

# The Official Massachusetts

# Information for Voters



## Inside you'll find...

- Offices on the Ballot 2008 ..... 2
- How to Register to Vote..... 3
- Voting..... 4
- Voting by Absentee Ballot... .. 4
- Massachusetts  
Voters' Bill of Rights... .. 5
- Question 1  
*State Personal Income Tax*..... 6
- Question 2  
*Possession of Marijuana*..... 9
- Question 3  
*Dog Racing*..... 12
- Services of the Secretary  
of the Commonwealth of  
Massachusetts..... 14
- Voter Checklist ..... **Back Cover**

## The 2008 Ballot Questions



**Published by**  
**William Francis Galvin**  
 Secretary of the Commonwealth

**To receive additional Mail-in Voter Registration Forms, call the Elections Division at (617) 727-2828 or 1-800-462-VOTE.**



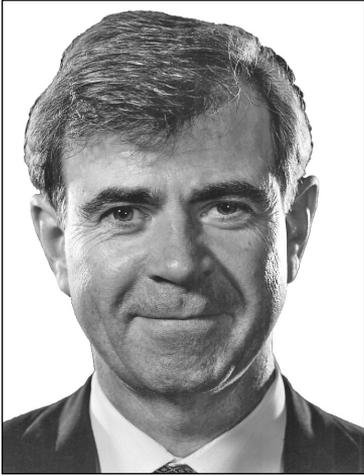
**To vote in the state election, your Mail-in Voter Registration Form must be postmarked by Wednesday, October 15, 2008!**

**VOTE**  
**State Election**  
**Tuesday,**  
**November 4, 2008**

### ¡Atención, ciudadanos que habla español!

El Secretario del Estado ha publicado este folleto en español. Para solicitar ejemplares gratuitos de la versión en español, llámame a al teléfono 617-727-7030 o 1-800-392-6090 (esta llamada es gratuita).

# A Message from Secretary Galvin...



## Dear Voter:

This year's election is one of the most important in a long time. You have the power to make big decisions for our country and our state that will set the course for years to come. Don't miss this opportunity.

If you have not yet registered to vote, we have enclosed a form for you to fill out and mail back, but you must register by October 15, 2008 to have your name appear on the voting list. If you or any other members of your household would like any additional registration forms, please contact 1-800-392-6090 or 617-727-7030.

There are three binding statewide ballot questions that will appear on your ballot. The 2008 Information for Voters booklet lists each question with the text of the proposed law, statements describing the effect of a yes or no vote, a summary and brief argument for and against each question. This information will assist you in making a thoughtful decision before you enter your polling place and you can even take it with you into the voting booth if you wish.

My office provides many important services including business formation, investor protection, land record recordation and many others. However, the most important service we perform is providing citizen information. If you need help finding your way through state government, please contact our Citizen Information Service at 1-800-392-6090 or 617-727-7030.

I urge you to vote on November 4, 2008 and exercise the most essential right of our democratic system. Polling places will be open from 7:00 a.m. to 8:00 p.m. statewide and absentee ballots are easily available.

Very truly yours,

William Francis Galvin  
Secretary of the Commonwealth

---

## Offices on the Ballot in 2008

This year the following offices will appear on the ballot:

- ◆ President/Vice President
- ◆ Senator in Congress
- ◆ Representative in Congress
- ◆ Councillor
- ◆ Senator in General Court
- ◆ Representative in General Court
- ◆ Register of Probate
- ◆ County Commissioner (Barnstable, Bristol, Dukes, Norfolk and Plymouth counties only), or Franklin Council of Government (Franklin county only)
- ◆ County Treasurer (Bristol, Dukes, Norfolk and Plymouth counties only)
- ◆ Register of Deeds (Northern Bristol – to fill a vacancy)
- ◆ Clerk of Courts (Plymouth county – to fill a vacancy).

# How to Register to Vote...

## Who may register?

Only a person who is:

- ◆ a **U.S. citizen**, and
- ◆ a resident of Massachusetts, and
- ◆ 18 years old on or before election day, and
- ◆ not currently incarcerated for a felony conviction.

## When and where may I register?

There is no waiting period to be eligible to register to vote. As soon as you consider your address your “home”, you may register to vote from that address. Please note that anytime you move, you must re-register. If you move, you may register to vote as soon as you move into your new home.

The deadline to register to vote for the November 4<sup>th</sup> State Election is October 15<sup>th</sup>. Any mail-in voter registration form must be postmarked by October 15, 2008 to be eligible to vote in the November 4, 2008 State Election.

## How can I register to vote?

**In Person:** Go to any registration location, such as your city or town hall, and complete an affidavit of registration. Upon completion of the form, you will be provided with a receipt which is proof of your registration. You should keep that receipt until you receive an acknowledgement notice in the mail, which should arrive within 2 to 3 weeks.

**By Mail:** Mail-in registration forms are widely available. A mail-in registration form is enclosed with this booklet. To obtain additional mail-in registration forms please call 617-727-2828 or 1-800-462-VOTE (8683) and a form will be sent to you. Mail the completed form to your local city or town hall. You should receive an acknowledgment notice in 2 to 3 weeks. If you do not, please contact your local election office to verify your voting status.

**At the Registry of Motor Vehicles:** While applying for or renewing a driver’s license, you can complete a voter registration application. Check your motor voter receipt before you leave—it will indicate whether you registered to vote or not. Keep your motor voter receipt until you receive confirmation from your local election official. If you do not receive any confirmation, please contact your local election office to verify your voting status.

## What must I do if I’ve changed my address since I registered?

If you have moved, you must register again. You may register to vote as soon as you move into your new home.

## Do I need to attach identification to my voter registration form?

Yes, if you are registering to vote for the first time in Massachusetts. The Help America Vote Act of 2002 passed by Congress requires that if you registered to vote by mail on or after January 1, 2003, you will be required to show identification when you vote for the first time in a federal election since registering by mail in 2003, or you can send in a copy of your identification with your voter registration form.

Acceptable identification must include your name and the address at which you are registered to vote, for example: a current and valid driver’s license, photo identification, current utility bill, bank statement, paycheck, government check, or other government document showing your name and address. If you send in a copy of your identification with your mail-in voter registration form, it may not be returned to you.

## I registered to vote, but my name is not on the voting list—what do I do?

If you registered to vote, but your name is not on the voting list, ask the election officer in charge of the polling place to check your registration by looking at the inactive voter’s list and by checking to see if you are registered in another precinct in that municipality.

If they still cannot find your name, you may go to city or town hall to attempt to establish your identity as a registered voter or you may cast a provisional ballot.

To cast a provisional ballot, you must execute a provisional ballot affirmation before a precinct officer at the polling place declaring that you are a registered voter in the city or town and reside within the geographical boundaries of said precinct. You must also show suitable identification.

After the election, the local election official will search for records to confirm your voter registration. If your eligibility is confirmed, your ballot will be counted. If your eligibility cannot be confirmed, your ballot will remain sealed in an envelope until such time as it is required to be kept and then will be destroyed without being viewed.

## What should I do if I registered to vote and I have not heard from my local election official?

If you have NOT received confirmation of your voter status from your city or town election official within 2 or 3 weeks from the date you registered, please contact your local election office to verify your voting status.

## *Voting...*

### **Where will I vote?**

Polling places are located in each precinct in your city or town. Call your local election official or my office at 1-800-462-VOTE (8683) or 617-727-2828 to find out where your polling place is located. You can also visit my website at [www.wheredoivotema.com/bal/myelectioninfo.php](http://www.wheredoivotema.com/bal/myelectioninfo.php) to look up your polling place and view a sample ballot.

All polling places are required by federal and state law to be accessible to elderly and disabled voters.

### **How long are the polls open?**

The polls must be open from 7:00 a.m. to 8:00 p.m. for State Elections. Some municipalities may open their polls as early as 5:45 a.m. Please call your city or town clerk to verify your polling hours.

### **How do I find out what offices and candidates are on my ballot?**

Sample ballots as well as instruction cards are posted at the polls on election day. Also, you can view a sample ballot at my website: [www.wheredoivotema.com/bal/myelectioninfo.php](http://www.wheredoivotema.com/bal/myelectioninfo.php)

### **Will I need to show identification to vote?**

Maybe. If you registered to vote by mail on or after January 1, 2003, you will be required to show identification when you vote for the first time in a federal election if you have not sent in a copy of your identification with your mail-in voter registration form.

Acceptable identification must include your name and the address at which you are registered to vote, for example: a current and valid driver's license, photo identification, current utility bill, bank statement, paycheck, government check, or other government document showing your name and address.

### **What if I need assistance?**

If you need assistance because of vision impairment, disability, inability to read or to read English, you may seek help from either a person of your choice or from election officials.

You may also ask the election officials to use the AutoMARK Voter Assist Terminal, which is an accessible ballot marking device, to mark your ballot. As part of the Help America Vote Act of 2002 (HAVA), there will be at least one AutoMARK Voter Assist Terminal at each polling location. The AutoMARK allows a voter to mark their ballot privately and independently. After inserting the ballot into the AutoMARK, the voter can review the ballot and make selections by using the touch screen and/or the keypad while

listening to the ballot over a set of headphones. After making all of the choices on the ballot, the AutoMARK will mark the ballot in accordance with the voter's choices by filling in the corresponding ovals or connecting the arrows on the ballot. The ballot will then be returned to the voter for deposit into the ballot box.

### **What if I make a mistake on my ballot?**

If you make a mistake on your ballot, you may request a new one. You may request up to two new ballots.

### **Can I bring materials into the polling place?**

Yes, you may bring materials into the voting booth. You can bring preprinted brochures or pamphlets, or your own notes, but you can not display such materials while in the polling location.

## *Voting by Absentee Ballot...*

### **You may vote by absentee ballot if you:**

- ◆ will be absent from your city or town on election day; or
- ◆ have a disability that prevents your voting at the polling place; or
- ◆ cannot vote at the polls due to religious beliefs.

### **Applying for an absentee ballot...**

All applications for absentee ballots must be made in writing.

You must apply for an absentee ballot from your city or town clerk or election commission no later than noon on 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. A family member may apply in the same manner for you. Include on the application:

- ◆ your name and address as registered,
- ◆ ward and precinct, if you know them,
- ◆ the precise address where the ballot should be sent,
- ◆ your own signature.

A ballot will be sent to any address you specify – including your own home. Be sure to apply early.

### **Requesting to vote in person...**

If you meet the qualifications to vote absentee, but do not want to have a ballot mailed to you, 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 the application for your ballot must be made no later than noon on the day before the election. Call the clerk's office to make certain that the absentee ballots are

available. Absentee ballots should be available three weeks before an election.

### **Voting by absentee ballot. . .**

The ballot will come with instructions and a set of return envelopes. After making your choices on the ballot, you must enclose it in the inner (smaller) brown envelope and complete the information on the front of that envelope and sign it. Then you put the smaller envelope in the bigger envelope, place proper postage on it and mail it back to your city or town hall. To be counted, a completed ballot must be received by the time the polls close on election day.

If you are not able to write, the person assisting you must

sign your name as well as their name, address and telephone number.

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

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

---

## *Massachusetts Voters' Bill of Rights*

### **Your voting rights are protected. These rights are guaranteed to qualified registered voters.**

1. You have the right to vote if you are a qualified registered voter.
2. You have the right to cast your ballot in a manner that ensures privacy. You have the right to vote without any person trying to influence your vote and to vote in a booth that prevents others from watching you mark your ballot.
3. You have the right to remain in the voting booth for five (5) minutes if there are other voters waiting and for ten (10) minutes if there are no other voters waiting.
4. You have the right to receive up to two (2) replacement ballots if you make a mistake and spoil your ballot.
5. You have the right to request assistance when voting from anyone of your choice. If you do not bring someone with you, you have the right to have two (2) poll workers assist you.
6. You have the right to vote if you are disabled. The polling place must be accessible, and there must be an accessible voting booth.
7. You have the right to vote if you cannot read or write or cannot read or write English.
8. You have the right to vote but must show identification if: you are a first-time voter who registered to vote by mail and did not submit identification with the voter registration form; or your name is on the inactive voter list; or your vote is being challenged; or if requested by a poll worker. Acceptable forms of identification are: Massachusetts driver's license, other printed documentation containing your name and address such as a recent utility bill, rent receipt on landlord's letterhead, lease, or a copy of a voter registration acknowledgment or receipt.
9. You have the right to vote by absentee ballot if: you will be absent from your city or town on Election Day; or if you have a physical disability that prevents your voting at the polling place; or if you cannot vote at the polls due to religious belief.
10. You have the right to cast a provisional ballot if you believe you are a qualified registered voter but a poll worker tells you that you are ineligible to vote.
11. You have the right to follow up any challenge to your right to vote through the complaint process.
12. You have the right to vote if you are not currently incarcerated for a felony conviction and have registered as a voter after your release.
13. You have the right to take this Voters' Bill of Rights or any other papers, including a sample ballot, voter guide or campaign material into the voting booth with you. Please remember to remove all papers when you leave the booth.
14. You have the right to vote at your polling place any time between 7am and 8pm for state and federal elections—hours may vary for local elections. If you are in line at your polling place when the polls close at 8 pm, you have the right to vote.
15. You have the right to bring your children into the voting booth with you.

If you feel that your right to vote has been violated in any way, call the Secretary of the Commonwealth's Elections Division at 1-800-462-VOTE (8683). This call is free within Massachusetts.

# 1

## QUESTION 1: Law Proposed by Initiative Petition

6

# State Personal Income Tax

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

### SUMMARY

As required by law, summaries are written by the State Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

This proposed law would reduce the state personal income tax rate to 2.65% for all categories of taxable income for the tax year beginning on or after January 1, 2009, and would eliminate the tax for all tax years beginning on or after January 1, 2010.

The personal income tax applies to income received or gain realized by individuals and married couples, by estates of deceased persons, by certain trustees and other fiduciaries, by persons who are partners in

and receive income from partnerships, by corporate trusts, and by persons who receive income as shareholders of "S corporations" as defined under federal tax law. The proposed law would not affect the tax due on income or gain realized in a tax year beginning before January 1, 2009.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

### WHAT YOUR VOTE WILL DO

**A YES VOTE** would reduce the state personal income tax rate to 2.65% for the tax year beginning on January 1, 2009, and would eliminate the tax for all tax years beginning on or after January 1, 2010.

**A NO VOTE** would make no change in state income tax laws.

### ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

**IN FAVOR:** "41% waste in Massachusetts state government," reveals survey. Eliminating government waste is one reason to vote "Yes."

Your "Yes" vote cuts your state income taxes 50% starting this January 1st – and eliminates the last 50% next January 1st. For you and for 3,400,000 Massachusetts workers and taxpayers.

Your "Yes" vote gives back \$3,700 each to 3,400,000 Massachusetts workers and taxpayers – including you – on average when we end the state income tax. \$3,700. Each worker. Every year.

Your "Yes" vote will create hundreds of thousands of new Massachusetts jobs.

Your "Yes" vote will NOT raise your property taxes NOR any other taxes.

Your "Yes" vote will NOT cut, NOR require cuts, of any essential government services.

Your "Yes" vote rolls back state government spending 27% - \$47.3 billion to \$34.7 billion – more than state government spending in 1999.

3,400,000 Massachusetts workers, taxpayers and their families need your help. Please vote "Yes."

**Authored by:**  
**Carla Howell, Chair**  
**The Committee For Small Government**  
P.O. Box 5268  
Wayland, MA 01778  
(508) 630-9520  
[www.SmallGovernmentAct.org](http://www.SmallGovernmentAct.org)

**AGAINST:** This legally binding initiative would slash state revenues by more than \$12 billion a year – nearly 40 percent of the state budget.

- It would force dramatic cuts in state aid to cities and towns, driving up property taxes and reducing funding for vital local services.
- It would mean a drastic reduction in state funding for local public schools – leading to teacher layoffs, school closings and other cutbacks that would harm our children's education.
- It would threaten public safety by cutting funds for police, fire protection and emergency medical services.
- It would prevent us from making badly needed repairs to the state's aging roads and bridges, or making other investments needed to attract businesses and create jobs.
- And it could force the state to raise other taxes and fees that would hit moderate-income families hardest.

Times are tough enough. Let's not make them worse. Vote NO.

**Authored by:**  
**Peter Meade, Chair**  
**Coalition for Our Communities**  
150 Mt. Vernon St., Suite 200  
Dorchester, MA 02125  
(617) 284-1208  
[www.VoteNoQuestion1.com](http://www.VoteNoQuestion1.com)

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

SECTION 1. This law, to be known as The Small Government Act to End the Income Tax, is enacted upon the following findings and declarations:

- (a) The government of the Commonwealth of Massachusetts today is Big Government, and
  - (1) Massachusetts Big Government programs do not work; all too often, they do not achieve their stated objectives; all too often they fail in their duties;
  - (2) Massachusetts Big Government programs make things worse;
  - (3) Massachusetts Big Government programs create new problems;
  - (4) Massachusetts Big Government programs squander and waste; and
  - (5) Massachusetts Big Government programs divert money and energy from positive and productive uses in the private sector.
- (b) Big Government has a harmful impact on those who rely upon it, and
  - (1) Big Government promotes irresponsibility;
  - (2) Big Government makes people weak and dependent; and
  - (3) Big Government saps personal initiative and undermines the work ethic.
- (c) Big Government cannot work. It is inherently flawed and unreformable.
- (d) High taxes feed and increase the size and scope of Massachusetts Big Government.
- (e) High taxes drive jobs out of Massachusetts.
- (f) High taxes reduce our standard of living, making more people poor and fewer able to help their friends, families, and communities in need.
- (g) Government spending rises to meet government income. To dramatically shrink government spending, we must dramatically shrink government income.
- (h) Ending the personal income tax is intended to dramatically shrink the revenue of the Commonwealth of Massachusetts. Ending the personal income tax is designed to be a bold step in making Massachusetts' government small.

- (i) Small government leaves us free and unburdened to fashion our own lives, and
  - (1) Small government is simple, cheap, and good;
  - (2) Small government is thrifty and effective;
  - (3) Small government is accountable and responsible;
  - (4) There's no place to hide waste and corruption in a small government budget; and
  - (5) Small government leaves us with the responsibility and the resources to manage our own lives, educate our children, protect our families, care for our neighbors, and assist those who cannot support themselves.

SECTION 2. Chapter sixty-two of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting at the beginning of Section 3 of said Chapter sixty-two a new paragraph to read:

“No income or other gain realized in a taxable year beginning on or after January 1, 2010 shall be taxable, or subject to tax, under the provisions of this Chapter.”

Said Chapter sixty-two is hereby further amended by inserting the words “Subject to the introductory paragraph at the beginning of Section 3 of this chapter”, followed by a comma, at the beginnings of each of Subsections (f), (g) and (h) of Section 2 of Chapter sixty-two.

SECTION 3. Section 4 of Chapter sixty-two of the General Laws, as appearing in the 2006 Official Edition, is hereby amended, effective January 1, 2009, first, by striking from the introductory paragraph the words “as follows” and the colon that follows them, and replacing same with the words “at the rate of 2.65 per cent”, followed by a period; and second, by striking the subsections.

SECTION 4. Section 4 of Chapter sixty-two B of the General Laws, as appearing in the 2006 Official Edition, is hereby repealed, effective January 1, 2010.

SECTION 5. Chapter sixty-two C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting at the beginning of Section 6 of said Chapter sixty-two C a new paragraph to read:

“The term ‘taxable year’ as used in this Section

**FULL TEXT** ► or Section 7 of this Chapter, and applied to a natural person or to a partnership consisting only of natural persons, shall not include any period beginning on or after January 1, 2010.  
**(continued)**

SECTION 6. The Small Government Act to End the Income Tax is not intended to impair the operation of G.L. Chapter sixty-two E. Therefore, Section 2 of G.L. Chapter sixty-two E, as appearing in the 2006 Official Edition, is hereby amended by excising from the first sentence thereof the phrase “required to deduct and withhold taxes upon wages under the provisions of chapter sixty-two B” and the phrase “and any identification number such employer is required to include on a withholding tax return filed pursuant to said chapter sixty-two B”.

SECTION 7. The effect of the Small Government Act to End the Income Tax is prospective, not retroactive. Notwithstanding the provisions of the foregoing sections hereof, this law shall not

be construed to impair the collection of moneys due the Commonwealth for income or other gain realized by any person before the start of the taxable year described in Section 2 hereof, nor shall it be construed to affect the responsibility of any person to comply with the requirements of G.L. Chapters sixty-two B or sixty-two C as either pertains to income or other gain realized before the start of the taxable year described in Section 2 hereof or before the date of any repeal or change in the law.

SECTION 8. 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, section or application adjudged invalid.

# 2

## Possession of Marijuana

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

### SUMMARY

As required by law, summaries are written by the State Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

This proposed law would replace the criminal penalties for possession of one ounce or less of marijuana with a new system of civil penalties, to be enforced by issuing citations, and would exclude information regarding this civil offense from the state's criminal record information system. Offenders age 18 or older would be subject to forfeiture of the marijuana plus a civil penalty of \$100. Offenders under the age of 18 would be subject to the same forfeiture and, if they complete a drug awareness program within one year of the offense, the same \$100 penalty.

Offenders under 18 and their parents or legal guardian would be notified of the offense and the option for the offender to complete a drug awareness program developed by the state Department of Youth Services. Such programs would include ten hours of community service and at least four hours of instruction or group discussion concerning the use and abuse of marijuana and other drugs and emphasizing early detection and prevention of substance abuse.

The penalty for offenders under 18 who fail to complete such a program within one year could be increased to as much as \$1,000, unless the offender showed an inability to pay, an inability to participate in such a program, or the unavailability of such a

program. Such an offender's parents could also be held liable for the increased penalty. Failure by an offender under 17 to complete such a program could also be a basis for a delinquency proceeding.

The proposed law would define possession of one ounce or less of marijuana as including possession of one ounce or less of tetrahydrocannabinol ("THC"), or having metabolized products of marijuana or THC in one's body.

Under the proposed law, possessing an ounce or less of marijuana could not be grounds for state or local government entities imposing any other penalty, sanction, or disqualification, such as denying student financial aid, public housing, public financial assistance including unemployment benefits, the right to operate a motor vehicle, or the opportunity to serve as a foster or adoptive parent. The proposed law would allow local ordinances or bylaws that prohibit the public use of marijuana, and would not affect existing laws, practices, or policies concerning operating a motor vehicle or taking other actions while under the influence of marijuana, unlawful possession of prescription forms of marijuana, or selling, manufacturing, or trafficking in marijuana.

The money received from the new civil penalties would go to the city or town where the offense occurred.

### WHAT YOUR VOTE WILL DO

**A YES VOTE** would replace the criminal penalties for possession of one ounce or less of marijuana with a new system of civil penalties.

**A NO VOTE** would make no change in state criminal laws concerning possession of marijuana.

### ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

**IN FAVOR:** A YES vote removes the threat of arrest, jail, loss of student loans, loss of driver's licenses, and other sanctions for possession of an ounce or less of marijuana. Instead, a \$100 fine, similar to a speeding ticket, would be imposed.

Question 2 would end the creation of a permanent record (CORI) and barriers to housing and employment.

Police would be freed up to focus on serious crimes, rather than arresting 7,500 people annually for marijuana possession.

Taxpayers would save \$30 million a year in arrest costs.

(continued on next page)

**AGAINST:** Marijuana decriminalization is an endorsement of substance abuse and dangerous criminal activity, and sends the wrong message to young people. Massachusetts law already requires our judges to dismiss charges and seal records of first-time offenders.

Decriminalization emboldens and enables drug dealers and poses a threat to public health and safety. One ounce of marijuana – street value \$600 – equates to approximately 56 individual sales.

Marijuana contains nine times the mind-altering THC as 30 years ago, is twice as carcinogenic as tobacco, is a primary factor in juvenile hospital

(continued on next page)

**ARGUMENTS** ► *IN FAVOR:* All other marijuana-related crimes, like sales or DUIs, remain untouched.

Stricter than current law, juveniles would have their parent(s) notified and must complete a drug awareness program and community service.

Question 2 would not increase marijuana use. Eleven other states have similar laws and have shown no increase in marijuana use.

Let the punishment fit the crime. Vote “YES” on Question 2.

**Authored by:**  
**Whitney A. Taylor, Campaign Manager**  
**Committee for Sensible Marijuana Policy**  
**P.O. Box 130151**  
**Boston, MA 02113**  
**(617) 901-7765**  
**[www.sensiblemarijuanapolicy.org](http://www.sensiblemarijuanapolicy.org)**

*AGAINST:* admissions, and its users are 10 times more likely to be involved in automobile crashes. It is more strongly associated with juvenile crime than alcohol. A large percentage of criminal arrestees (approximately 40%) test positive for marijuana.

Decriminalization is opposed by law enforcement, educators, health care, business and community leaders.

Massachusetts District Attorneys, Sheriffs and Police Chiefs urge your NO vote.

**Authored by:**  
**Michael O’Keefe**  
**District Attorney for the Cape and Islands**  
**President, Massachusetts**  
**District Attorneys Association**  
**1 Bulfinch Place, Suite 202**  
**Boston, MA 02114**  
**(617) 723-0642**  
**[www.mass.gov/mdaa](http://www.mass.gov/mdaa)**

**FULL TEXT** ► Be it enacted by the People, and by their authority  
**OF QUESTION** as follows:

Section 1. This Act consists of five sections which together shall be known as “An Act Establishing A Sensible State Marihuana Policy.”

Section 2. Chapter 94C of the General Laws is hereby amended by inserting therein a new Section 32L, making the possession of one ounce or less of marihuana punishable only by civil penalties and forfeiture. That new section shall read as follows:

Section 32L. Notwithstanding any general or special law to the contrary, possession of one ounce or less of marihuana shall only be a civil offense, subjecting an offender who is eighteen years of age or older to a civil penalty of one hundred dollars and forfeiture of the marihuana, but not to any other form of criminal or civil punishment or disqualification. An offender under the age of eighteen shall be subject to the same forfeiture and civil penalty provisions, provided he or she completes a drug awareness program which meets the criteria set forth in Section 32M of this Chapter. The parents or legal guardian of any offender under the age of eighteen shall be notified in accordance with Section 32N of this Chapter of the offense and the availability of a drug awareness program and community service option. If an offender under the age of eighteen fails within one year of the offense to complete both a drug awareness program and the required community service, the civil penalty may be increased pursuant to Section 32N of this Chapter to one thousand

dollars and the offender and his or her parents shall be jointly and severally liable to pay that amount.

Except as specifically provided in “An Act Establishing A Sensible State Marihuana Policy,” neither the Commonwealth nor any of its political subdivisions or their respective agencies, authorities or instrumentalities may impose any form of penalty, sanction or disqualification on an offender for possessing an ounce or less of marihuana. By way of illustration rather than limitation, possession of one ounce or less of marihuana shall not provide a basis to deny an offender student financial aid, public housing or any form of public financial assistance including unemployment benefits, to deny the right to operate a motor vehicle or to disqualify an offender from serving as a foster parent or adoptive parent. Information concerning the offense of possession of one ounce or less of marihuana shall not be deemed “criminal offender record information,” “evaluative information,” or “intelligence information” as those terms are defined in Section 167 of Chapter 6 of the General Laws and shall not be recorded in the Criminal Offender Record Information system.

As used herein, “possession of one ounce or less of marihuana” includes possession of one ounce or less of marihuana or tetrahydrocannabinol and having cannabinoids or cannabinoid metabolites in the urine, blood, saliva, sweat, hair, fingernails, toe nails or other tissue or fluid of the human body. Nothing contained herein shall be construed to repeal or modify existing laws, ordinances or

**FULL TEXT** ► bylaws, regulations, personnel practices or policies concerning the operation of motor vehicles or other actions taken while under the influence of marihuana or tetrahydrocannabinol, laws concerning the unlawful possession of prescription forms of marihuana or tetrahydrocannabinol such as Marinol, possession of more than one ounce of marihuana or tetrahydrocannabinol, or selling, manufacturing or trafficking in marihuana or tetrahydrocannabinol. Nothing contained herein shall prohibit a political subdivision of the Commonwealth from enacting ordinances or bylaws regulating or prohibiting the consumption of marihuana or tetrahydrocannabinol in public places and providing for additional penalties for the public use of marihuana or tetrahydrocannabinol.

Section 3. Chapter 94C of the General Laws is further amended by inserting a new Section 32M emphasizing education concerning the effects of drug usage for youthful offenders. That new section shall read as follows:

Section 32M. An offender under the age of eighteen is required to complete a drug awareness program within one year of the offense for possession of one ounce or less of marihuana. In addition to the civil penalties authorized by Section 32L and 32N of this Chapter, the failure of such an offender to complete such a program may be a basis for delinquency proceedings for persons under the age of seventeen at the time of their offense.

The drug awareness program must provide at least four hours of classroom instruction or group discussion and ten hours of community service. In addition to the programs and curricula it must establish and maintain pursuant to Section 7 of Chapter 18A of the General Laws, the bureau of educational services within the department of youth services or any successor to said bureau shall develop the drug awareness programs. The subject matter of such drug awareness programs shall be specific to the use and abuse of marihuana and other controlled substances with particular emphasis on early detection and prevention of abuse of substances.

Section 4. Chapter 94C is further amended by inserting a new Section 32N providing for enforcement of the sensible marihuana policy at the local level, utilizing the non-criminal disposition procedures specified in Section 21D of Chapter 40 of the General Laws, so far as apt. That new section shall read as follows:

Section 32N. The police department serving each political subdivision of the Commonwealth

shall enforce Section 32L in a manner consistent with the non-criminal disposition provisions of Section 21D of Chapter 40 of the General Laws, as modified in this Section.

The person in charge of each such department shall direct the department's public safety officer or another appropriate member of the department to function as a liaison between the department and persons providing drug awareness programs pursuant to Section 32M of this Chapter and the Clerk-Magistrate's office of the District Court serving the political subdivision. The person in charge shall also issue books of non-criminal citation forms to the department's officers which conform with the provisions of this Section and Section 21D of Chapter 40 of the General Laws.

In addition to the notice requirements set forth in Section 21D of Chapter 40 of the General Laws, a second copy of the notice delivered to an offender under the age of eighteen shall be mailed or delivered to at least one of that offender's parents having custody of the offender, or, where there is no such person, to that offender's legal guardian at said parent or legal guardian's last known address. If an offender under the age of eighteen, a parent or legal guardian fails to file with the Clerk of the appropriate Court a certificate that the offender has completed a drug awareness program in accordance with Section 32M within one year of the relevant offense, the Clerk shall notify the offender, parent or guardian and the enforcing person who issued the original notice to the offender of a hearing to show cause why the civil penalty should not be increased to one thousand dollars. Factors to be considered in weighing cause shall be limited to financial capacity to pay any increase, the offender's ability to participate in a compliant drug awareness program and the availability of a suitable drug awareness program. Any civil penalties imposed under the provisions of "An Act Establishing A Sensible State Marihuana Policy" shall inure to the city or town where the offense occurred.

Section 5. Chapter 94C is further amended by amending its pre-existing penalty provision to conform to the sensible marihuana policy established by this Act. Section 34 of Chapter 94C as appearing in the 2006 official edition is amended by inserting after the word "Except" appearing in line 5 the words "as provided in Section 32L of this Chapter or" and by inserting the words "more than one ounce of" before the word "marihuana" appearing in line 16.

# 3

## Dog Racing

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

### SUMMARY

As required by law, summaries are written by the State Attorney General, and the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

This proposed law would prohibit any dog racing or racing meeting in Massachusetts where any form of betting or wagering on the speed or ability of dogs occurs.

The State Racing Commission would be prohibited from accepting or approving any application or request for racing dates for dog racing.

Any person violating the proposed law could be required to pay a civil penalty of not less than \$20,000 to the Commission. The penalty would

be used for the Commission's administrative purposes, subject to appropriation by the state Legislature. All existing parts of the chapter of the state's General Laws concerning dog and horse racing meetings would be interpreted as if they did not refer to dogs.

These changes would take effect January 1, 2010. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

### WHAT YOUR VOTE WILL DO

A **YES VOTE** would prohibit dog races on which betting or wagering occurs, effective January 1, 2010.

A **NO VOTE** would make no change in the laws governing dog racing.

### ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

**IN FAVOR:** Dog racing is cruel and inhumane. Would you treat your dog this way?

- Thousands of Massachusetts greyhounds endure lives of confinement, kept for 20 or more hours each day in cages barely large enough to stand up or turn around in.
- According to state records more than 800 Massachusetts racing greyhounds have been injured since 2002, including dogs who suffered broken legs, paralysis and even death from cardiac arrest.
- According to the Massachusetts State Racing Commission greyhounds have recently died from a mysterious illness and tested positive for cocaine, an illegal stimulant.
- To learn more and see photographs taken by the racetracks, visit [www.ProtectDogs.org](http://www.ProtectDogs.org).

Dogs are important in our lives and deserve protection.

Please join the MSPCA, The Humane Society of the United States, the *Springfield Republican*, every major animal shelter, dozens of lawmakers and other community leaders.

Vote "Yes" for the dogs on Question 3.

**Authored by:**  
**Carter J. Luke, President**  
**Massachusetts Society for the**  
**Prevention of Cruelty to Animals**  
**P.O. Box 442117**  
**Somerville, MA 02144**  
**(617) 666-3526**

**AGAINST:** Parimutuel dog racing has taken place in Massachusetts for over 70 years, now only at Wonderland dog track in Revere, and Raynham/Taunton in Raynham. The greyhounds are owned by caring dog owners, not tracks. There is no mistreatment of the dogs as claimed by animal activists. The State Racing Commission fully regulates the industry, has veterinarians on duty at each track, and maintains numerous programs for the welfare of the dogs during their racing careers, and for adoption when their careers are over. About 1,000 people will lose badly needed jobs if the proposal is enacted. The Commonwealth, Revere and Raynham will lose badly needed revenue. From 2000 to 2007, these tracks paid over \$40 million to the Commonwealth in commissions and fees, as well as other taxes related to their racing activities. Finally enactment will likely subject the Commonwealth to suits by the tracks for taking their property.

**Authored by:**  
**George L. Carney, Jr.**  
**Massasoit Greyhound Association, Inc.**  
**Raynham Park**  
**1958 Broadway**  
**Raynham, MA 02767**  
**(508) 824-4071**

**FULL TEXT OF QUESTION** ► Be it enacted by the people and their authority:

SECTION 1.

Declaration of purpose. The citizens of Massachusetts find that commercial dog racing is cruel and inhumane, and as recommended by the Humane Society of the United States, the Animal Rescue League of Boston, GREY2K USA, and the Massachusetts Society for the Prevention of Cruelty to Animals, declare that it should be prohibited in the commonwealth.

SECTION 2.

Chapter 128A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after Section 14D the following section: -

Section 14E. Notwithstanding the provisions of this chapter or any general or special law to the contrary, no dog racing or racing meeting where any form of betting or wagering on the speed or ability of dogs occurs shall be conducted or permitted in this commonwealth and the

commission is hereby prohibited from accepting or approving any application or request for racing dates for dog racing.

Any person violating any provision of this section relative to dog racing shall be subject to a civil penalty of not less than twenty thousand dollars which shall be payable to the commission and used for administrative purposes of the commission subject to appropriation.

All other provisions of this Chapter shall be construed as if they contain no references to dogs, dog racing or dog races.

Notwithstanding any general or special law to the contrary, the effective date of this section shall be January 1, 2010.

SECTION 3.

The several provisions of this Act are independent and severable and the invalidity, if any, of any part or feature thereof shall not affect or render the remainder of the Act invalid or inoperative.

## *Services of the Secretary of the Commonwealth of Massachusetts*

◆ **Citizen Information Service** functions as the primary information and referral agency for the state, offering data on state programs and agencies. CIS attempts to answer all requests, by providing either direct assistance or an immediate referral to the appropriate agency. The division is also an affiliate of the Massachusetts State Data Center and provides assistance in locating and understanding data of the U.S. Census Bureau. As part of its goal to make state government more accessible to the public, CIS has established a publication series on specific topics of interest, including:

- The Citizens' Guide to State Services: A Selective Listing of Government Agencies and Programs, with addresses, phone numbers and agency descriptions. Price: \$19.20 (\$15 plus \$4.20 shipping cost). Available from the State House Bookstore, see below.
- Welcome to Massachusetts: A Practical Guide to Living in the State, free.
- Your Automobile Excise Tax, free.
- Property Tax Exemptions for Elders, Surviving Spouses and Minors, free.
- Safe and Sanitary Housing for Massachusetts Residents, free.
- Veterans Laws and Benefits Guide, free.
- Massachusetts Facts: A Review of the History, Government and Symbols of the State, for junior high to high school age students, free.

Citizen Information Service can be contacted at (617)727-7030 or 1-800-392-6090 (toll-free in Massachusetts only), website: [www.sec.state.ma.us/cis](http://www.sec.state.ma.us/cis), where many of the above documents are available for viewing.

◆ **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 (8683), website: [www.sec.state.ma.us/ele](http://www.sec.state.ma.us/ele)

◆ **The Securities Division** endeavors to protect Massachusetts investors by licensing the sale of securities, requiring that high-risk securities be registered, investigating complaints, and taking appropriate enforcement and disciplinary actions. (617) 727-3548 or 1-800-269-5428, website: [www.sec.state.ma.us/sct](http://www.sec.state.ma.us/sct)

◆ **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, website: [www.sec.state.ma.us/pre](http://www.sec.state.ma.us/pre)

### ◆ **Real Estate Records**

**Foreclosure and Homestead Information** - Massachusetts is divided into 21 registry districts with an elected Register of Deeds responsible for each office. Documents related to the ownership of real estate within the district are recorded at the Registry of Deeds. Website: [www.masslandrecords.com](http://www.masslandrecords.com)

◆ **The Massachusetts Archives** collects, catalogs, and preserves records of enduring value from nearly 375 years of state government. It serves as a vital resource to scholars, genealogists, and students and as an advisor to the historical records community in Massachusetts. (617) 727-2816, website: [www.sec.state.ma.us/arc](http://www.sec.state.ma.us/arc)

◆ **The Commonwealth Museum** brings Massachusetts history alive through exhibits, outreach and student programs and publications. (617) 727-9268, website: [www.sec.state.ma.us/mus](http://www.sec.state.ma.us/mus)

◆ **The Massachusetts Historical Commission** is the state agency responsible for historical 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, website: [www.sec.state.ma.us/mhcc](http://www.sec.state.ma.us/mhcc)

◆ **The State Bookstore** offers a wide range of books and pamphlets published by the Secretary of the Commonwealth and other state agencies, including the Code of Massachusetts Regulations. A free Bookstore Catalog is available. (617) 727-2834, website: [www.sec.state.ma.us/spr](http://www.sec.state.ma.us/spr)

◆ **The Regional Offices** in Springfield and Fall River offer many of the services provided by the Boston office and bring state government closer to the citizens of Massachusetts. Springfield (413) 784-1376, website: [www.sec.state.ma.us/wso](http://www.sec.state.ma.us/wso); Fall River (508) 646-1374.

◆ **The Corporations Division** is responsible for registering all Massachusetts profit and nonprofit corporations and providing immediate summary information about more than 250,000 corporations doing business in the state. (617) 727-2850 or (617) 727-9640, website: [www.sec.state.ma.us/cor](http://www.sec.state.ma.us/cor)

### **Other divisions include:**

◆ **State Records Center**

website: [www.sec.state.ma.us/rec](http://www.sec.state.ma.us/rec)

◆ **State Publications and Regulations**

website: [www.sec.state.ma.us/spr](http://www.sec.state.ma.us/spr)

◆ **State House Tours**

website: [www.sec.state.ma.us/trs](http://www.sec.state.ma.us/trs)

# Protecting Your Financial Future:

Many Massachusetts families have at least part of their assets in uninsured investments like stocks, corporate bonds, or mutual funds. The Securities Division in Secretary Galvin's office is the state agency with the responsibility to protect investors in securities. The Division has recovered over \$200 million for investors.

## Before You Do Business with a Stockbroker, or Make an Investment, Check Their Background

You can check the background of a stockbroker and/or brokerage firm, or make a complaint about misconduct connected to investments, by calling the Securities Division at (617) 727-3548 or toll free at (800) 269-5428. If the firm is doing business in Massachusetts, it must be registered. The Securities Division can tell you if the firm and/or individual are properly licensed and if their record includes any disciplinary history, even if the firm is located outside Massachusetts.

## Enforcement and Restitution

The Securities Division cannot eliminate the risks of investing. However, the Enforcement Section staff is available each day to speak with investors about their concerns. Anonymous inquiries are accepted. Depending on the circumstances, the Division may begin an investigation. If there are proven violations of the Massachusetts Securities laws, fines may be imposed, and, sometimes, the violations lead to full or

partial restitution to investors. The Securities Division has recovered over \$200 million for defrauded investors. Investors' private rights to sue for damages are not waived by seeking an investigation or inquiry.

## Protect Your 401(K) Savings

If you change employer it is advisable that you "roll over" the proceeds from your 401(K) into an IRA at a bank or brokerage so that you can control your own financial future and continue to grow these funds as tax-deferred. This change may also increase your option as to the specific types of investment you make.

## Protecting Your Rights

Consumer and investor education is often your best protection. Look with doubt on promises of fantastic returns on your money in a short period of time, even if they come from a friend or acquaintance. Also, many financial frauds prey on the elderly. Always demand written information about the company or the corporation behind the investment plan and its past track record. But bear in mind that even printed documents can easily be created, forged, or falsified. If you are still in doubt, do not send any money, sign any documents, or make any promise to invest.

**Can Secretary Galvin's Office Help You?**

## Home Heating Crisis

### Winter Is Coming!

Home heating oil and gas prices have been continuously on the rise this year.

Fuel assistance is once again available for homeowners and renters needing help in paying high winter heating costs in Massachusetts. The federal government annually determines allocation of fuel subsidies to states.

In Massachusetts, the Department of Housing and Community Development oversees and distributes this fuel assistance to over 25 local non-profit administering agencies, contracted with the state to determine actual eligibility and disburse the financial assistance (whose amounts change yearly). The local agency will then make payments toward the heating bills to the primary heat source vendor (oil, propane, wood or coal dealer, gas or electric utility). Eligibility is based on annualized household income and the number of members in the household. Call the Department of Housing and Community Development Energy Assistance Programs at 1-800-632-8175 or Citizen Information Service at 1-800-392-6090 to find out where to apply.

## Utility Shut-off Information

### If you have a Financial Hardship

You are protected from having your electric or gas service shut off if you have a financial hardship AND

1. you, or someone in your home, is seriously ill; or
2. you have an infant in the home under 12 months; or
3. it is between November 15 and March 15 and you need the service to heat your home.

### If you are age 65 or older:

Utility companies may not shut off service to households where all residents are 65 years or older without written approval from the Department of Telecommunications and Energy.

Consumer complaints about home heating problems can be reported to the Attorney General's office, Public Inquiry and Assistance Center at (617) 727-8400.

For limited income households not eligible, contact the Good Neighbor Fund through your local Salvation Army at (617) 542-5420.



**Tear out and take to the polls.**

# Voter Checklist

**BALLOT QUESTIONS**

Question 1  Yes  No      Question 2  Yes  No      Question 3  Yes  No

**BALLOT OFFICES**

**Offices on the ballot in 2008 appear in the following order:**

- President/Vice President \_\_\_\_\_
- Senator in Congress \_\_\_\_\_
- Representative in Congress \_\_\_\_\_
- Councillor \_\_\_\_\_
- Senator in General Court \_\_\_\_\_
- Representative in General Court \_\_\_\_\_
- Register of Probate \_\_\_\_\_
- County Commissioner \_\_\_\_\_  
(Barnstable, Bristol, Dukes, Norfolk and Plymouth counties only), or Franklin Council of Government (Franklin county only)
- County Treasurer \_\_\_\_\_  
(Bristol, Dukes, Norfolk and Plymouth counties only)
- Register of Deeds (Northern Bristol – to fill a vacancy) \_\_\_\_\_
- Clerk of Courts (Plymouth county – to fill a vacancy) \_\_\_\_\_

**INFORMATION FOR VOTERS**

is sent to voters by mail to residential addresses, to voters residing in group quarters and 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 Secretary Galvin's Elections Division at (617) 727-2828 or 1-800-462-VOTE; or Citizen Information Service at (617) 727-7030 in the Boston area or 1-800-392-6090. TTY users call (617) 878-3889. Be sure to visit our website at [www.sec.state.ma.us](http://www.sec.state.ma.us).

The Spanish edition of Information for Voters and a large print edition for the visually impaired are also available at the same phone numbers. An audio edition is also available from the Braille and Talking Book Library in Watertown at 1-800-852-3133. Printed on recycled paper



**William Francis Galvin**  
Secretary of the Commonwealth  
One Ashburton Place, Room 1705  
Boston, MA 02108



Non-Profit Org.  
ECRWSS  
U.S. Postage  
**PAID**  
Massachusetts  
Secretary of the  
Commonwealth

**OFFICIAL DOCUMENT**

*Residential Customer*  
**VOTERS**