

CIRCULATING AND GATHERING SIGNATURES ON BALLOT QUESTION PETITIONS

Two Massachusetts Supreme Judicial Court cases have set a strong precedent regarding the circulation and gathering of signatures on ballot question petitions. Walsh v. Secretary of the Commonwealth, 430 Mass. 103 (1999); Hurst v. State Ballot Law Commission, 427 Mass. 825 (1998). Specifically, both courts held that any extraneous markings on a petition sheet will invalidate all of the signatures contained thereon. "[N]o alterations--additions or deletions--of any sort may be made to the forms provided by the Secretary...." Walsh at 105; Hurst at 830. Prior to those decisions, the Secretary of the Commonwealth had been presented with and accepted petitions with various markings. ***As a result of those court decisions, the Secretary will disallow all signatures contained on any petition that deviates from the blank form provided by the Secretary.***

In response to the court decisions, the Secretary of the Commonwealth promulgated regulations that govern the format of ballot question petitions. 950 C.M.R. § 48.00. The regulations were designed to enable petitioners to use the form most efficiently to gather signatures and to allow election officials to complete their tasks in as simple and efficient a manner as possible. Below please find recommendations for circulators.

DO NOT place any extraneous markings on the petitions.

DO NOT place a return address—handwritten, stamped or printed—on the petitions.

- * Upon request of the petition sponsors this office will print the petition sponsors' address and telephone number on the petition form.

DO NOT underline, highlight, or mark any words, information or area on the petition, especially the summary.

DO NOT number the petitions.

- * Upon request of the petition sponsors, this office will print a box at the bottom right on the petition sheet specifically for circulators to number petitions. The circulator's initials **may not** be part of a numbering system; instead the system should use only numbers and the use of a connector—for example: 1 of 20, or 1/20, or just consecutive numbers.

DO NOT put the name, initials, or telephone number of the signature gatherer on the petition.

DO NOT make any marks to count or delineate the number of signatures gathered.

DO have scratch paper available when gathering signatures to test pens.

Please be aware that any extraneous markings on a petition sheet will result in invalidation of all signatures contained on it.