

League of Women Voters of Massachusetts  
 Study of the Ballot Question Process in Massachusetts

**Appendix 1: Key Players and Terminology**

Entity	Role in MA Citizen Initiated Ballot Questions
City election commissions or town board of registrars (through city and town clerks)	<p>Provide a certificate of voter registration for sponsors of <b>petitions for a law, a constitutional amendment, or a referendum</b>.</p> <p>Certify that the signers of the ballot initiative petitions are registered voters from their city or town.</p>
Attorney General (AG)	<p>Determines whether <b>petitions for a law</b> or a <b>constitutional amendment</b> are acceptable subjects of the petitions. AG disallows if he/she determines the petition relates to an excluded matter.</p> <p>Prepares a fair and concise summary of the <b>petition for a law</b> or for a <b>constitutional amendment</b> or of the <b>act to be repealed</b>.</p>
Secretary of the Commonwealth (SOC)	<p><b>Initiative petition for a law or for a constitutional amendment:</b> SOC receives the petition summary and the proposed law or amendment, as filed by petitioners. Prepares petition blanks with summary printed on them for gathering signatures of registered voters.</p> <p>Transmits <b>petition for a law</b> to the House for Legislature consideration after sufficient certified petitions are received on a proposed ballot question.</p> <p>Transmits <b>petition for a constitutional amendment</b> to the Legislature for legislative action.</p> <p><b>Referendum petition:</b> Receives voter registration certificates and original petitions from the ten original petition signers (within 30 days after the act to be repealed is signed by the Governor or passed over his veto.) The SOC prepares petition forms with the summary printed on them for gathering voter signatures.</p> <p>Receives objections from voters related to petition signatures and refers them to the State Ballot Law Commission.</p> <p>Prepares and distributes voter guide before state-wide election, which includes summaries and full text of ballot questions, statement of fiscal consequence, and arguments for and against measures.</p> <p>Prepares ballots, with the summary of these petitions on them.</p>
MA Legislature	<p><b>Initiative petition for a law:</b> The petition is “laid before” the Legislature. The Committees in the House and Senate to which petitions are referred hear an Initiative petition for a law and issue a report. The Legislature can take legislative action on the petition, but action must be taken by both the House and Senate. The Legislature can reject the proposal and formulate a legislative proposal of its own to be grouped on the ballot with the initiative measure as an alternate choice.</p> <p><b>Initiative petition for a constitutional amendment:</b> The petition is “laid before” the Legislature and acted upon by a joint session of the House and Senate sitting together. The Legislature may amend by a three-fourths affirmative majority vote, or, by a majority vote, may formulate a proposal of its own, to be grouped on the ballot with the initiative amendment as an alternative choice. In joint sessions held by two successively elected Legislatures, the petition must win the support of at least 25 percent of both houses; if not, it will not appear on the ballot. The initiative</p>

	will not be on the ballot if no vote is taken before the legislative term ends.
Governor	If passed by Legislature the Governor can sign the initiative into law or veto it.
Office of Campaign and Political Finance (OCPF)	Ensures that accurate and complete disclosure of campaign finance activity by those involved in the electoral process is available in a transparent, easily accessible, and timely manner and that stakeholders in the process fully understand and comply with the statute.
State Ballot Law Commission	A 5-member appointed bi-partisan commission that may investigate upon an objection raised, the legality, validity, completeness and accuracy of all nomination papers and actions required by law to place an initiative or referendum on a state ballot.
Governor's Council	Certifies state election results; the number they report as voting for all candidates for Governor at the last state election determines the number of signatures required on petitions (e.g., for <b>initiative petition for law</b> , 3 percent required before being placed before the General Court and another .5 percent required to get it on the ballot).
MA Executive Office of Administration and Finance	Prepares a statement of fiscal consequences on state and municipal government finances of each ballot question. This is to be included in the summary of ballot questions distributed by the SOC (red booklet).
<b>Key Non-Governmental Players</b>	
Petitioner sponsors	<b>Initiative petition for a law or a constitutional amendment:</b> At least ten registered voters who draw up and sign an original petition, which puts forward the full text of the law or constitutional amendment they wish to have enacted.  <b>Referendum petition:</b> At least ten voters, who draw up and sign a petition on which they identify the law they wish to have repealed.
Ballot Question Committees	Political committee that receives and expends money or other goods and services of value for the purpose of favoring or opposing the adoption or rejection of a ballot measure.
Signature Collectors	Paid or volunteer individuals who collect signatures on the initiative petitions from registered voters. They may be employees of signature gathering companies retained by the ballot question committee.
Petition Signers	Massachusetts registered voters.
Voters	Registered voters who vote on ballot questions and sign petitions.  Can file objections related to petition signatures with SOC, who refers it to State Ballot Law Commission.

### Sources

- State Ballot Question Petitions Guide, published by Secretary of the Commonwealth, Rev. 1/2017, unless otherwise specified.
- Chap. 55 of MA General Laws (re: State Ballot Law Commission and Ballot Question Committee)

## **Terminology**

### **Ballot Question or Ballot Measure**

A question or issue that is put before voters in an election.

### **Initiative and Referendum**

“Initiative and Referendum” refer to general processes that allow citizens of 26 states to vote directly on a proposed law, constitutional amendment, and/or veto referendum.

### **Initiative**

The initiative process enables citizens to place a proposed law and/or constitutional amendment on the ballot. In Massachusetts there are citizen-initiated processes for laws and constitutional amendments.

### **Veto Referendum**

A citizen-initiated process that results in a ballot measure to approve or repeal a law enacted by the Legislature. In Massachusetts the terminology used is “referendum to repeal an existing law.”

### **Direct Initiative**

In the direct process, measures that qualify go directly on the ballot without legislative action.

### **Indirect initiative**

In the indirect process, proposals are submitted to the legislature, which may act on the proposal prior to a statewide ballot question. Massachusetts has an indirect initiative process.

### **Initiative or Referendum Petition**

The initiative or referendum petition is used to collect signatures in support of placing a measure on the ballot.

### **Petition Circulators**

“Circulators” is a general term used to describe people who solicit signatures on petitions. In Massachusetts they are referred to as signature collectors.

### **Distribution Requirements**

Distribution requirements are the rules established in some states to attempt to ensure that signatures are distributed geographically throughout the state, and that no region dominates the signature process. Massachusetts requires that not more than one-fourth of the certified signatures on any petition shall be those of registered voters of any one county.

### **Voters Guide to Ballot Questions**

A document intended to give voters the information they will need to understand what the ballot measure proposes, the fiscal consequences, the arguments for and against, etc. In Massachusetts the document (“Information for Voters” red booklet) is printed and mailed to the households of registered voters and is posted on the Secretary of the Commonwealth’s website.

### **Fiscal Impact Statement**

A statement prepared by a state agency to reflect the likely costs of the measure. In Massachusetts it is called the “Statement of Financial Consequences,” and the law requires “a statement of not more than 100 words prepared by the Secretary of Administration and Finance regarding the fiscal consequences of the measure for state and municipal government finances.”