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September 4, 2019

Richard Max Strahan
University of New Hampshire
83 Maine Street, 6080 Granite Street Station
Durham, NH 03824

Re: Initiative Petition No. 19-09, Whale Safe Fishing Act B

Dear Mr. Strahan:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, we have reviewed the above-referenced initiative petition, which was submitted to the Attorney General on or before the first Wednesday of August this year. I regret that we are unable to certify that the proposed law complies with Article 48 because the materials you filed do not demonstrate that the initiative petition was signed by at least ten registered voters.

In order to be filed with the Attorney General for certification, initiative petitions must be signed by "ten qualified voters of the commonwealth." Amend. Art. 48, The Init., Pt. II, § 3. With respect to these signatures, Art. 48 goes on to specify that, "[p]rovision shall be made by law for the proper identification and certification of signatures to" initiative petitions. Amend. Art. 48, General Provisions, Pt. I. The Legislature has enacted G.L. c. 53, § 22A, which provides that, "[c]ertificates showing that each of the ten original signers is a registered voter at the stated address, signed by a majority of the registrars of voters, shall accompany an original initiative ... petition." Thus, initiative petitions filed with the Attorney General on or before the first Wednesday in August for certification must be accompanied by voter registration certificates for at least ten of the original signers. See Compton v. State Ballot Law Comm'n, 311 Mass. 643, 651-652 (1942) (local registrars' certification of first ten signers in accordance with G.L. c. 53, § 22A, demonstrates compliance with Art. 48 requirement that initiative petitions be signed by "ten qualified voters in the commonwealth").

Even if G.L. c. 53, § 22A, does not govern the initial filing of petitions with the Attorney General (but only the subsequent filing of certified petitions with the Secretary of State), the Attorney General has historically accepted such certificates as adequate proof that the original signers were registered voters at the time the petitions were filed. It may be that another form of proof would suffice, but -- because you have submitted neither a sufficient number of voter



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registration certificates nor any other proof of the registered-voter status of at least ten signers -- we are unable to conclude that your petition was signed by at least ten registered voters.

The petition was filed on August 6, 2019, with 18 signatures and 10 voter registration certificates, but only 8 of the 10 certificates were for voters who had actually signed the petition. The other 2 certificates were for voters who had not signed the petition. Therefore, voter registration certificates were filed for only 8 of the original signers. On the evening of August 6, I sent you an urgent email alerting alerting you to this deficiency and inviting you to rectify it by the close of business on the filing deadline, August 7. To date, you have not responded.

Because we cannot conclude that Petition No. 19-09 was signed by "ten qualified voters" before filing, we cannot certify that it meets the requirements of art. 48.

Very truly yours,



Juliana deHaan Rice
General Counsel
617-963-2583

cc: William Francis Galvin, Secretary of the Commonwealth