

Office of the Mayor

From the desk of Michael A. Sullivan
Mayor

To: City Council
CC: City Clerk
From: Michael A. Sullivan
Date: 6/16/2003
Re: House bill 1267

Communications and Reports from City Officers #1

A communication was received from Mayor Michael A. Sullivan regarding a letter from State Representative Paul Demma asking for support for House bill 1267, "An Act Relative to Initiative and Referendum Petitions in Cities."

In City Council June 16, 2003

REFERRED TO POLICE
ORDER #2

Attached please find a copy of a letter I received from State Representative Paul Demma asking for support for House bill 1267, "An Act Relative to Initiative and Referendum Petitions in Cities."

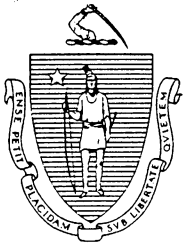
I have also included a copy of the order for tonight's meeting.

**Communications and Reports from
City Officers #1**

A communication was received from
Mayor Michael A. Sullivan,
regarding a letter from State
Representative Paul Demakis asking
for support for House bill 1267, "An
Act Relative to Initiative and
Referendum Petitions in Cities."

In City Council June 16, 2003

**REFERRED TO POLICY
ORDER #2**



The Commonwealth of Massachusetts

House of Representatives

State House, Boston 02133-1054

A handwritten signature in black ink, likely of a legislator, located in the top right corner of the page.

PAUL C. DEMAKIS
REPRESENTATIVE

8TH SUFFOLK DISTRICT
BOSTON • BROOKLINE • CAMBRIDGE

ROOM 446, STATE HOUSE
TEL. (617) 722-2460
FAX (617) 722-2897

Rep.PaulDemakis@hou.state.ma.us

Committees on
Public Service
Transportation

MEGHAN V. CARTY
LEGISLATIVE AIDE

Meghan.Carty@hou.state.ma.us

June 4, 2003

Hon. Michael Sullivan
Mayor of the City of Cambridge
City Hall
Cambridge, MA 02139

Dear Mayor Sullivan:

I am writing to request your support for House bill 1267, "An Act Relative to Initiative and Referendum Petitions in Cities." This would accomplish for all cities in the Commonwealth what the City of Cambridge unsuccessfully attempted to accomplish by home-rule petition in the last legislative term.

Sections 37 to 44 of Chapter 43 of the General Laws govern the placement of initiative petitions and referendum petitions on the ballot in cities and their adoption by the voters. Under Section 40, the signatures of at least 8 percent of the total number of registered voters in the city are required to place an initiative petition on the ballot. To be come effective, the initiative petition must then be approved by a majority of the voters voting on the measure *and* by at least one-third of the total number of registered voters in the city. Under Section 42, the signatures of at least 12 percent of the total number of registered voters in the city are required to place a referendum petition on the ballot. These provisions were in place prior to the enactment of the "Motor Voter Law" in 1994.

The "Motor Voter Law", which was designed to increase citizen participation in elections, altered the definition of "registered voters" in Massachusetts to include, in addition to active voters, "inactive voters," almost all of whom no longer live in the city or town in which they are listed as inactive. This change had the unintended effect of drastically increasing the number of signatures required to secure ballot placement for an initiative or referendum petition and the number of votes required to approve an initiative petition.

Representative Paul C. Demakis/June 4, 2003/Page Two

For example, according to the Cambridge Election Commission, there were 60,353 persons age 18 and over residing in Cambridge in 1999. In September 1999, there were 56,802 active and inactive voters in Cambridge – nearly 95% of the voting age population. Yet, when one accounts for the resident aliens and students registered outside Cambridge in the voting age population, as well as those eligible to register who did not do so, it is obvious that 95% of the voting age population was not registered to vote.

Moreover, in order for an initiative petition to be approved in Cambridge in 1999, it would have had to receive 18,934 votes – a figure higher than the total number of voters in each of the last 10 Cambridge municipal elections. Clearly, the unintended effect of the Motor Voter Law has been to render the initiative petition process set forth in G.L. c. 43, ss. 37-44 inoperable.

H. 1267 would remedy these problems. Section 1 would base the signature requirements for initiative and referendum petitions on the total number of *active* registered voters. Section 2 would eliminate the requirement that an initiative petition receive the approval of one-third of the total number of registered voters in the city, in addition to a majority of those voting on the measure.

A similar bill was proposed as a home-rule petition for Cambridge two years ago. However, Secretary of State William Galvin opposed it, saying that changes in the procedural requirements of the state's election laws should not be made for just one community. H. 1267 would address this objection by changing the initiative and referendum petition processes for all cities.

The Legislature's Joint Committee on Election Laws is holding a public hearing on H. 1267 on Thursday, June 12, 2003 at 1:30 p.m. in Room A-2. I would deeply appreciate it if you could testify in favor of H. 1267 at the hearing. If you are unable to testify, I would appreciate it if you could send a letter to the co-chairs of the Election Laws Committee, Representative William Straus and Senator Brian Joyce. Their mailing addresses are State House, Boston, MA 02133.

Thank you for your consideration. If you have any questions or concerns about H. 1267, please do not hesitate to let me know.

Sincerely,



Paul C. Demakis
State Representative
8th Suffolk District

cc: Robert Healy, City Manager



City of Cambridge

O-2
IN CITY COUNCIL
June 16, 2003

MAYOR SULLIVAN
VICE MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR GALLUCCIO
COUNCILLOR MAHER
COUNCILLOR MURPHY
COUNCILLOR REEVES
COUNCILLOR SIMMONS
COUNCILLOR TOOMEY

ORDERED: That the City Council go on record in support of House Bill 1267, "An Act Relative to Initiative and Referendum Petitions in Cities"; and be it further

ORDERED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to the co-chairs of the Election Laws Committee, Representative William Straus and Senator Brian Joyce at the Massachusetts State House.

In City Council June 16, 2003
Adopted by the affirmative vote of nine members.
Attest:- D. Margaret Drury, City Clerk

A true copy;

A handwritten signature in cursive script, reading "D. Margaret Drury".

ATTEST:-

D. Margaret Drury, City Clerk

S-210

ORDER#2

Requesting the City Council go on
record in support of House Bill 1267,
"An Act Relative to Initiative and
Referendum Petitions in Cities".

**Mayor Sullivan and entire
membership**

In City Council June 16, 2003

ORDER ADOPTED