

The Initiative and Referendum Process in Massachusetts
Possible Actions/Next Steps
Based on the Consensus from the Study of the Ballot Question Process
April 22, 2019, revised June 11, 2019

LWVMA studied the process for statewide citizen-initiated ballot questions in 2018-2019. Part of the scope of the study was to “propose concrete next steps that LWVMA could take to enact change, if the study results in recommended changes.” Next steps and possible examples of action may include, but are not limited to, the examples given below.

General Next Steps

- Review legislation filed in this and subsequent sessions of the Legislature relative to the initiative and petition process that LWVMA could support.
- For procedural changes, contact the appropriate state agency to provide the rationale for change and to suggest changes that will improve the process, and identify viable procedures to enact changes governed by MA Constitution (regulations and/or laws without amending Constitution).
- Identify a legislator interested in making changes to the ballot question process through the legislative process for laws and/or constitution amendments.
- Identify other good-government organizations or coalitions interested in working on ballot question issues.

Examples of Actions

The League supports:

1. Petition summaries that are written for the greatest understanding by voters.
 - a. The Constitution requires a “fair, concise summary.” Change to current practice could be largely procedural at the Attorney General’s office.
 - b. Possible Action: Contact the Attorney General to express concerns raised in the study by political scientists Shauna Reilly and Sean Richey who calculated a mean Flesch-Kincaid Grade Level score for 47 states with at least one ballot measure during the 10-year period from 1997 to 2007. Massachusetts was scored at a mean of 14 years of education.
2. Providing more extensive voter information on the fiscal impact of ballot questions in the “Information for Voters” provided by the Secretary of the Commonwealth and through other channels of communication.
 - a. The state legislature added this requirement to the “Disclosure” law in 2014, and it is governed by statute M.G.L. c. 54, § 53 “The secretary shall cause to be printed and sent to all residential addresses and to each voter residing in group residential quarters, with copies of the measures to which they refer, ...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...” Changing the 100-word limit in the “Information for Voters” would require changing this law.
 - b. Possible actions:

- i. Work with a legislator who would file a bill making the fiscal consequences statement included in the “Information for Voters” more extensive.
 - ii. Work with Secretary of Administration and Finance to suggest additional ways to describe fiscal consequences beyond the required 100-word statement.
 - iii. Consider possible involvement of Attorney General in addition to the Secretary of Administration and Finance.
- 3. Voter information in the “Information for Voters” provided by the Secretary of the Commonwealth that includes arguments in favor and against prepared by an unbiased independent source such as a citizen group appointed for that purpose, in addition to those prepared by the proponents and opponents.
 - a. The specifics of this section are in M.G.L. c. 54, c. 54.
 - b. Possible action: LWVMA could support H.667 (Rep. Hecht, 2019) which established a procedure for Citizen’s Initiative Review and requires that M.G.L. c. 54, § 53 be amended to include “a citizens’ statement prepared in accordance with section 42D.” This amendment would ensure the citizens’ statement, including arguments in favor and against, is included in the “Information for Voters.”
- 4. A periodic review and update by the Secretary of the Commonwealth of the means of disseminating and publicizing information for voters.
 - a. This would be a procedural change, not constitutional or statutory.
 - b. Possible action: Contact the Secretary’s office and express the need for a review and possible update of the current means.
- 5. Modifying the signature-gathering requirement that “not more than one-fourth of the certified signatures on any petition shall be those of registered voters of any one county.” The League supports a system that provides geographic dispersion of signatures but represents population distribution equitably. Such a system could be based, for example, on geographic regions of similar population such as Congressional or legislative districts.
 - a. This system for addressing geographic representation is in the Massachusetts Constitution, Article XLVIII (“Not more than one-fourth of the certified signatures on any petition shall be those of registered voters of any one county.”)
 - b. Possible actions:
 - i. Join a lawsuit to challenge the requirement.
 - ii. Seek a legislator who will to file a legislature-initiated constitutional amendment, or legislation to implement a more equitable distribution of signatories while still meets constitutional provisions.
- 6. Including in the signature count every identifiable and unique signature on the petition.
 - a. These practices at the Secretary’s office are based on court cases that may be an over-interpretation.
 - b. Possible actions:
 - i. Codify signature certification procedures to provide for conformity and consistency

- ii. Contact the Secretary's office to suggest changing procedure.
 - iii. Join another lawsuit challenging the interpretation.
- 7. The Secretary of the Commonwealth providing training opportunities for signature collectors.
 - a. There are no laws governing training.
 - b. Possible actions:
 - i. Contact the Secretary's office to suggest a training program.
 - ii. Seek a legislator who will file a bill requiring training.
- 8. The current requirement for votes in two joint sessions held by two successively elected Legislatures for an initiative for a Constitutional Amendment.
 - a. Current law, no action required.
- 9. Limiting the amount of money spent on ballot question campaigns.
 - a. Currently the US Supreme Court rulings make this difficult.
 - b. Possible actions:
 - i. Continuing working with LWVUS on efforts to curb money in politics.
 - ii. Review MA legislation filed this session for possible bills to support.
- 10. Ensuring that accurate information on campaign donations and expenditures for ballot question committees be available to the public prior to the election.
 - a. The Office of Campaign and Political Finance is responsible for providing information.
 - b. Possible action: Contact OCPF with suggestions for improving publicly available information, including publicizing its availability. Review how other states schedule reporting larger donations to ensure they are available prior to the election.

The League opposes:

- 11. Limiting the length of the full text of a proposed law
 - a. No action required as this is the current procedure.
- 12. A second round of signatures after the legislature has time to act on an initiative for a law
 - a. This requirement is in Article XLVIII of the MA Constitution.
 - b. Possible actions: Seek a legislator who will to file a legislature-initiated constitutional amendment.
 - c. Seek other organizations interested in addressing this through a lawsuit.

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