



# Programs & Services Committee Agenda

City of Newton

In City Council

Special Meeting

**Wednesday, January 15, 2020**

**6:30 PM**

**Room 304, Education Center**

**100 Walnut Street**

## **Items Scheduled for Discussion:**

### **Referred to Programs & Services Committee**

**#52-20**

**Requesting acceptance of MGL to allow distribution of ballot question summaries**  
THE CITY CLERK requesting the City Council accept the provisions of MGL, Chap 53, Section 18B to allow the City of Newton to provide voters with (1) the full text of each question; (2) a fair and concise summary of each question, including a 1 sentence statement describing the effect of a yes or no vote, which shall be prepared by the city solicitor; and (3) arguments for and against the question, for all types of municipal ballot questions.

**Respectfully Submitted,**

**Josh Krintzman, Chair**

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.



# Memorandum

To: City Council  
From: David Olson  
Re: Acceptance of MGL 53 18B  
Date: January 10, 2020

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Councilors,

The Law Department has determined that the Election Commission can not send an informational flyer to the voters of Newton for Referendum Ballot questions. The Special legislation that the City has had since 1987 which gave the authority to the Election Commission to send a mailer before a city election that would include the full text of such question, a fair and concise summary of the question prepared by the city solicitor and arguments for and against such question, is only authorized for those items that are pursuant to the Mass General Laws. The City's referendum process is different from the referendum procedures in MGL so it does not apply to a ballot question authorized by our Referendum process.

In 2011, MGL was changed to allow cities and towns to create an informational flyer similar to what we have traditionally done for all municipal ballot questions, however this section (MGL 53 18B) must be accepted by the City Council. I am seeking the Council's acceptance of this MGL so that hopefully we can have an information flyer for Referendum questions whether the Referendum happens on March 3 or some other date.

## **Referred to Programs & Services Committee**

#52-20

**Requesting acceptance of MGL to allow distribution of ballot question summaries**  
THE CITY CLERK requesting the City Council accept the provisions of MGL, Chap 53, Section 18B to allow the City of Newton to provide voters with (1) the full text of each question; (2) a fair and concise summary of each question, including a 1 sentence statement describing the effect of a yes or no vote, which shall be prepared by the city solicitor; and (3) arguments for and against the question, for all types of municipal ballot questions.

**The text of MGL Chap 53 Section 18B reads:**

MGL Chap 53 Section 18B: Information relating to questions on city, town or district ballot; contents; written arguments by principal proponents and opponents; public inspection

Section 18B. (a) As used in this section "governing body" shall mean, in a city, the city council or board of aldermen acting with the approval of the mayor subject to the charter of the city, in a town having a town council, the town council, in every other town, the board of selectmen and in a district as provided in sections 113 to 119, inclusive, of chapter 41, the prudential committee, if any, otherwise the commissioners of the district.

(b) The governing body of a city, town or district which accepts this section in the manner provided in section 4 of chapter 4 shall print information relating to each question that shall appear on the city, town or district ballot. The information shall include: (1) the full text of each question; (2) a fair and concise summary of each question, including a 1 sentence statement describing the effect of a yes or no vote, which shall be prepared by the city solicitor, town counsel or counsel for the city, town or district; and (3) arguments for and against each question as provided in subsections (d) and (e). Not later than 7 days before an election at which the question shall be submitted to the voters in a city, town or district, the information in this subsection shall be sent to each household wherein a person whose name appears on the current voting list for the city, town or district resides.

(c) Not later than the day following the date of the determination that a question shall appear on the ballot in an election, the governing body shall provide written notification to the city solicitor or town or district counsel and to the city or town clerk.

(d) Not later than 7 days after the determination that a question shall appear on the ballot, the city solicitor or town or district counsel, as applicable, shall seek written arguments from the principal proponents and opponents of the question. For the purposes of this section, the principal proponents and opponents of a question shall be those persons determined by the solicitor or counsel to be best able to present the arguments for and against the question. The solicitor or counsel shall provide not less than 7 days' written notice to the opponents and proponents of the date on which the written arguments shall be received. Proponents and opponents shall submit their arguments, which shall be not more than 150 words, to the solicitor or counsel, together with a copy thereof to the city or town clerk or, in a district, to the clerk of each city and town within the district. The arguments and summary shall be submitted by the solicitor or counsel to the governing body at least 20 days before the election for distribution to voters in accordance with subsection (b). A copy of the arguments and summary shall also be submitted by the solicitor or counsel to the city, town or district clerk.

(e) In determining the principal proponents and opponents of a ballot question, the solicitor or counsel shall contact each ballot question committee, if any, as defined in section 1 of chapter 55. The principal proponents or opponents of a ballot question may include officers of a ballot question committee or officers of a city, town or district office or committee including, but not limited to, a finance committee or a school committee. In addition, the principal proponents or opponents may include the first 10 signers or a majority of the first 10 signers of a petition initiating the placement of such question on the ballot. The solicitor or counsel shall determine, based on a review of arguments received, the person or group best able to present arguments for and against a question. If no argument is received by the solicitor or counsel within the time specified by the solicitor or counsel, the solicitor or counsel shall prepare an argument and submit the argument to the governing body and to

the city or town clerk or, in a district, to the clerk of each city and town within the district within the time specified in subsection (d).

(f) All arguments filed or prepared pursuant to this section and the information prepared pursuant to subsection (b), shall be open to public inspection at the office of city or town clerk or, in a district, at the office of the clerk of each city and town within the district. In addition, each city or town clerk shall make such information available to the voters at all polling places within the city, town or district.

The Text of our Special Legislation reads:

**ACTS, 1987. -Chap. 274.**

**Chapter 274. AN ACT AUTHORIZING THE ELECTION COMMISSION OF THE CITY OF NEWTON TO SEND CERTAIN INFORMATION TO REGISTERED VOTERS IN THE CITY OF NEWTON.**

Be it enacted, etc., as follows:

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the election commission of the city of Newton, at least ten days before any election at which a question shall be submitted solely to the voters of the city of Newton pursuant to any section of the General Laws including, but without limitation, section twenty-one C of chapter fifty-nine, shall cause to be printed and sent to each residence of one or more voters whose name appears on the latest voting list for said city the full text of such question, a fair and concise summary of such question prepared by the city solicitor of said city of Newton and arguments for and against such question as provided in section two.

**SECTION 2.** The election commission of the city of Newton shall cause to be printed and sent, in the manner provided in section one, arguments for and against each question submitted solely to the voters of the city of Newton pursuant to any General Law including, but without limitation, section twenty-one C of chapter fifty-nine of the General Laws. No argument shall contain more than two hundred and fifty words. Said election commission shall seek such arguments from the principal proponents and opponents of each such question, and such arguments shall be filed with said election commission within such time as said election commission shall designate in a written notice to the principal proponents and opponents, at least fourteen days from the date of such written notice. For the purposes of this section, the principal proponents and opponents of any such question shall be those persons determined by said election commission to be best able to present the arguments for and against such question. The principal proponents of such a question may include the first ten signers or a majority of the first ten signers of the petition initiating the placement of such question on the ballot. In determining the principal proponents and opponents of such a question, said election commission shall contact each political committee as defined in section one of chapter fifty-five of the General Laws to influence the outcome of the vote

on such question and whose statement of organization is on file with the clerk of the city of Newton. If no argument is received by said election commission within the time allowed by this section, said election commission shall prepare such argument. All arguments filed with or prepared by said election commission pursuant to this section shall be open to public inspection at the office of the clerk of said city of Newton.

**SECTION 3.** This act shall take effect upon its passage.

Approved July 21, 1987.