



Election Commission Meeting Minutes September 26, 2018

Present: Marjorie Ann Butler, (Chair), Jan Huffman, Nancy M. Levine, and John P. McDermott

Also present: Ouida Young (Acting City Solicitor), Maura O’Keefe (Assistant City Solicitor), City Councilor R. Lisle Baker, Patricia Schiavoni (Assistant City Clerk), Christopher Sullivan (Assistant City Clerk), and Shawna Sullivan (Assistant Clerk of the Council)

The Ballot with the Instructions to Voters for the Municipal Election

The City Council approved placing two questions related to the retail sale of recreational marijuana on a ballot for a special election on November 6, 2018, which coincides with the State elections. In addition, the Council approved a resolution to the Election Commission requesting that the Election Commission include instructions to voters on the ballot which make it clear that there are two separate questions and which question prevails if both questions pass.

The Election Commission reviewed both the language for the instructions to voters and the language for the two ballot questions with Acting City Solicitor Ouida Young. The goal of the Commission was to ensure that the language on the ballot was consistent throughout the ballot. The Committee requested some minor changes to both the questions and instructions to voter language for clarification and consistency. The Commission does not want the ballot refer to the questions as Questions 1 and 2 but as the question to ban recreational marijuana retail stores and the question to limit the number of recreational marijuana retail stores.

The Commissioners removed the reference in the instructions to voters to questions 1 and 2 and replaced it with “both questions”. The Commission also requested that the ballot questions be boxed or bolded to make them stand out on the ballot.

The Commission determined that the questions would be side-by-side on the ballot. The Commission drew to determine which question would be on the right and left sides of the ballot. The result of the draw was the question to limit on the left side and the question to ban on the right side of the ballot.

The Commissioners unanimously approved the questions and the instructions to voter text with amendments and the position of the questions.

The Mailer Text

The Commissioners checked the proposed text of the mailer to registered voters in Newton regarding the special municipal election on November 6, 2018. The mailer includes a letter from the City Clerk, the two ballot questions, instructions to voters, and a summary of each question. The City Clerk and Acting City Solicitor worked on the language included in the draft mailer. Acting City Solicitor Ouida Young joined the

Commission for discussion of this agenda item. The City Clerk's goal is to get the mailer out to voters by October 12, 2018, which is well before the required 10 days before the election. It is important to get the mailer out sooner, as voters will have the opportunity to participate in early voting beginning Monday, October 22, 2018.

The Commissioners made some edits to the mailer. The attached revised draft of the mailer highlights the Election Commission's edits. The Election Commission approved the mailer with the requested changes.

Complaint Filed with the Election Commission

A concerned citizen filed a complaint regarding a voter falsely registered at an address in Newtonville. The complaint states that the voter cast a vote in the most recent primary. The complaint requests removal of the voter from the voter rolls. On September 26, 2018, the subject of the complaint requested removal from the City of Newton voting rolls. As the City Clerk's Office will remove the voter from the voting rolls, there is no further action for the Election Commission to take. Assistant City Solicitor concurred with the Election Commission that there is no further action necessary.

The Election Commission would like to establish procedures for handling complaints. The Commissioners agreed that it would be appropriate to have the City Clerk acknowledge receipt of the complaint and handle all communications with the complainant.

Update on State Election

Assistant Clerk of Elections Patricia Schiavoni provided the Election Commissioners with an update on the upcoming State Election. The City Clerk's Office distributed all 160 requested Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) applications for the upcoming election. The absentee ballots will be in the mail as soon as the ballots are available. Early voting begins on Monday, October 22 and concludes on Friday, November 2, 2018. The hours and locations for early voting are as follows:

Monday – Thursday @ City Hall, 8:30 AM to 8 PM

Friday @ City Hall, 8:30 AM to 5 PM

Saturday and Sunday @ Newton North High School and Newton High School, 12 PM to 5 PM

Commissioners asked if there were any plans to hold early voting hours at assisted living facilities similar to the 2016 early voting period. The City Clerk's Office is working with a number of facilities to arrange for early voting at those facilities.

Next Meeting

The City Clerk will work with the Commissioners to set the next Election Commission meeting.

Respectfully Submitted,
Marjorie Ann Butler, Chair

Opening letter from D. Olson to Voters

Dear Newton Voter,

The City of Newton will hold a special Municipal Election on November 6, 2018. Voters will have an opportunity at that election to vote on two (2) ballot questions dealing with recreational marijuana retail stores in the City of Newton. One ballot question would authorize banning all recreational marijuana retail stores in Newton. The other ballot question would authorize limiting the number of recreational marijuana retail stores in Newton. If neither ballot question passes, the current state law regulating recreational marijuana establishments would stay in effect and the City Council could not limit the number of recreational marijuana retail stores to less than eight (8) stores. The City Council and Mayor placed both questions on the ballot pursuant to the provisions of M.G.L. c. 94G, section 3 which sets out the procedures for exercising local control over recreational marijuana establishments. Medical marijuana dispensaries are not affected by either ballot question.

The City of Newton Election Commission is required by law to mail to Newton voters the text of local ballot questions. The Commission is also required by law to include a summary of each question prepared by the City Solicitor, and arguments for and against each question prepared by the principal proponents and opponents of these questions. The Election Commission is not responsible for the accuracy of the statements made in the arguments for and against each ballot question.

If you have any questions, please contact the City Clerk's office at 617-796-1200.

Ballot Question To Authorize Limiting The Number of Recreational Marijuana Retail Stores in the City of Newton

Shall the City of Newton adopt the following zoning ordinance:

The number of recreational marijuana retail establishments allowed to operate shall be not fewer than two (2) nor more than four (4) establishments set by a general ordinance adopted by the City Council.

SUMMARY

In 2017~~6~~, Massachusetts passed a law permitting the sale and use of recreational marijuana in the Commonwealth. Under the current law, the Newton City Council may limit the number of recreational marijuana retail stores in Newton to no fewer than twenty per cent (20%) of Newton's retail liquor store licenses, which currently would amount to eight (8) retail recreational marijuana stores. The Council cannot further restrict the number of recreational marijuana retail stores in Newton unless the voters approve a ballot measure authorizing the City Council to do so.

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A “YES” vote on this question would authorize the City Council to pass an ordinance limiting the allowed number of recreational marijuana retail stores to fewer than the otherwise required minimum of eight (8): specifically, between two (2) and four (4) recreational marijuana retail stores. The exact number of retail stores allowed to open within this range would be determined by a separate ordinance enacted by the City Council.

A “NO” vote would leave the current law in place: that is, the Newton City Council may limit the number of recreational marijuana retail stores in Newton to no fewer than twenty per cent (20%) of Newton’s retail liquor store licenses, or eight (8) stores.

**Ballot Question ~~4~~To Authorize Banning Recreational Marijuana Retail Stores
In The City of Newton**

Shall the City of Newton adopt the following general ordinance?

All recreational marijuana retail establishments shall be prohibited from operating in the City of Newton.

SUMMARY

In 201~~6~~⁷, Massachusetts passed a law permitting the sale and use of recreational marijuana in the Commonwealth. Under the current law, the Newton City Council may limit the number of recreational marijuana retail stores in Newton to no fewer than twenty per cent (20%) of Newton’s retail liquor store licenses, which currently would amount to eight (8) recreational marijuana retail stores. The Council cannot further restrict the number of recreational marijuana retail stores in Newton unless the voters approve a ballot measure authorizing the City Council to do so.

A “YES” vote on this question would authorize the City Council to pass an ordinance ~~banning~~prohibiting any recreational marijuana retail stores from operating in Newton.

A “NO” vote would leave the current law in place: that is, the Newton City Council may limit the number of recreational marijuana retail stores in Newton to no fewer than twenty per cent (20%) of Newton’s retail liquor store licenses, or eight (8) stores.

INSTRUCTIONS TO VOTERS

A. TO VOTE, completely fill in the OVAL below your choice like this

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B. In order to pass, a ballot question must receive more “YES” votes than “NO” votes cast on that ballot question. It is possible that both Questions ~~1 and 2~~ may pass. The City Council has asked the Election Commission to put the following Instructions to Voters on the ballot:

The Questions ~~1 and 2~~ are separate questions. You may vote for or against each question independently.

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If more than one question passes, the question with the highest number of “YES” votes will prevail.