



Ballot Initiative STRATEGY CENTER

Ballot Initiative Overview

2008 Election

Massachusetts

Due in part to a challenging timeline for qualifying measures, Massachusetts voters have seen relatively few initiatives on their ballots over the years. But the state has been home to some of the most striking reforms attempted via initiative - concerning marriage equality, taxes and elections. In 2002, anti-tax activist Carla Howell sponsored an initiative that would have slashed Massachusetts' income tax rates; it failed by a 55% to 45% margin. Howell is back this year sponsoring an initiative that would completely eliminate the state's income tax. The resulting \$12 billion in service cuts would devastate Massachusetts' infrastructure. Massachusetts also will be voting on the decriminalization of marijuana. Under current state law, people arrested for simple possession of any amount of marijuana can face up to six months in jail and a fine of up to \$500. The "Act Establishing a Sensible Marijuana Policy for the Commonwealth" would amend the current criminal statutes so that adults possessing an ounce or less of marijuana for personal use would be charged with a civil infraction and fined. It would save Massachusetts approximately \$29.5 million per year in law enforcement resources that are currently wasted on low-level marijuana possession arrests, according to a 2008 report by Harvard economist Jeffrey Miron.

Massachusetts adopted the initiative process in 1913. In 1948, opposition to four controversial initiatives, including three anti-labor measures, is credited with giving Democrats full control of the Massachusetts legislature for the first time in the state's history. Historically Massachusetts is most known for its controversial ballot fights around marriage equality. In 2004, Massachusetts became the first state in the nation to give same-sex couples the right to marry as a result of *Goodridge v. Department of Public Health*. According to MassEquality, since that day, over 10,000 couples have entered into legal marriage, gaining all the state's accompanying rights and protections, from hospital visitation rights to shared health care benefits. Immediately following the *Goodridge* decision, opponents of equality tried multiple times to put referenda on the ballot that would write discrimination into the Massachusetts Constitution by banning same-sex marriage. Last year MassEquality beat back the latest anti-marriage amendment working its way to referral. With a strong super-majority in the Legislature and the

earliest opponents of equality could introduce a new referendum being 2012, marriage equality is safe in Massachusetts for the foreseeable future.

Although it has never been fully funded, in 1998 Massachusetts voters approved, by a 2-1 margin, the Clean Elections Law, which was to provide public financing for statewide candidates. After essentially refusing to fund the law for many years, the legislature referred Question 3 to the ballot in 2004, asking voters again whether they supported taxpayer funding of elections. The question was clearly designed to elicit 'no' votes and reduce support for the reform law. Many of the top corporate contributors to the No on 3 campaigns were well-seasoned national political donors who gave over \$6.6 million in soft money to the national Republican and Democratic parties in the 2002 election cycle. Question 3, a non-binding advisory measure, broke all fundraising records for a statewide advisory ballot question.

Three measures were on the statewide ballot (two passed); all were citizen-petitioned initiatives.

3 Statutory Initiatives Qualified

Question 1: Investment/Taxes

State Personal Income Tax: 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.

Proponents: Committee for Small Government, <http://www.smallgovernmentact.org/>

Opponents: Vote No on Question 1, <http://votenoquestion1.com/>

FAILED 30% - 70%

Question 2: Criminal Justice

Possession of Marijuana: 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.

Proponents: Committee for Sensible Marijuana Policy,
<http://sensiblemarijuanapolicy.org/initiative.html>

Opponents: No Committee Identified
PASSED 65% - 35%

Question 3: Animal Rights

Dog Racing: 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.

Proponents: Committee to Protect Dogs, <http://www.protectdogs.org/>

Opponents: Massachusetts Animal Interest Coalition, <http://www.protectdogsandjobs.org>
PASSED 56% - 44%

*For additional information please check with the Massachusetts Secretary of State:
<http://www.sec.state.ma.us/ele/eleidx.htm>*