit in said section 36, as so appearing, is hereby amended by striking out the word "TITLE" and inserting in place thereof the words:— ADDRESS OF WITNESS.

### SECTION 13.

Section 38 of said chapter 51 is hereby amended by striking out in the fourth sentence the words "and the list of persons qualified to vote for electors of president and vice-president prepared as required by section fifty-eight A".

### SECTION 14.

Section 42 of said chapter 51 is hereby amended by striking out in the last sentence the words "or to qualify under section one A for voting for electors of president and vice president, as the case may be".

### SECTION 15.

Said chapter 51 is hereby further amended by striking out section 42A and inserting in place thereof the following section:—

*Section 42A.* (a) A completed affidavit of registration under section forty-four may be delivered to the appropriate office, registrar or assistant registrar or it may be mailed to the office of the appropriate registrars, first class mail, postage paid. Whether delivered or mailed, the affidavit must be sworn to under the penalties of perjury and otherwise conform to the requirements of section thirty-six.

(b) Any person claiming to have the qualifications for voting in any city or town may, by applying in any written form of communication to the registrars of such city or town, or to the state secretary, receive a blank form for his affidavit of registration, as prescribed in section thirty-six. The registrars or state secretary shall, upon receipt of such application, transmit to the applicant such form.

(c) The registrars shall also make such forms available at all United States post offices within their city or town and at such other places as they may deem effective for the purpose of registering voters.

(d) The state secretary and the registrars shall make such forms available to any person who resides in the Commonwealth and is eligible to vote, in whatever quantity

# Full text of proposals

the person requests. The state secretary shall establish a reasonable fee, not to exceed the printing cost, for forms provided in a quantity exceeding fifty.

(e) Such forms for affidavits of registration under this section shall be provided by the state secretary in the form prescribed in section thirty-six and shall be accompanied by a statement of requirements for eligibility to register, penalties for violation of applicable laws and such further information and instruction to persons seeking to register as the state secretary may prescribe.

(f) Upon receipt of said completed and signed affidavit, the registrars shall certify that they have received it, and shall date the affidavit which shall be the date of registration and shall add the person's name to the current annual register of voters in accordance with sections forty-six and forty-seven A. Incomplete affidavits, or affidavits from the facts set forth in which it appears that the person is not qualified to register to vote, shall be subject to the provisions of section forty-seven. If the affidavit of registration of any person is received by the registrars during a period when registration to qualify as a voter in a particular preliminary, primary or election is prohibited by section twenty-six, such person, if otherwise qualified, shall be registered and his name shall be placed in the voting lists as a registered voter for all later preliminaries, primaries, or elections and such person shall be so notified. When the registrars have added the name of a person seeking to register under this section to the annual register, they shall promptly so notify such person by first class, non-forwardable mail unless that person's name appears on the street list prepared under section four at that address. If such notification is returned undelivered, the city or town clerk shall instruct the proper election officers to challenge under section eighty-five of chapter fifty-four the right to vote of any person attempting to vote under that name at the next primary or election when such an attempt is made.

## SECTION 16.

Said chapter 51 is hereby further amended by striking out section 44, and inserting in place thereof the following section:—

*Section 44.* A person seeking to register shall complete an affidavit in the form prescribed by section thirty-six and shall sign the affidavit under the penalties of perjury in the presence of a witness eighteen years of age or older. If a person is unable to sign his name, he shall make his mark, which shall be witnessed. A person registering as a voter may at the same time and place establish his enrollment in a political party as provided in section thirty-eight of chapter fifty-three, by indicating his desire to be enrolled on the affidavit of registration. The witness shall certify that the affidavit was signed in his presence and shall date the affidavit which

shall be the date of registration, except for affidavits of registration submitted under section forty-two A.

## SECTION 17.

Said chapter 51 is hereby further amended by striking out section 47A and inserting in place thereof the following section:—

*Section 47A.* If, after examination of an affidavit of registration, it appears to the registrars that the person has all the qualifications to be registered as a voter except that of age, and that such person will on or before the day of the next preliminary, primary, special or general election or town meeting attain full age, they shall enter his name in the current annual register of voters.

## SECTION 18.

Section 48 of said chapter 51 is hereby amended by striking out in the first sentence the words "or certified under section one A to be qualified to vote for electors of president and vice-president, as the case may be,".

## SECTION 19.

Said chapter 51 is hereby further amended by striking out section 49 and inserting in place thereof the following section:

*Section 49.* If a person summoned before the registrars to answer such complaint appears before them, they shall examine him on oath, and shall receive such other evidence which may be offered in regard to the matters set forth in the complaint and, if satisfied that he is properly registered as a qualified voter, they shall enter in the register a statement of their determination of the facts required for registration. If the registrars are satisfied that he is not a qualified voter, they shall strike his name from the register. If they are satisfied that, although he is a qualified voter in the city or town, he is illegally or incorrectly registered in a ward or voting precinct other than the ward or voting precinct in which he is required by section three to be registered, and have determined the ward or voting precinct in which he is so required to be registered, and his place of residence therein, they shall change his place of residence as given on the register accordingly. If a person duly summoned as aforesaid does not appear as directed in the summons and the complainant produces sufficient testimony to make out a prima facie case, the name of such person shall be struck from the register; but if such person appears before the registrars before the election or town meeting following and shows sufficient cause for his failure earlier to appear, the hearing shall be reopened and the matter decided on its merits, as determined from the evidence presented on both sides. The complainant and the person complained of may be represented by counsel, and all witnesses may be cross-examined.

## SECTION 20.

Section fifty of said chapter fifty-one is hereby repealed.

## SECTION 21.

Section fifty-one of said chapter fifty-one is hereby repealed.

## SECTION 22.

Section fifty-eight A of said chapter fifty-one is hereby repealed.

## SECTION 23.

The first paragraph of section 59 of said chapter 51 is hereby amended by striking out in the first sentence "or fifty-eight A, as the case may be".

## SECTION 24.

The second paragraph of said section 59 is hereby amended by striking out in the second sentence the words "or on his application under section one A, as the case may be,".

## SECTION 25.

Section 60 of said chapter 51 is hereby amended by striking out in the first sentence, the words "or upon the lists prepared as provided by section fifty-eight A, as the case may be,".

## SECTION 26.

Section 61 of said chapter 51 is hereby amended by striking out the second paragraph.

## SECTION 27.

Section 11 of chapter 54 of the General Laws is hereby amended by striking out the second sentence.

## SECTION 28.

The first paragraph of section 12 of said chapter 54 is hereby amended by striking out the second sentence.

## SECTION 29.

Section 16 of said chapter 54 is hereby amended by striking out the last paragraph.

## SECTION 30.

The first paragraph of section 23 of said chapter 54 is hereby amended by striking out the second sentence.

## SECTION 31.

Section 24 of said chapter 54 is hereby amended by striking out the second sentence.

## SECTION 32.

The first paragraph of section 34 of said chapter 54 is hereby amended by striking out the second sentence.

## SECTION 33.

The last paragraph of section 42 of said chapter 54 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:—On

# Full text of proposals

each ballot shall be printed the words "Official Ballot for", followed by the name of the city or town for which the ballot is prepared, together with the ward and precinct of the city or the precinct of the town, if any, the date of the election, and a facsimile of the signature of the officer who has caused the ballot to be prepared.

## SECTION 34.

Section 49 of said chapter 54 is hereby amended by striking out the last sentence.

## SECTION 35.

Section 85 of said chapter 54 is hereby amended by striking out the second paragraph.

## SECTION 36.

Section one hundred and three B to one hundred and three O, inclusive, of said chapter fifty-four, and the preceding caption, are hereby repealed.

## SECTION 37.

Section 103P of said chapter 54 is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following paragraphs:—

The mayor and aldermen in cities or selectmen in towns may fix the day of holding preliminary elections or primaries in their cities and towns. Where the filing of nomination papers and certification of names thereon in cities and towns that have preliminary elections is based upon the day of the election, they may fix the time for filing nomination papers and for certification of the names thereon. Where nominations for election at a city or town election are made by nomination papers, or by caucuses or conventions, they may fix the last day for filing certificates of nomination and nomination papers. In any city or town where petitions to place questions on the official ballot are filed, they may also fix the last day for filing such petitions. All such petitions shall be submitted to the registrars of voters for certification of the names thereon on or before the fourteenth day preceding the day so fixed for filing.

In any city or town election wherein the voting list of the current year is not available for the purpose of certifying names, the voting list of the preceding year, as amended or revised from time to time, may be used therefor.

## SECTION 38.

Section one hundred and three Q of said chapter fifty-four is hereby repealed.

## SECTION 39.

The first paragraph of section 105 of said chapter 54 is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following sentences:—The election officers shall then publicly and in the presence of the other election officers, audibly and dis-

tinctly count and announce the number of names checked on each voting list used at the election, shall publicly announce the number so counted and thereafter the clerk shall record the same. The ballot box shall be opened by the presiding officer and the ballots taken therefrom and audibly counted in public view, one by one, and the whole number of ballots cast shall be publicly announced by him.

## SECTION 40.

Said section 105 is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

The clerk in open meeting shall publicly announce the result of the vote and enter on the total vote sheet, which shall be considered the precinct record, the total number of names checked on the voting list, the total number of ballots cast, the names of all persons voted for, the number of votes for each person and the title of the office for which he was a candidate, the number of blank ballots for each office, and the number of affirmative and negative votes in answer to any question submitted to the voters and shall forthwith certify such record, seal up the same, and deliver it, outside of the ballot container or envelope, but in a separate sealed envelope, to the city or town clerk, who shall forthwith enter it on his records; provided, that if voting machines are used, the general or precinct record sheet, as the case may be, shall be the record referred to in this paragraph.

## SECTION 41.

Section 132 of said chapter 54 is hereby amended by striking out the last sentence.

## SECTION 42.

Chapter 56 of the General Laws is hereby amended by striking out section 6 and inserting in place thereof the following section:—

*Section 6.* Whoever knowingly or willfully makes a false affidavit, takes a false oath or signs a false certificate relative to the qualification of any person for listing or registration shall be punished by a fine of not more than two thousand dollars or by imprisonment for not more than two years.

## SECTION 43.

Section 8 of said chapter 56 is hereby amended by striking out the words "one thousand dollars or by imprisonment for not more than one year" and inserting in place thereof the words "two thousand dollars or by imprisonment for not more than two years".

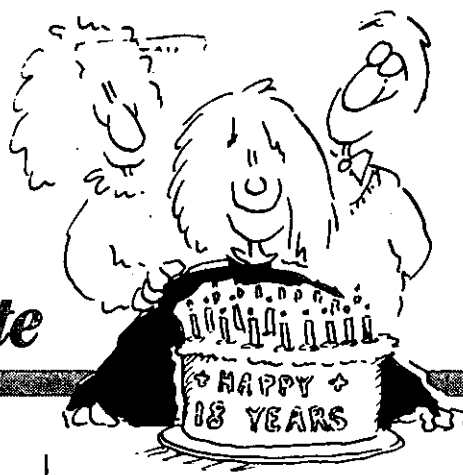
## SECTION 44.

Subject to appropriation, the Commonwealth shall assume the cost of mailing the notifications required by subsection (f) of section forty-two A of chapter fifty-one of the General Laws, inserted by section

fifteen of this act. Not later than September fifteenth of every year, the state auditor shall determine and deliver to the state secretary a statement of said cost for each city or town in the next fiscal year. The state secretary shall include in his budget recommendations for such fiscal year a request for an appropriation in an amount equal to such estimated costs, and shall distribute to each city and town its share of any such appropriated funds as soon as possible after their appropriation. Funds so distributed shall be deposited in the general fund of the city or town and shall be expended without further appropriation by the city or town to meet said cost.

If for any fiscal year, the general court fails to appropriate the amount determined by the state auditor, the requirement for mailing notification provided in said subsection (f) shall not apply, unless said requirement is accepted by said city or town in the manner provided by subsection (a) of section twenty-seven C of chapter twenty-nine of the General Laws. Notwithstanding any such failure to appropriate, the remaining provisions of this act shall continue in full force and effect.

*Note: There is no full text for Questions 7 and 8, both of which are Legislative Advisory Questions.*



# *How to register to vote*

## *Who may register to vote?*

You must register if you want to vote.

Any citizen of the United States who is a Massachusetts resident and who will be 18 years old by election day may register to vote.

## *How often must I register?*

Just once. Registration is permanent in Massachusetts. You need register again only if you

- move to another city or town
- change your name

If you move within your community, notify your registrars of voters in writing.

## *When and where may I register?*

There is no waiting period to be eligible to register. If you move, you may register to vote as soon as you move into your new home.

Most city or town clerks or election commissions will register you in your city or town hall during regular business hours and during special registration sessions before elections. Call your city or town clerk or election commission for specific times and places in your community.

## *Are there registration deadlines?*

Yes. Registration is closed for a brief period before each election to allow election officials time to prepare the voting lists. Closings occur

- 28 days before presidential primaries, regular state primaries, and regular state elections.
- 20 days before city or town elections, town meetings, special primaries, and special elections.
- 10 days before special town meetings.

If you register during a "closed" period, you will be eligible to vote only in later elections.

## *How do I register?*

Go to one of your local registration places. It might be helpful to bring some identification or proof of residence. You will be asked to complete an affidavit of registration which must be answered truthfully under penalty of perjury. The questions which you must answer are:

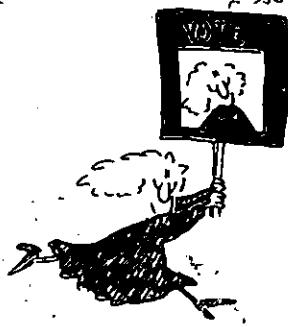
- name
- present residence
- residence as of January 1, if different
- last previous residence in another city or town
- name used at that residence, if different
- date of birth
- U.S. citizen
- occupation
- preferred party enrollment, if any

Upon registration, your name, address and party preference will be added to the voting list of your city or town. This list is used on election day to identify and check off the names of registered voters when they come to the polling place to vote.

## *How do I register if I am physically disabled?*

Write to your local registrars of voters to request an application, fill it in, and return it so that your application is received no less than three days before the close of registration for the election. Two registration officers will come to your residence, rest home, or hospital and register you, if you cannot go out and register.

# How to vote



## Where and when may I vote?

Polling places are usually located in your neighborhood. Voting hours vary. For state primaries, and the state election on November 4th, the polls must be open at 7:00 am and remain open until 8:00 pm. For city elections, polls must be open at least from 10:00 am to 8:00 pm. During town elections, the polls must open by noon and remain open for at least four hours. If you are in line when the polls close, you may vote.

You can learn the exact hours and polling places in your community from your city or town hall or local newspaper.

Most polling places must be accessible to the elderly and persons with disabilities. To learn if yours is accessible, call your city or town clerk or election commissioner, or the Secretary of State's Elections Division.

## How do I vote?

Sample ballots and instruction cards are posted at the polling place. Election officers are required by law to help if you do not understand the voting procedures.

When you enter the polling place, give your name and address. You vote alone in the voting booth unless you ask for help. If you are physically disabled or cannot read, or read English, you may ask any person or two election officers for assistance.

If you should spoil a ballot, you may return it to an election official and you may then receive another ballot. If the second ballot is spoiled and returned to an official, you may request and receive only one additional ballot.

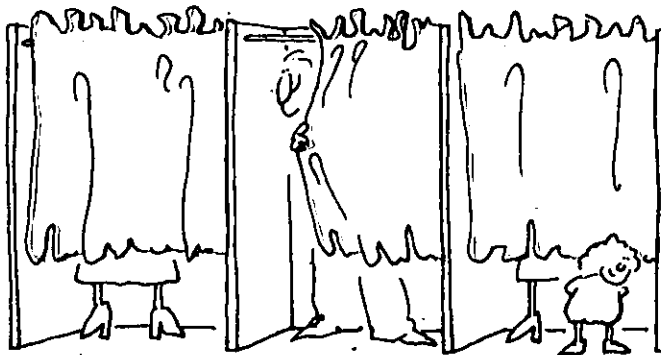
## What if my name is not on the voting list?

If you have registered but your name has been omitted from the voting list, or is listed incorrectly, the election officer in charge of the polling place must call city or town hall to check your registration. If you are found to be correctly registered, you may vote.

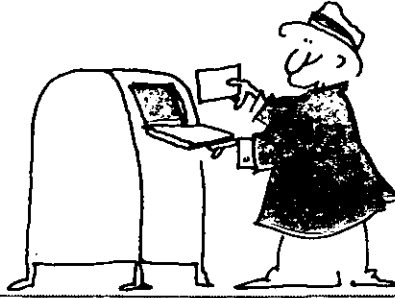
If the election official is unable to confirm your registration, you should go to city or town hall. If your registration is correct, you may vote there immediately on an absentee ballot. You may, if you prefer, obtain a certificate from the registrar and return to your usual polling place to vote.

## What if I am not allowed to vote?

If you claim the right to vote but are not allowed to vote, you must be allowed to mark an "escrow ballot." These ballots will be kept in a separate envelope and will be counted if you are later found eligible to vote and if the election is close enough for these ballots to make a difference.



# How to vote by absentee ballot



## **Reasons for voting absentee**

You may vote absentee if you are registered and will be unable to vote at the polls on election day because of

- absence from your city or town
- physical disability
- religious beliefs

Illegal absentee voting is punishable by a fine of up to \$500 and up to a year in prison.

## **Applying for an absentee ballot**

You must apply for an absentee ballot from your city or town clerk no later than noon of the day before the election. Applications may be mailed or hand delivered and you may use any form of written communication (letter or postcard), or the official application form.

If you are applying for an absentee ballot for a primary and are a registered independent, indicate which party's ballot you desire.

To be counted, a completed ballot must be received by the time the polls close on election day.

## **Requesting to vote by mail**

A ballot will be sent to any address you specify, including your own home. Be sure to apply early because the ballots must be sent by mail and returned by mail.

Include on the application

- your name as registered
- your registration address
- ward and precinct, if you know them
- the precise address to which you wish the ballot sent
- in a primary election, the party ballot you wish
- your own signature

## **Requesting to vote in person**

If you prefer, you may request to vote in person before election day. You may vote at your city or town hall before election day at a time arranged with the clerk, but application for your ballot must

be made no later than noon of the day before the election. A voter may apply for an absentee ballot and then vote over-the-counter during the same visit.

## **Witnessing**

Most absentee voters must have their absentee ballots witnessed. You vote privately, alone, except for the presence of a witness. No one, including the witness, may see how you vote or discuss your choices. Any person 18 years of age or older may be the witness. A candidate may not witness your ballot.

Ballots must be filled out, witnessed and mailed to your city or town clerk or election commission.

If you are outside the United States, or on your city or town list of permanently disabled voters (see below), you do not need to vote in the presence of a witness; you merely sign the envelope yourself.

Temporarily disabled voters must have their ballot envelopes witnessed.

## **Unable to mark ballot?**

If you cannot mark the ballot due to physical disability or inability to read or to read English, it may be marked for you by any person whom you choose. This person must sign both your name and his own on the envelope and add a statement giving the reason why you were unable to mark the ballot yourself. If you are unable to find assistance, ask your city or town clerk for help.

## **What if I am permanently physically disabled?**

If you are permanently physically disabled and cannot cast your vote at the polling place, you may file a letter from your physician with your city or town clerk, stating that you are permanently unable to cast your vote at the polling place because of physical disability.

A completed application for an absentee ballot, for you to sign and return, must be mailed by the city or town clerk to you at least 28 days before every primary and election.



# Services of the Office of the Massachusetts Secretary of State

**Citizen Information Service** cuts through red tape by helping you with your problems or questions on state government, licenses, taxes and consumer issues, through its toll-free information and referral service.  
(617) 727-7030 or 1-800-392-6090

**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

**The Massachusetts Archives** collects, catalogs and preserves the important records of more than 350 years of state government. It serves as a vital resource to scholars and genealogists and as an advisor to historic record commissions. (617) 727-2816

**The Commonwealth Museum** brings Massachusetts history alive through a series of permanent and changing exhibits, with the emphasis on "People", "Places" and "Politics".  
(617) 727-9268

**State House Tours** offers architectural and historical as well as legislative process tours to all visitors, and conducts tours and workshops for children on class visits. (617) 727-3676

**The Massachusetts Historical Commission** is the state agency responsible for historic 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

**The State Bookstore** offers a wide range of books and pamphlets published by the Secretary of State and other state agencies, including the Code of Massachusetts Regulations. A free Bookstore Catalog is available. (617) 727-2834

**The Western Office** is the Secretary's regional office in Springfield. An office/bookstore/library, it offers many of the services provided by the Boston office and brings state government closer to the citizens of western Massachusetts.  
(413) 733-7876

**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

**The Securities Division** administers and enforces the Massachusetts Uniform Securities Act, a law designed to protect the investing public from potential fraud and unfair sales practices.  
(617) 727-3548

**The Public Records Division** maintains, preserves and makes accessible government records, enforces lobbyist and disclosure laws, and records all gubernatorial appointments and commissions. (617) 727-2832

**Public Affairs**, a new division, is responsible for bringing state government to the public. The staff effects a statewide outreach program through direct mail, public speaking engagements and forums. If your group or organization would like a representative from the office to speak about the services of the Office of the Secretary of State or other matters related to state government, call (617) 727-4596 to schedule a date.

**Other divisions** include the State Records Center, Massachusetts Regulations, State Census, Communications, and Governmental Affairs.



# Voter checklists

Tear out and take to the polls! After you have decided how you want to vote, you may wish to note your decisions below as a reminder to take to the voting place.

## Ballot Questions:

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| <b>Question 1:</b> Regulating or prohibiting abortion                | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <b>Question 2:</b> Government aid to non-public schools and students | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <b>Question 3:</b> Limiting state tax revenue increases              | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <b>Question 4:</b> Cleaning up oil and hazardous materials           | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <b>Question 5:</b> Requiring use of safety belts in motor vehicles   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <b>Question 6:</b> Voter registration by mail                        | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <b>Question 7:</b> National health program                           | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <b>Question 8:</b> National acid rain control program                | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

## Ballot Questions:

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| <b>Question 1:</b> Regulating or prohibiting abortion                | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
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| <b>Question 5:</b> Requiring use of safety belts in motor vehicles   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <b>Question 6:</b> Voter registration by mail                        | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <b>Question 7:</b> National health program                           | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| <b>Question 8:</b> National acid rain control program                | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

**Information for Voters** is sent to voters by mail to all residential addresses, to voters residing in group quarters and by limited distribution 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 Citizen Information Service at 727-7030 in the Boston metropolitan area, or, toll-free, 1-800-392-6090. The Spanish edition of *Information for Voters* and a large print edition for the visually impaired are also available at the same phone numbers.

Michael J. Connolly  
Secretary of the Commonwealth  
Boston, MA 02133

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