

MA Ballot Initiatives

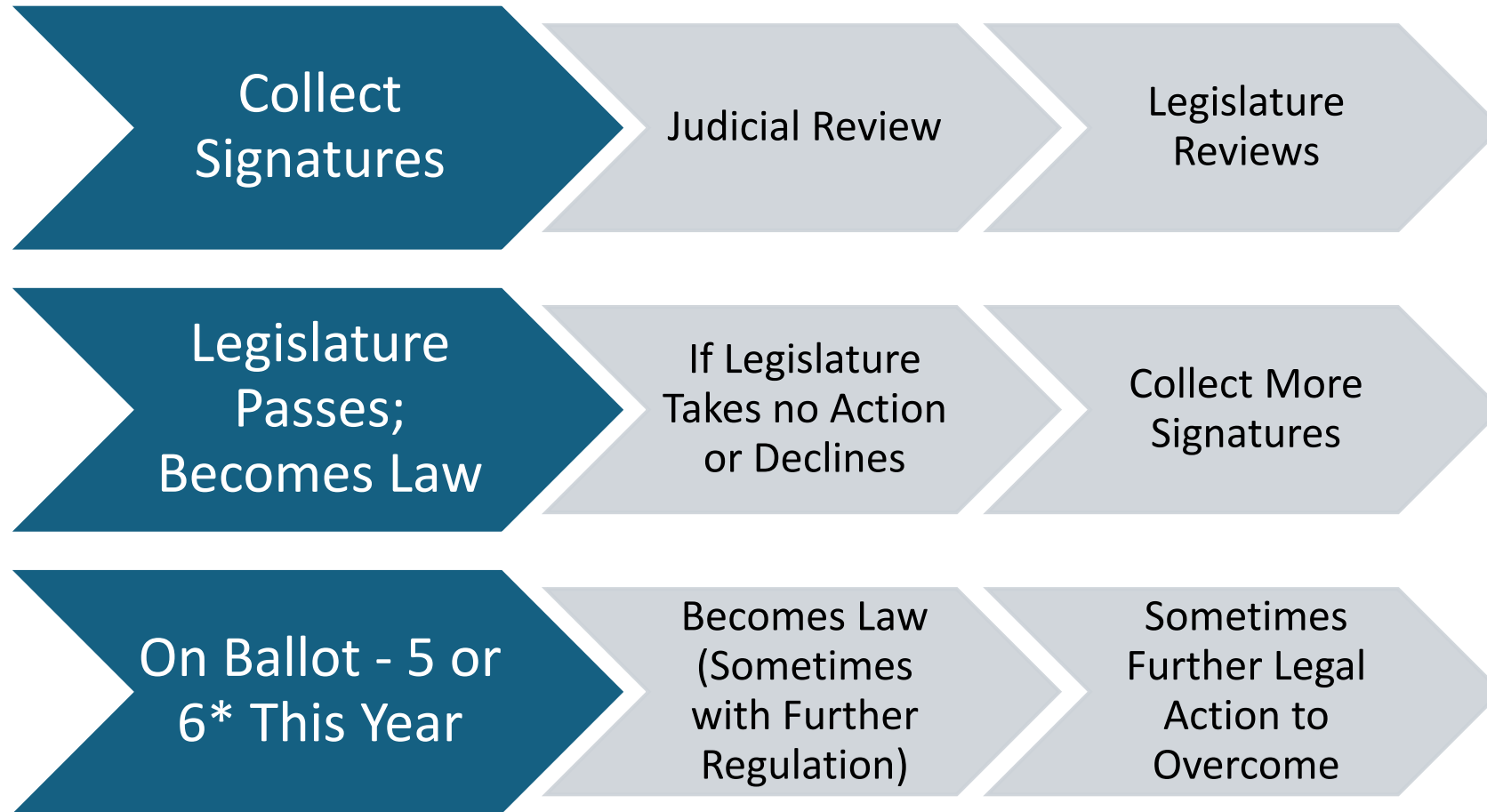
Ballot Initiatives – General Considerations

- Massachusetts is one of 26 states that gives its citizens the opportunity to change state law, amend the state constitution, or repeal a state law or amend a state law through citizen initiative or referendum
- Voters should understand the process behind the initiatives and consider each one carefully:
 - Legislature has passed on opportunity to vote on any of them
 - Consider who's supporting and who's opposing-- and why
 - Difficult to understand – leads to predisposition to leave blank or vote "no"

Above from MA Sec. of State; Remainder primarily from Ballotpedia and Tufts unless noted otherwise

<https://www.sec.state.ma.us/divisions/elections/download/getting-on-the-ballot/State-Ballot-Question-Petitions.pdf>

Ballot Initiatives – The Process



*There are 5 statewide initiatives. Depending on your district, you may have a 6th initiative giving you the opportunity to vote to ask your representative to vote for statewide Medicare for All.

1. State Auditor's Authority to Audit the Legislature

This proposed law would specify that the State Auditor has the authority to audit the legislature

A Yes Vote would specify that the State Auditor has the authority to audit the Legislature

A No Vote would make no change in the law relative to the State Auditor's authority

1. Some Background

Primary responsibility of elected state auditor is to make sure executive departments and state programs following their stated policies and regulations

This initiative is less about what the auditor does than who he/she does it to

The State Auditor is a member of the executive branch and a member of the MA governor's cabinet

1. Legislative Audits – Support

Initiated and supported by State Auditor Diana DiZoglio (D) and her affiliates

- Ms. DiZoglio posits
 - Legislature historically audited
 - Not providing information she has requested
 - Part of her campaign to “bring sunshine” to the operation of state government
- Supported by Massachusetts Fiscal Alliance and Committee for Transparent Democracy
- Funded (\$362k) by Ms. DiZoglio’s political consultant Doug Rubin

1. Legislative Audits – Opposition

Opposed by the Legislature, the former State Auditor, Attorney General, and experts on the MA State Constitution

- Legislators – Financials and compliance already audited; their core functions off limits to other branches
- Suzanne Bump – Auditor for 12 years says not in auditor’s remit; has not been done historically
- Attorney General and legal authorities
 - Law Prof. Jeremy Paul “....such overreach likely courts will invalidate.”
 - Executive branch overseeing the decision-making process of another branch of government
 - Threatens separation of powers fundamental to state – and national - constitutions

1. Legislative Audits – Observations

- Current polling suggests may be approved
 - Suffolk/Globe poll* - 71% say they would vote yes
 - Dissatisfaction with both the ineffectiveness and opaqueness of the MA General Assembly
 - *500 likely voters – reported 10/8/24
- Does this solve the problem of inefficiency and lack of transparency in the MA legislature?
 - No but it gives the potential to further dramatize and publicize the problem and gives voters a potential way to voice their frustration with MA legislative weaknesses
- Roadblocks to implementation include:
 - Court action – State constitution clearly prohibits investigation of “core legislative functions” such as votes, committee assignments, and debates
 - Legislative control of funding and its administration of procedures and documents (for many inquiries can “just say no.”)

2. Elimination of Passing the MCAS* as a High School Graduation Requirement

*MCAS Tests for English, mathematics and science and technology would still be administered but passing those tests would no longer be a requirement for high school graduation. *Massachusetts Comprehensive Assessment System)*

As Yes Vote would eliminate the requirement that students pass the MCAS in order to graduate high school but still require students to complete coursework that meets state standards

A No Vote would make no change in the law relative to the requirement that a student pass the MCAS in order to graduate high school

2. If You Haven't Been in School in MA for Awhile – or Ever...

- Requirements to graduate from high school in MA
 - Other than the current MCAS requirement, set by local districts
 - The state suggests coursework standards but there is no statewide coursework requirement at this time
- MCAS – Additional Information
 - Administered in several grades culminating in Grade 10
 - If passing grade not achieved, can retake
 - School required to implement a plan to supplement non-passing students education
 - Used to measure school's capabilities
 - Assures a MA high school diploma guarantees a certain level of competency – aims to eliminate potential variation of being a graduate of select vs. non-select high schools

* 8 states have similar standardized test requirements - NY still administers Regents' Exams but no longer a requirement for HS graduation

2. Additional Information for Those of Us Who Never Took MCA's

Sample Question from 10th Grade MCA

Two numbers are represented by variables.

- The variable x represents a non-zero rational number.
- The variable y represents an irrational number.

Determine whether the value of each expression in this table is rational.

Select "Rational" or "Irrational" for each expression.

| Expression | Rational | Irrational |
|------------|-----------------------|-----------------------|
| x^2 | <input type="radio"/> | <input type="radio"/> |
| xy | <input type="radio"/> | <input type="radio"/> |
| $2x + y$ | <input type="radio"/> | <input type="radio"/> |

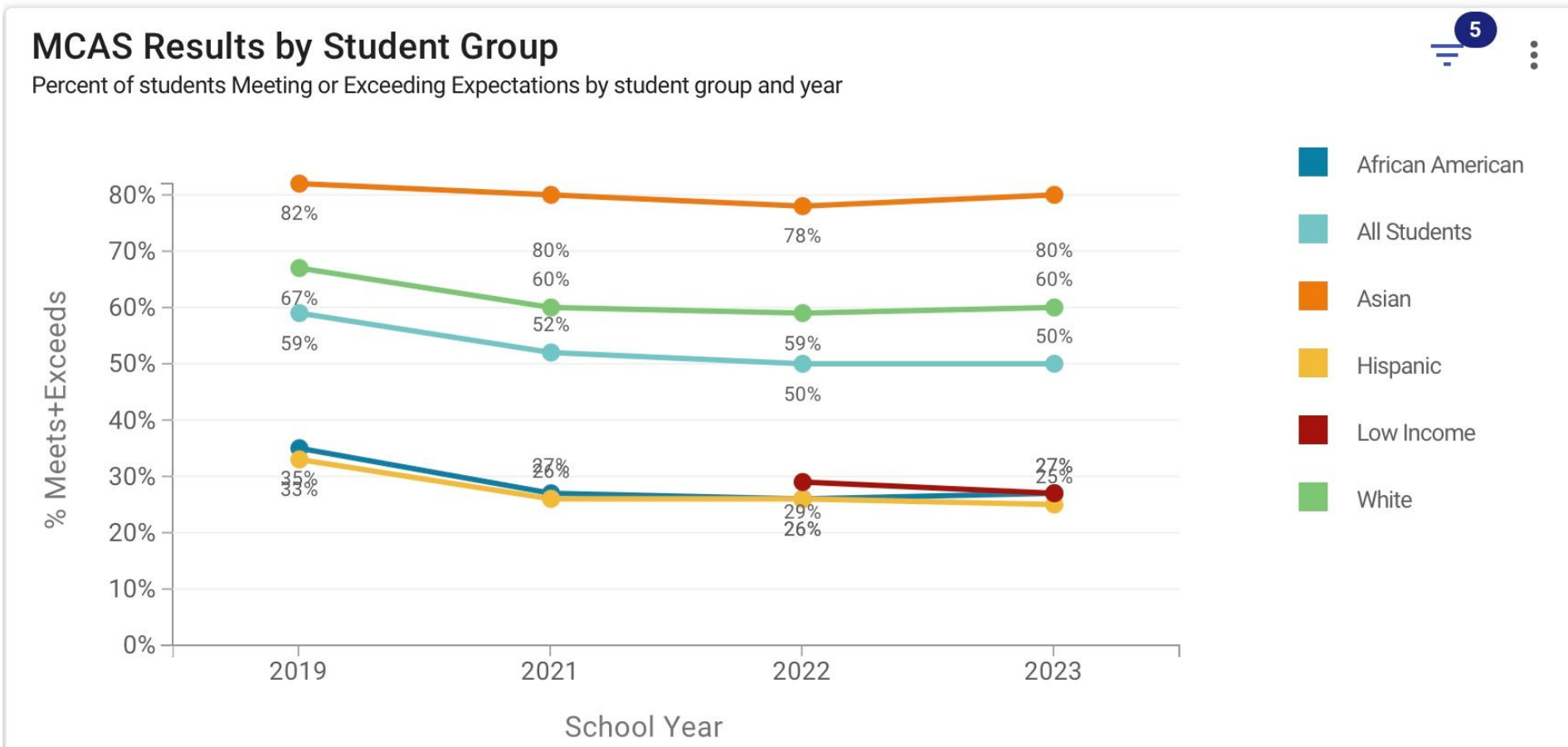
2. Eliminate MCAS Requirement for High School Graduation - Support

Supported and financed (\$3.2MM) by the Massachusetts Teachers' Association (MTA) and the AFL-CIO

- Educational professionals argue
 - Teaching to the test limits teachers' ability to teach harder-to-measure skills such as critical thinking or getting along with others
 - The test does an inadequate job of accommodating the needs of non-native English speakers or students with learning disabilities
 - They are in the best position to evaluate students overall competency in the subject matter they teach
- As with many other standardized tests, lower income students perform comparatively worse on MCAS tests

• <https://www.renniecenter.org/blog/mcas-ballot-initiative-part-2-closer-look-graduation-requirement>
<https://www.sec.state.ma.us/divisions/news/left-story.htm>. <https://www.bostonglobe.com/2024/09/09/metro/massachusetts-ballot-question-donations-mcas-uber-lyft-auditor/>

2. Test Performance Lowest – Black, Hispanic, Low Income



2. Eliminate MCAS Requirement for High School Graduation - Oppose

Opposed by Governor Healey, The Massachusetts Business Alliance for Education and Protect Our Kids Future: Vote No on 2

- Gov. Maura Healey and Ed. Secretary Patrick Tutweiler open to a “better” test but not to “no test” for graduation
- The MCAS test is the only official statewide assessment of the 351 school districts’ success in educating their students to a basic competency level
- Study by the Annenberg Institute (Brown University) shows correlation between high scoring MCAS students and real-world success
- Part of agreements beginning in the 1990’s to increase spending on education if effectiveness measured

2. Eliminate MCAS Requirement for HS Graduation - Observations

- May pass (Suffolk/Globe poll – 58% say they would vote yes*) which will create a gap that the legislature needs to close
 - Lack of statewide graduation standards
 - Lack of substitute statewide test
- *lower % in other polls
- Does eliminating the requirement provide a crutch for poorly performing schools, teachers?

3. Give Transportation Network Drivers the Right to Form Unions and Collectively Bargain With Transportation Network Companies

Limited to companies that use a digital network to connect riders to drivers i.e. Uber and Lyft

A Yes Vote would provide transportation network drivers the option to form unions to collectively bargain with transportation network companies regarding wages, benefits, and terms and conditions of work

A No Vote would make no change in the law relative to the ability of transportation network drivers to form unions

3. Gig workers vs. Uber and Lyft – Some History

- Uber and Lyft have been defending their right nationally to have drivers be independent
 - Spent \$200MM to defeat measure to require drivers be treated as employees in CA
- When Maura Healey was still Attorney General, she sued Uber and Lyft to classify their drivers as employees
 - But this September Andrea Campbell decided better to settle for some added benefits for drivers than to battle the employee v. contractor with Uber and Lyft. So for now - MA Uber and Lyft drivers, remain independent contractors
- As independent contractors, drivers are not covered by current National Labor Relations Board Laws on collective bargaining nor on pay and benefits employers are required to grant employees

3. Unionization for Transportation Network Drivers - Support

Extensive support among progressive state and federal legislators and United for Justice

- Support among elected officials includes US Representatives Jim McGovern and Ayana Presley
 - Argue that a union will, among other things assure benefits obtained by Campbell settlement will be executed as promised
- Argue extensive support among drivers. Process will confirm
- United for Justice primarily Service Employees International Union (SEIU); have raised \$2.6MM to support

3. Unionization for Transportation Network Drivers – Support – Oppose

No major spending on opposition but arguments against include:

- Creating a union will just add cost for drivers that will be passed on to riders
- Increasing the cost of rides and likely to decrease usage – particularly troubling for relief from drunken driving and increased mobility
- Process and decisions can be controlled by as few as 2 ½ % of drivers
- Drivers already have, after the Attorney General's settlement, good hourly wages and benefits

3. Unionization for Transportation Network Drivers - Observations

Suffolk/Globe poll shows 59% plan to vote “yes”

Called sector-based bargaining – new to the United States and likely to face legal challenges

Similar measure pursued in Seattle in 2015 – gutted by courts (according to Tufts cCPSI analysis)

Small % of workers to reach agreement (25%) – might be easy to de-certify

4. Limited Legalization and Regulation of Certain Natural Psychedelic Substances

The Proposed law would allow persons 21 and older to grow, possess, and use natural psychedelic substances in certain instances,

As Yes Vote would allow persons over age 21 to use certain psychedelic substances under licensed supervision and to grow and possess limited quantities of those substances in their home, and would create a commission to regulate those substances

A No Vote would make no change in the law regarding natural psychedelic substances.

The substances included are: psilocybin and psilocyn (magic mushrooms); dimethyltryptamine; mescaline; ibogaine

4. Limited Legalization and Regulation of Certain Natural Psychedelics – Background

- Psychedelics have been decriminalized in Colorado and Oregon and in Somerville, Northampton, Cambridge and Salem, MA it is listed as the “lowest law enforcement priority” – i.e. not enforced)
- Limited large- scale research, and what there is is somewhat contradictory
 - Heartfelt need among victims and their loved ones – drug of last resort for PTSD, depression
 - But risk identified in some cases as well – particularly among individuals with schizophrenia, bi-polar disorder
 - One – Ibogaine – has been shown to threaten heart functioning
 - <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9274002/>

4. Limited Legalization and Regulation of Certain Natural Psychedelics - Support

Supported by The Outreach Team (Ithaca, NY), Massachusetts for Mental Health Options and New Approach Advocacy Fund and Dr. Bronner's Magic Soaps

- \$1.1 million in contributions through December 31, 2023
- Emily Oneschuk, Massachusetts for Mental Health Options' grassroots outreach director and a U.S. Navy veteran:
 - "Plant based therapeutics are the most effective treatment I have seen for veterans struggling with mental health challenges after service."
- Emotional appeal for treatment of patients with depression and addiction

[https://ballotpedia.org/Massachusetts_Question_4_Regulated_Access_to_Psychedelic_Substances_Initiative_\(2024\)](https://ballotpedia.org/Massachusetts_Question_4_Regulated_Access_to_Psychedelic_Substances_Initiative_(2024))

4. Limited Legalization and Regulation of Certain Natural Psychedelics - Oppose

Opposed by Coalition for Safe Communities

- Chris Keohan, a spokesperson for Coalition for Safe Communities:
"We are not opposed to advocating against the medicinal properties of this, but this goes way too far way too quickly, ...and doesn't address any of the real concerns that public safety advocates have as well as mental health professionals."
- Some of the substances permitted by this law have shown evidence of harmful effects
- Proposed centers would not have to be run by medical professionals
- Likely to increase DUI infractions
- Loose regulation of home-grown psychedelics likely to lead to a black market and puts children and pets at risk

4. Decriminalize Psychedelic Substances - Observations

- Suffolk/Globe poll shows this one to be a toss up with 47% saying they would vote yes
- A sweeping bill
 - In Oregon only psilocybin was made legal and only in tightly restricted circumstances
- A more modest proposal might
 - Take on the drugs one at a time (probably starting with Psilocidin)
 - Bring parties together to start with a proposal that minimizes harm while allowing minimal access to the drugs with the most proven positive effects
 - Strike difficult to monitor home growth

5. Minimum Wage for Tipped Workers

The proposed law would require employers to continue to pay tipped workers the difference between the state minimum hourly wage (currently \$15) and the total amount a tipped worker receives in wages (current minimum \$6.75) plus tips until 2029 by which time workers are to receive regular state minimum wage

As Yes Vote would increase the minimum hourly wage an employer must pay a tipped worker to the full minimum wage implemented over five years at which point employers could pool all tips and distribute them to all non-management workers.

A No Vote would make no change in tip pooling or the minimum wage for tipped workers

5. Minimum Wage Plus Tips – Support

Supported by One Fair Wage Plus Tips MA and several state legislators

- One Fair Wage is a national advocacy organization claiming 300,000+ members
- Affiliated with Raise UP Massachusetts which championed, among other things, the millionaire tax
- State Rep. [Tricia Farley-Bouvier](#) (D) and State Sen. [Patricia D. Jehlen](#) (D) endorsed the measure:

"Thousands of tipped workers in Massachusetts are leaving the restaurant industry and are not willing to return without One Fair Wage, and nearly 250 Massachusetts employers are now paying One Fair Wage to recruit staff and seek a level playing field — the time to pass One Fair Wage is now."^[4]

5. Minimum Wage Plus Tips –Oppose

Opposed by the Restaurant association. And the Committee to Protect Tips

- Steve Clark, president and CEO of the Massachusetts Restaurant Association:
"If this ballot question passes, it's going to impact three piers. It's going to impact the server themselves, who are going to make less money. It's going to impact the restaurant owner, who's going to have higher costs -- upwards of \$18,000 dollars per tipped employee to implement this, and it's going to have a higher cost for the consumer because there's going to be higher costs."^[5]
- Not all tipped employees want this initiative
 - Fear their overall compensation will go down with lower tips.
 - Now can pocket any amount they receive with guarantee that they will get at least \$15
 - Some resistant to the tip pooling part of the initiative

5. Minimum Wage Plus Tips – Observations

- Readings on the impact of this initiative on the health of the restaurant business are mixed
 - Some states have had this system for many years and seem to have adjusted but DC went to it recently and is less enthusiastic
 - More like the European tipping model (small tip “pour boire” on top of routine service charge)
- Advocates claim workers would continue to get tips even when making minimum wage
- Keep in mind this shifts more of the burden of getting to \$15 (or whatever the minimum wage is at the time) from consumers to employers
- WBUR/Commonwealth poll – 43% will vote yes; Suffolk Globe poll only 40% will vote yes

And If You Vote in District 3 - Initiative 6

Shall the Representative from this District be instructed to vote for legislation to create a single-payer system of universal health care, that would provide all Massachusetts residents with comprehensive health care coverage including the freedom to choose doctors and other health care professionals, facilities, and services and that would eliminate the role of insurance companies in healthcare by creating a publicly administered insurance trust fund?"

- Not a statewide initiative and not binding on the legislature – an “ask” to our elected state representatives
- Medicare for All - Just what it sounds like --What’s not to like?
 - How it will be paid for not clear
 - How supply of medical personnel will be expanded to meet increased demand not clear.

Other Ballot Notes

- President/Vice President – note voting for electors
- Will not get into the partisan choices for federal office (Senator Warren, Representative Richard Neal incumbents or for Senator in General Court (state Senate); Paul Mark – incumbent or District 3 Rep (Davis or Mitts)
- Background on some uncontested offices:
 - Councillor – Tara Jacobs
 - The Governor’s Council provides advice and consent on gubernatorial appointments (particularly judges), pardons, and commutations
 - Clerk of Courts – Lisa Denault-Viale
 - Process all civil cases, collect fines, manage juries, and other duties
 - Register of Deeds – Patsy Harris
 - Maintain all land and property records and provide proper access to records for the Berkshire Middle Registry of Deeds (Pittsfield south)