

League of Women Voters of Massachusetts

Study of the Ballot Question Process in Massachusetts

Appendix 5: Additional Resources

Massachusetts Resources

The **Secretary of the Commonwealth** is responsible for the administration of ballot questions, as part of the Elections Division. The Secretary's website (www.sec.state.ma.us/ele) has historical information dating back to 1919.

Information on ballot questions 1919 to present

<https://www.sec.state.ma.us/ele/elebalm/balmidx.htm>

Wording of ballot questions 2000 to present

<https://www.sec.state.ma.us/ele/eleifv/infoforvoters.htm>

The **Massachusetts Attorney General's** website posts initiatives filed for the 2018 election.

<http://www.mass.gov/ago/government-resources/initiatives-and-other-ballot-questions/>

The **Massachusetts Office of Campaign and Political Finance** has information on the financing of ballot question campaign committees, including filed donation and expenditure reports, data, charts and figures, regulations, guidelines, etc.

Ballot questions income/spending 2006 to present (MA Office of campaign and political finance)

<http://www.ocpf.us/Reports/BallotQuestionReports>

National and International Resources

Ballotpedia, Lucy Burns Institute, ballotpedia.org.

https://ballotpedia.org/Ballot_Measures_overview

Ballotpedia is an online encyclopedia of American politics and elections. Its goal is to provide accurate and objective information about politics at all levels of government. It is committed to neutrality, and all articles are written by its professional staff.

The Study Committee found Ballotpedia to be accurate in most areas, but not always up-to-date. One area in particular that was not up-to-date was campaign donations and expenditures during the campaign. For information on campaign finances it is best to visit the MA Office of campaign and political finance <http://www.ocpf.us/Reports/BallotQuestionReports>.

IRI (Initiative and Referendum Institute)

<http://www.iandrinstute.org>

The Initiative and Referendum Institute collects and distributes information on the initiative and referendum process and sponsors studies of various aspects of direct democracy. The Study Committee found that some information on this site was not up-to-date, so be cautious of the date of publication.

The paper below offers some interesting insights, but was published in 2002. Many states have updated their laws and procedures in the past 16 years, so the information presented may no longer be accurate. The Study Committee was not able to find a more recent equally comprehensive resource.

Waters, Dane. *The Initiative and Referendum Process in the United States: A Primer*

This Primer includes a look at this history of the initiative and referendum process, a comparison of the process as it exists in different states, a state-by-state account of the indirect initiative process, major legal cases regarding the funding of ballot measure campaigns, important court cases relating to the initiative and referendum process, and major initiative and referendum legislation through 2000.

<http://www.iandrinstitute.org/docs/Waters-IandR-Primer-Complete-IRI.pdf>

National Conference of State Legislators

<http://www.ncsl.org/research/elections-and-campaigns/initiative-and-referendum.aspx>

The Study Committee used this site for state-by-state comparisons. All statewide ballot measures are in the [NCSL's Ballot Measures Database](#). NCSL is committed to the success of all legislators and staff.

Their mission is to:

- Improve the quality and effectiveness of state legislatures.
- Promote policy innovation and communication among state legislatures.
- Ensure state legislatures a strong, cohesive voice in the federal system.

International Institute for Democracy and Electoral Assistance (IDEA)

Compiles an international database of direct democracy.

<https://www.idea.int/data-tools/data/direct-democracy>

Opinion/News

Massachusetts

Conlon, Dina E. "The Ballot Initiative in Massachusetts: The Fallacy of Direct Democracy," *Suffolk University Law Review* 37 (2004): 1087–1197. <http://suffolklawreview.org/wp-content/uploads/2004/06/Conlin.pdf>

This article argues against direct democracy in Massachusetts.

McDonough, John E. "Taking the law into their own hands: The Bay State's referendum process lets voters take control—sometimes," *CommonWealth*. Nov 15, 2002.

<https://commonwealthmagazine.org/politics/taking-the-laws-into-their-own-hands/>

Opinion and summary of MA process—argues in favor of direct democracy.

Impact of Money

http://www.bostonglobe.com/metro/2016/11/28/citizen-initiatives-now-dominated-big-money/dqR5Jo2cL3eV5nsCrSGy6J/story.html?s_campaign=email_BG_TodaysHeadline&s_campaign=

Campaign Finance Reporting

<http://www.bostonglobe.com/metro/2016/12/10/campaign-finance-law-shields-violators/O3qfpGmhTwJnOaWva8a9EK/story.html#comments>

Complexity and Length of Ballot Question (2016 legalizing marijuana)

<http://www.bostonglobe.com/metro/2016/12/19/are-you-high/twrt2O2ciOo99PA1mS52MI/story.html>

Fiscal consequences of 2018 potential ballot questions

<https://www.bostonglobe.com/opinion/2018/04/19/behind-ballot-question-scene-beacon-hill/XcMiM8R0RsLPTRonG5QgaJ/story.html>

National

Partisan efforts to increase or decrease ballot measures around the country

<http://electionlawblog.org/?p=91802>

Lobbying secretaries of state to influence ballot questions

<https://www.propublica.org/article/clay-pigeons-how-lobbyists-secretly-woo-top-election-officials>

Comprehensive Works**Massachusetts**

Murray, Rebecca S; Tassinari, Michelle; Fierro, Benjamin III; Bard Joel B; Massachusetts Continuing Legal Education, Inc.; *Massachusetts Election Administration, Campaign Finance and Lobbying Law*, fourth edition. Boston, MA: MCLE, 2016.

A reference for Massachusetts practitioners and others involved in election administration, political campaigns and fundraising, and lobbying efforts. It includes step-by-step guidance, practical advice, and case law and statutory analysis.

"Massachusetts Constitutional Convention 1917-1918 - Volume II The Initiative and Referendum," Boston, Wright & Potter Printing Co. State Printers, 1918. Online access at www.Archive.org and search for "Debates in the Massachusetts Constitutional Convention." The original record of the debates that eventually led to the addition of Article XLVIII to the MA Constitution.

National

Broder, David S. *Democracy Derailed: Initiative Campaigns and the Power of Money*. New York, Harcourt, 2000.

Presents how initiatives are remaking our democracy, often manipulated by moneyed interests, often funded by out-of-state millionaires pursuing their own agendas. Broder interviews field operatives, lobbyists, PR spinners, labor leaders, and business executives, all of whom can manipulate the political process.

Smith, David A and Tolbert, Caroline J. *Educated By Initiative: The Effects of Direct Democracy on Citizens and Political Organizations in the American States*. Ann Arbor, Univ. of Michigan Press, 2004. This book describes how direct democracy teaches citizens about politics, voting, civic engagement and the influence of special interests and political parties.

League of Women Voters of Washington Education Fund. *Direct Democracy: The Initiative and Referendum Process in Washington*, 2002.

The League of Women Voters of Washington carried out a state study similar in scope to the LWVMA study. They produced this review of initiative and referendum history and study of requirements and regulations adopted by other states and proposals that might work to improve the process in Washington. <https://lwwva.org/resources/Pictures/init-ref-study.pdf>