



The Commonwealth of Massachusetts

Office of the Secretary of State
Michael Joseph Connolly, Secretary

John P. Cloonan
Director of Elections

M E M O R A N D U M

TO: City and Town Clerks and Election Commissioners

FROM: John P. Cloonan, Director of Elections

RE: Initiative petitions

DATE: October 17, 1985

Seven state initiative petitions have been in circulation for voter signatures since September. A list is enclosed for your information. The identifying letter (A, B, C, D, E, H, and J) for each petition is printed at the lower right corner on both the front and back of each petition page.

Initiative petitions must be submitted to local Registrars of Voters for certification no later than Wednesday November 20, 1985 (except Monday, November 25 in Boston). Your office must remain open until 5:00 p.m. on that day. We suggest that you issue a receipt when petitions are delivered to you. The Registrars must complete certification and return the petitions to the petitioners by 5:00 p.m. on Monday, December 2, 1985.

Also enclosed for your convenience is a page from the booklet "Boards of Registrars" (in your Election Resource Handbook) which summarizes the basis for certifying or not certifying signatures. Be sure to use the correct symbol, printed on the back of the petition form, to indicate the reason for not certifying any signature.

It is important to keep a record of which registered voters have signed each petition (such as by printing the appropriate petition's identifying letter on your master voting list or voter card), because these voters are ineligible to sign the same initiative petition next May and June, when additional signatures may be collected. Please retain these records through August 1986.

Since several initiative petitions relate to controversial subjects, careful certification may help avoid litigation later. Please call the Elections Division if you have any questions. Thank you for your cooperation.

Signer Information Section

53 § 7*

The signature must be certified if the voter's name is "substantially as registered." If the registrars can reasonably determine from the form of the signature the identity of the duly registered voter, the name shall be deemed to have been signed "substantially as registered." This provision applies whenever registrars of voters are to certify a voter's signature.

* See the court decisions in 4,568 Registered Voters v. City Clerk, 392 Mass. 424, 425 n. J, 465 N.E.2d 1209, 1210 n. 5 (1984); McCarthy v. Secretary of the Commonwealth, 371 Mass. 667, 682-85, 359 N.E.2d 291, 301-03 (1977), and Hilsinger v. State Ballot Law Commission, Nos. 39934 & 39958 (Mass. Super., Suffolk Apr. 28, 1980).

Signatures should be certified if:

- a. Middle initial is inserted or omitted.
- b. A common or known nickname is used.
- c. Two initials are used with a surname.
- d. One initial is used with a surname, if no other registered voter with that initial lives at that address.
- e. "Jr." or "Sr." is inserted or omitted, if no other registered voter with that name lives at that address.
- f. Ditto marks are used to indicate a correct address.

53 § 46

Signatures should not be certified if:

- a. The first name is different from the first name on the voting list.
- b. The address is different, even if only by one house number, or if a post office box number rather than a street address appears.
- c. The signature is not that of a registered voter at that address.
- d. The signature is illegible.
- e. The signer is enrolled in the wrong party (for primary nomination papers or recount petitions). For primary nomination papers, the voter must be either enrolled in the proper party or unenrolled (independent) at the time of certification. For primary recount petitions, the voter must be enrolled in the proper party as of the last day to register before the primary.
- f. The signer is in a different voting district or community.
- g. The signer already signed a nomination paper for another candidate for the same office or the same candidate for the same office (or the same petition). Only the first signatures submitted for that office should be certified.

1985 INITIATIVE PETITIONS FILED WITH THE STATE SECRETARY

DATE FILED	PETITION #	SUBJECT MATTER	ORGANIZATION FILING
9-4-85	E168 A	AUTHORIZING THE COMMONWEALTH CITIES AND TOWNS TO CONTROL CONSTRUCTION COSTS AND CREATE JOB OPPORTUNITIES	ASSOCIATED BUILDERS AND CONTRACTORS
9-4-85	E168 B	MASSACHUSETTS NUCLEAR WEAPONS FREE ZONE ACT	ROBERT LEO OF DENNIS MASS.
9-4-85	E168 C	FOR A LAW PHASING OUT THE SURTAX ON THE STATE PERSONAL INCOME TAX AND LIMITING STATE REVENUE GROWTH TO THE LEVEL OF GROWTH IN STATE WAGES AND SALARIES.	CITIZENS FOR LIMITED TAXATION
9-5-85	E168 D	ESTABLISHING A CITIZENS UTILITY BOARD	MASSACHUSETTS PUBLIC INTEREST RESEARCH GROUP
9-5-85	E168 E	TO LIMIT ACID RAIN AND ACID DEPOSITION IN MASSACHUSETTS	MASSACHUSETTS PUBLIC INTEREST RESEARCH GROUP
9-5-85	E168 H	PROVIDING A MORE EFFECTIVE AND SIMPLIFIED VOTER REGISTRATION	CAMPAIGN FOR MAIL IN VOTER REGISTRATION
9-12-85	E168 J	FOR TIMELY AND EFFECTIVE CLEANUP AND EMERGENCY RELIEF AT OIL AND HAZARDOUS MATERIAL DISPOSAL SITES	MASSACHUSETTS PUBLIC INTEREST RESEARCH GROUP

back it add
to 10/4 Post

32, 8748
Comm. from John P. Cloonan, Director of
Elections, Secretary of State's Office
Re: 1985 Initiative Petitions filed with
the Secretary of State's Office.

In City Council,

October 21, 1985