

HOUSE No. 669

By Mr. Kaufman of Lexington, petition of Jay R. Kaufman and others to provide for comprehensive voter information pamphlets. Election Laws.

The Commonwealth of Massachusetts

PETITION OF:

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In the Year Two Thousand and Seven.

AN ACT TO PROVIDE FOR COMPREHENSIVE VOTER INFORMATION PAMPHLETS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 54 of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by striking out Section 53 and inserting
3 in place thereof the following sections:—

4 Section 53. Printing and distribution of a voters' pamphlet.

5 The secretary of state shall, whenever at least one statewide mea-
6 sure or office is scheduled to appear on the general election ballot,
7 print and distribute a voters' pamphlet.

8 The secretary of state shall distribute the voters' pamphlet to each
9 household in the state, public libraries, public schools, and any other
10 locations he or she deems appropriate, in time to arrive prior to the
11 election. The secretary of state shall also produce taped and Braille
12 transcripts of the voters' pamphlet, publicize their availability, and
13 mail without charge a copy to any person who requests one.

14 The secretary of state shall make the material required to be dis-
15 tributed by this chapter available to the public in electronic form of
16 his or her choosing on the secretary of state's website.

17 The secretary of state may provide the material in electronic form
18 to computer bulletin boards, print and broadcast news media,

19 community computer networks, and similar services at the cost of
20 reproduction and transmission of the data.

21 Section 53A. Prohibition against deceptively similar campaign
22 materials.

23 No person or entity may publish or distribute any campaign mate-
24 rial that is deceptively similar in design or appearance to any voters'
25 pamphlet published by the secretary of state during the ten-year
26 period before the publication or distribution of the campaign mate-
27 rial by the person or entity. The secretary of state shall take reason-
28 able measures to prevent or to stop violations of this section. Such
29 measures may include, among others, petitioning the superior court
30 for a temporary restraining order or other appropriate injunctive
31 relief. In addition, the secretary may request the superior court to
32 impose a civil fine on a violator of this section. The court is autho-
33 rized to levy on and recover from each violator a civil fine not to
34 exceed the greater of: (1) two dollars for each copy of the deceptive
35 material distributed, or (2) one thousand dollars. In addition, the vio-
36 lator is liable for the state's legal expenses and other costs resulting
37 from the violation. Any funds recovered under this section must be
38 transmitted to the state treasurer for deposit in the general fund.

39 Section 53B. Contents.

40 The voters' pamphlet must contain:—

41 (1) Requirements to qualify as a voter.

42 (2) Information about how to register to vote and when and how a
43 voter is required to register or update a registration.

44 (3) The Voters' Bill of Rights.

45 (4) Voter registration forms.

46 (5) An application form for an absentee ballot.

47 (6) A sample ballot.

48 (7) A short explanation of the roles, duties, and area represented
49 for each of the offices listed in subsection (8) of this section.

50 (8) In even-numbered years, statements, if submitted, advocating
51 the candidacies of nominees for the office of president and vice pres-
52 ident of the United States, United States senator, United States repre-
53 sentative, governor, lieutenant governor, secretary of state, state
54 treasurer, state auditor, attorney general, state senator, state represen-
55 tative, governor's councilor, district attorney, register of probate,
56 county commissioner, county treasurer, register of deeds, and clerk
57 of courts.

58 (9) In even-numbered years the name, address, telephone number,
59 and information about how to get a ride to the polls, from each polit-
60 ical party with nominees listed in the pamphlet, if filed with the sec-
61 retary of state by the state committee of a major political party or the
62 presiding officer of a minor political party by a deadline set by the
63 secretary of state.

64 (10) Information about each ballot measure as provided for in this
65 Chapter, Section 53F.

66 (11) Tables of contents, indexes, art work, graphics, and other
67 materials that the secretary of state determines will make the ballot
68 pamphlet easier to understand or more useful for the average voter.

69 The secretary of state may include in the voters' pamphlet the
70 following information:—

71 (1) Maps showing the boundaries of senatorial and representative
72 districts.

73 (2) Any additional information that the secretary of state deems
74 informative to the voters.

75 Section 53C. Contents of Candidate Statements.

76 Candidates eligible for submission of a candidate statement must
77 include the following information preceding their statement:—

78 (1) Name

79 (2) Place of Residence

80 (3) Occupation

81 (4) Occupational and Educational background

82 (5) Prior government experience

83 (6) Party preference or independent status where a candidate has
84 expressed such a preference on his or her declaration of candidacy.

85 Candidates may include for publication a campaign mailing
86 address, campaign office location address, web address, and tele-
87 phone number. No candidate's statement may refer to another candi-
88 date by name.

89 Candidates may also submit a photograph not more than five
90 years old and of a size and quality that the secretary of state deems
91 suitable for reproduction in the voters' pamphlet. No photograph
92 may reveal clothing or insignia suggesting the holding of a public
93 office.

94 Section 53D. Length of Candidate Statements.

95 The maximum number of words for statements submitted by can-
96 didates is as follows:—

97 (1) Three hundred words:— president and vice president, United
98 States senator, United States representative, and governor

99 (2) Two hundred words:— state senator, and all statewide offices,
100 except that of governor

101 (3) One hundred words:— state representative, and any offices
102 not voted on statewide and not specifically named in this section

103 Section 53E. Furnishing of voter information to the state secre-
104 tary.

105 In accordance with deadlines set by the state secretary, the elec-
106 tion commissioners in the city of Boston and the registrars of voters
107 in every other city or town shall cause to be sent to the state secre-
108 tary mailing lists of the voters whose names appear on the latest
109 voting lists of their respective cities and towns, prepared as required
110 by section 55 of chapter 51 and indicating, so far as practicable,
111 those addresses that appear to be group residential quarters, with the
112 number of registered voters residing at each such address, and shall
113 promptly furnish him with subsequent additions to and corrections in
114 such lists.

115 Section 53F. Ballot measure information guidelines.

116 The secretary shall include in the voters' pamphlet, with copies of
117 the measures to which they refer, a summary prepared by the
118 attorney general, a ballot question title prepared jointly by the
119 attorney general and state secretary, fair and neutral one sentence
120 statements describing the effect of a yes or no vote prepared jointly
121 by the attorney general and state secretary, and, as provided in
122 section fifty-four, arguments for and against measures to be sub-
123 mitted to the voters under Article XLVIII of the Amendments to the
124 Constitution. The secretary shall make available for public examina-
125 tion a copy of such ballot question titles and one-sentence statements
126 describing the effect of a yes or no vote, and shall publish the same
127 in the Massachusetts register on or before the second Wednesday in
128 May. Any fifty voters may petition the supreme judicial court for
129 Suffolk county to require that any such title or statement be
130 amended; provided, however, that such petition must be filed within
131 twenty days after the publication of said title and statement. The
132 court may issue an order requiring amendment by the attorney
133 general and state secretary only if it is clear that the title or one-sen-
134 tence statement in question is false, misleading or inconsistent with
135 the requirements of this section.

136 The secretary shall also include in the voter's pamphlet any ques-
137 tion to be placed on the ballot at a biennial state election for the pur-
138 pose of ascertaining the will of the people upon a particular subject
139 provided that such question is received by the secretary on or before
140 the first Wednesday of July preceding such election. Any such ques-
141 tion shall be presented as set forth in this section for measures sub-
142 mitted under Article XLVIII of the Amendments to the Constitution,
143 provided that the publication and judicial review procedures set forth
144 herein shall be inapplicable where questions are received by the sec-
145 retary on or after the first Wednesday in May. This section shall not
146 apply to a question of public policy filed in accordance with section
147 nineteen of chapter fifty-three.