



The Commonwealth of Massachusetts

Office of the Secretary of State
Michael Joseph Connolly, Secretary

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John P. Cloonan
Director of Elections

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Assistant Director of Elections

M E M O R A N D U M

TO: Mayors, City and Town Councils, Selectmen, City and Town Clerks and Election Commissions

FROM: Leslie A. Kirwan, Acting Deputy Commissioner of Revenue, Division of Local Services, and
John P. Cloonan, Director of Elections, Office of the Secretary of State

RE: Optional September 24 local ballot question to exempt local aid reduction from "Proposition 2 1/2"

DATE: July 11, 1991

A section of the fiscal 1992 state budget signed by the Governor yesterday allows a City Council (with the Mayor's approval, if the charter so requires), Board of Selectmen, or Town Council to vote to place on a September 24, 1991 regular or special local election ballot a new ballot question. The question asks local voters whether to exempt from the "Proposition 2 1/2" levy limit some or all of the amount by which "resolution aid" (a major category of local aid) was reduced between fiscal 1991 and fiscal 1992. The text of this section (G.L. ch. 59, § 21C [k 1/2], inserted by St. 1991, ch. 138, § 243) is enclosed.

This would be a one-time exclusion, not included in the tax base for purposes of calculating future years' levy limits. In this respect, it would be similar to a debt exclusion or capital-outlay exclusion.

The text of the ballot question must be exactly as it appears in the enclosed statute. As in any election, no additional information of any kind may appear on the ballot nor in any official materials intended for voters and published at municipal expense, unless expressly authorized by statute. The election is called by majority vote of the Council or Selectmen. The question is approved if a majority of the voters voting on the question (i.e., excluding blanks) vote "yes."

Unlike other "Proposition 2 1/2" questions, this new question can appear only on a September 24, 1991 municipal election ballot. If no election is already scheduled for that day, the Council or Selectmen may call a special election for that day. To allow sufficient time for absentee voting, the decision to place the question on an existing September 24 election ballot or to call a special election must be made at least five weeks in advance, no later than August 20, 1991. If a city wishes to reschedule a preliminary election from a different date to September 24, the Council (with the Mayor's approval if necessary) may do so not later than July 26, 1991 (see G.L. ch. 54, § 103P); if already publicized filing deadlines change as a result, special care should be taken to notify all candidates in writing of the new, earlier deadlines.

The usual election procedures apply to all September 24 elections. These include absentee voting, and required voter registration sessions on Saturday, August 24 (9:00 a.m. to 5:00 p.m.) and Wednesday, September 4 (until 10:00 p.m. for a regular election, at least 8:00 p.m. for a special election). The usual number of precincts and election officers must be maintained. A polling place may be changed only if affected voters are notified by mail.

A city or town now using lever voting machines, punchcards, or optical scanner ballots may decide to use paper ballots for this election. The Council or Selectmen must vote to do so not later than August 26, 1991, and must so notify the Secretary's Elections Division in writing within five days after such a vote. (See G.L. ch. 54, § 34.)

For more information:

about taxation effects, or for assistance in calculating the reduction in resolution aid, contact: Division of Local Services, Department of Revenue, 200 Portland Street, 3rd floor, Boston, MA 02204, telephone (617) 727-2300.

about election procedures, contact: Elections Division, Office of the Secretary of State, One Ashburton Place, Room 1705, Boston, MA 02108, telephone (617) 727-2828 or 1-800-462-VOTE.

about campaign finance, including campaign activities by municipal officials and employees and use of public resources, contact: Office of Campaign and Political Finance, One Ashburton Place, Room 411, Boston, MA 02108, telephone (617) 727-8352 or 1-800-462-OCPF.

SECTION 243. Section 21C of chapter 59 of the General Laws, as appearing in the 1988 Official Edition, is hereby amended by adding the following paragraph:-

(k $\frac{1}{2}$) The local appropriating authority of any city or town may seek voter approval at a September 24, 1991 election to assess taxes in excess of the amount allowed pursuant to this section for the purposes of raising up to the amount of the reduction in the city or town's Resolution Aid between the fiscal years 1991 and 1992; provided, however, that the question submitted shall be as follows:-

"Shall the (city/town) of _____ be allowed to exempt from the provisions of proposition two and one-half, so called, the amount of _____, which is (the amount/portion of the amount) of the reduction in resolution aid to the city/town between the fiscal years 1991 and 1992.

YES NO";

and provided, further, that said question shall be deemed approved if a majority of the persons voting thereon shall vote "YES"; and provided, further, that said paragraph (k $\frac{1}{2}$) shall cease to be utilized after the date of June thirtieth, nineteen hundred and ninety-two.

Section 21C of chapter 59 of the General Laws, as appearing in the nineteen hundred and eighty-eight Official Edition, is hereby amended by striking the words "(j) or (k)" in lines 197 and 198, and inserting in place thereof the following:- (j), (k) or (k $\frac{1}{2}$).

CONSENT COMM. # 26

S-919

Comm. from the Secretary of State regarding local ballot question to exempt local aid reduction from "Proposition 2½"

In City Council,

August 7, 1991

Placed on file