

QUESTION 1: Proposed Amendment to the Constitution

Additional Tax on Income Over One Million Dollars

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in joint sessions of the two houses on June 12, 2019 (yeas 147 – nays 48); and again on June 9, 2021 (yeas 159 – nays 41)?

SUMMARY

This proposed constitutional amendment would establish an additional 4% state income tax on that portion of annual taxable income in excess of \$1 million. This income level would be adjusted annually, by the same method used for federal income-tax brackets, to reflect increases in the cost of living. Revenues from this tax would be used, subject to appropriation by the state Legislature, for public education, public colleges and universities; and for the repair and maintenance of roads, bridges, and public transportation. The proposed amendment would apply to tax years beginning on or after January 1, 2023.

WHAT YOUR VOTE WILL DO

A YES VOTE would amend the state Constitution to impose an additional 4% tax on that portion of incomes over one million dollars to be used, subject to appropriation by the state Legislature, on education and transportation.

A NO VOTE would make no change in the state Constitution relative to income tax.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

The proposal increases the marginal tax rate on certain individual taxpayers by 80%. This change may increase annual state revenues by \$1.2 billion in the near term, which is approximately 2.4% of the current annual state budget. However, annual revenue generated by the surtax will vary significantly and unpredictably from year to year. Additionally, numerous unpredictable factors could significantly alter the impact this proposal may have on state and municipal finances. For instance, taxpayers may decide to relocate their home or business to another state or adjust their filing status or timing of income realization to minimize their tax burden.

ARGUMENTS

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. **The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments.** The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR: By voting Yes on Question 1, you will make sure that the very richest in Massachusetts – those who make over \$1 million a year – pay their fair share. Current tax rules allow multimillionaires to pay a smaller share in taxes than the rest of us. Question 1, the “Millionaires’ Tax,” will make the extremely wealthy pay an additional 4 percent on the portion of their yearly income above \$1 million.

The additional money is constitutionally guaranteed to go toward transportation and public education. Question 1 means every child can go to a great school. We can fix our roads, expand access to vocational training, and make public colleges more affordable. Excellent roads and schools help our small businesses grow, create new jobs, and build strong communities. Question 1 means creating opportunity for everyone.

Vote Yes on Question 1. Only the very rich will pay — not the rest of us.

Cynthia Roy
Fair Share Massachusetts
PO Box 15
Readville, MA 02137
(508) 319-9642
FairShareMA.com

AGAINST: SMALL BUSINESSES, FAMILY FARMERS, HOMEOWNERS, AND RETIREES URGE NO ON QUESTION 1

- Question 1 nearly doubles the state income tax rate on tens of thousands of small-business owners, large employers, and retirees.
- Question 1 treats one-time earnings—the sale of homes, investments, businesses, pensions, and inheritances—as income. This would suddenly force many residents into the new, very high tax bracket, depleting **the nest eggs of small-business owners and longtime homeowners whose retirement depends on their investments.**
- Record inflation, supply chain difficulties, and continuing COVID-19 issues make now the worst possible time for massive tax increases—especially when Massachusetts already has a giant budget surplus!
- There is absolutely NO GUARANTEE revenue from this huge tax hike would actually increase spending on education and transportation. **Politicians are giving themselves a blank check**, with no accountability.

Organizations representing over 20,000 small businesses and family farmers urge: **Vote NO on Question 1.**

Paul D’Amore, Small Business Representative
Coalition To Stop The Tax Hike Amendment
198 Tremont Street, Office 135
Boston, MA 02116
www.NoQuestion1.com

QUESTION 2: Law Proposed by Initiative Petition

Regulation of Dental Insurance

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

SUMMARY

This proposed law would direct the Commissioner of the Massachusetts Division of Insurance to approve or disapprove the rates of dental benefit plans and would require that a dental insurance carrier meet an annual aggregate medical loss ratio for its covered dental benefit plans of 83 percent. The medical loss ratio would measure the amount of premium dollars a dental insurance carrier spends on its members' dental expenses and quality improvements, as opposed to administrative expenses. If a carrier's annual aggregate medical loss ratio is less than 83 percent, the carrier would be required to refund the excess premiums to its covered individuals and groups. The proposed law would allow the Commissioner to waive or adjust the refunds only if it is determined that issuing refunds would result in financial impairment for the carrier.

The proposed law would apply to dental benefit plans regardless of whether they are issued directly by a carrier, through the connector, or through an intermediary. The proposed law would not apply to dental benefit plans issued, delivered, or renewed to a self-insured group or where the carrier is acting as a third-party administrator.

The proposed law would require the carriers offering dental benefit plans to submit information about their current and projected medical loss ratio, administrative expenses, and other financial information to the Commissioner. Each carrier would be required to submit an annual comprehensive financial statement to the Division of Insurance, itemized by market group size and line of business. A carrier that also provides administrative services to one or more self-insured groups would also be required to file an appendix to their annual financial statement with information about its self-insured business. The proposed law would impose a late penalty on a carrier that does not file its annual report on or before April 1.

The Division would be required to make the submitted data public, to issue an annual summary to certain legislative committees, and to exchange the data with the Health Policy Commission. The Commissioner would be required to adopt standards requiring the registration of persons or entities not otherwise licensed or registered by the Commissioner and criteria for the standardized reporting and uniform allocation methodologies among carriers.

The proposed law would allow the Commissioner to approve dental benefit policies for the purpose of being offered to individuals or groups. The Commissioner would be required to adopt regulations to determine eligibility criteria.

The proposed law would require carriers to file group product base rates and any changes to group rating factors that are to be effective on January 1 of each year on or before July 1 of the preceding year. The Commissioner would be required to disapprove any proposed changes to base rates that are excessive, inadequate, or unreasonable in relation to the benefits charged. The Commissioner would also be required to disapprove any change to group rating factors that is discriminatory or not actuarially sound.

The proposed law sets forth criteria that, if met, would require the Commissioner to presumptively disapprove a carrier's rate, including if the aggregate medical loss ratio for all dental benefit plans offered by a carrier is less than 83 percent.

The proposed law would establish procedures to be followed if a proposed rate is presumptively disapproved or if the Commissioner disapproves a rate.

The proposed law would require the Division to hold a hearing if a carrier reports a risk-based capital ratio on a combined entity basis that exceeds 700 percent in its annual report.

The proposed law would require the Commissioner to promulgate regulations consistent with its provisions by October 1, 2023. The proposed law would apply to all dental benefit plans issued, made effective, delivered, or renewed on or after January 1, 2024.

WHAT YOUR VOTE WILL DO

A YES VOTE would regulate dental insurance rates, including by requiring companies to spend at least 83% of premiums on member dental expenses and quality improvements instead of administrative expenses, and by making other changes to dental insurance regulations.

A NO VOTE would make no change in the law relative to the regulations that apply to dental insurance companies.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

The proposed measure has no discernible material fiscal consequences for state and municipal government finance.

ARGUMENTS

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IN FAVOR: A YES vote expands consumer protection laws that already exist for medical insurance companies to dental insurance companies.

A YES vote ensures better coverage and value for patients, instead of unreasonable corporate waste. For example, according to its own 2019 Form 990, Delta Dental (in Massachusetts alone) paid executive bonuses, commissions, and payments to affiliates of \$382 million, while only paying \$177 million for patient care.

A YES vote would eliminate this inequity. Similar to medical insurance, this law would require dental insurance companies to allocate at least 83% of paid premiums to patient care, or refund premiums to patients to meet this standard.

Insurance companies will try to confuse voters by saying that dental insurance premiums will increase. This is false, because Section 2(d) of the law specifically disallows increases above the consumer price index without state approval.

Stop the corporate waste.

Vote YES for fair dental insurance.

Dr. Patricia Brown, DMD, MPH
The Committee on Dental Insurance Quality
30 College Ave
Somerville, MA 02144
(617) 437-7333

www.fairdentalinsurance.org

AGAINST: This question will increase costs for Massachusetts families and employers — a 38%-premium-increase in one recent independent study — and could result in thousands of people losing access to dental care. With consumer prices soaring, we don't need a new regulation that will increase costs and decrease choice.

There is no law like this ballot question anywhere in the nation. The Massachusetts Legislature actually repealed a similar law in 2011 because it proved overly burdensome and provided no real benefits for consumers. Federal lawmakers excluded it from Obamacare, and a special commission in Massachusetts reviewed and rejected a similar provision. Further, the state already requires reporting from dental plans.

Louis Rizoli
Committee To Protect Public Access To Quality Dental Care
120 Arcadia Rd.
Westwood, MA 02090
(781) 769-4742

Protectmydentalcare.com

QUESTION 3: Law Proposed by Initiative Petition

Expanded Availability of Licenses for the Sale of Alcoholic Beverages

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2022?

SUMMARY

This proposed law would increase the statewide limits on the combined number of licenses for the sale of alcoholic beverages for off-premises consumption (including licenses for “all alcoholic beverages” and for “wines and malt beverages”) that any one retailer could own or control: from 9 to 12 licenses in 2023; to 15 licenses in 2027; and to 18 licenses in 2031.

Beginning in 2023, the proposed law would set a maximum number of “all alcoholic beverages” licenses that any one retailer could own or control at 7 licenses unless a retailer currently holds more than 7 such licenses.

The proposed law would require retailers to conduct the sale of alcoholic beverages for off-premises consumption through face-to-face transactions and would prohibit automated or self-checkout sales of alcoholic beverages by such retailers.

The proposed law would alter the calculation of the fine that the Alcoholic Beverages Control Commission may accept in lieu of suspending any license issued under the State Liquor Control Act. The proposed law would modify the formula for calculating such fee from being based on the gross profits on the sale of alcoholic beverages to being based on the gross profits on all retail sales.

The proposed law would also add out-of-state motor vehicle licenses to the list of the forms of identification that any holder of a license issued under the State Liquor Control Act, or their agent or employee, may choose to reasonably rely on for proof of a person’s identity and age.

WHAT YOUR VOTE WILL DO

A YES VOTE would increase the number of licenses a retailer could have for the sale of alcoholic beverages to be consumed off premises, limit the number of “all-alcoholic beverages” licenses that a retailer could acquire, restrict use of self-checkout, and require retailers to accept customers’ out-of-state identification.

A NO VOTE would make no change in the laws governing the retail sale of alcoholic beverages.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

The proposed measure has no discernible material fiscal consequences for state and municipal government finance.

ARGUMENTS

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IN FAVOR: A YES vote fulfills consumer desire for expanded convenience in a reasonable and balanced manner that also protects against illegal sales.

A YES vote expands convenience by gradually increasing the total number of alcoholic beverage licenses that any person or company can own. Package stores, convenience stores, supermarkets, superstore retailers, and others will be able to apply for additional licenses for their existing locations that do not currently sell alcohol and for new locations they open.

A YES vote simultaneously enhances public safety and encourages vigilance by retailers through prohibiting self-checkout of alcohol beverages and basing the fine for selling to a minor on a store's total sales and not just its alcohol sales.

A YES vote also supports state tourism and brings Massachusetts in line with every other state in the country by allowing for valid out of state IDs to be relied upon by alcohol beverage retailers.

Robert Mellion
21st Century Alcohol Retail Reform Committee
30 Lyman Street, Suite 2
Westborough, MA 01581
(508) 366-1100

www.Masspack.org

AGAINST: Our alcohol licensing laws do need serious reforms, but this ballot measure is not the answer. It offers an incomplete solution to a complex problem, doing little to promote competition or expand consumer choice.

Despite some superficially popular provisions designed to entice voters, it fails to lift outdated restrictions on local decision-making, while in fact moving Massachusetts backwards in several significant ways:

- imposing unfair penalties against retailers who sell more than just alcohol, like grocers and other food stores;
- outlawing convenient and reliable point-of-sale technologies already in widespread use by retailers across the state;
- decreasing the number of full liquor licenses that retailers can own.

This flawed approach favors special interests in the alcohol industry, at the expense of cash-strapped consumers and their favorite local retailers.

We deserve more. Vote NO on this question, and instead ask your state lawmakers to support comprehensive legislation that will actually make a difference.

Food Stores for Consumer Choice
P.O. Box 130211
Boston, MA 02113
(617) 798-0465

www.FoodStoresMA.org

Question #4 - Eligibility for Driver's Licenses

On September 9, 2022, the Elections Division certified that a referendum petition for a ballot question that was submitted on September 7, 2022 had been signed by enough registered voters to qualify for placement on the November 8, 2022 State Election Ballot.

Because this petition was submitted after the July 2022 deadline for inclusion in the printed Information for Voters booklet that is mailed to each household, this question is not listed in that voter guide. The question will, however, be listed on each November 8 State Election ballot as Question #4.

QUESTION

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on May 26, 2022?

SUMMARY

This law allows Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a standard driver's license or learner's permit if they meet all the other qualifications for a standard license or learner's permit, including a road test and insurance, and provide proof of their identity, date of birth, and residency. The law provides that, when processing an application for such a license or learner's permit or motor vehicle registration, the registrar of motor vehicles may not ask about or create a record of the citizenship or immigration status of the applicant, except as otherwise required by law. This law does not allow people who cannot provide proof of lawful presence in the United States to obtain a REAL ID.

To prove identity and date of birth, the law requires an applicant to present at least two documents, one from each of the following categories: (1) a valid unexpired foreign passport or a valid unexpired Consular Identification document; and (2) a valid unexpired driver's license from any United States state or territory, an original or certified copy of a birth certificate, a valid unexpired foreign national identification card, a valid unexpired foreign driver's license, or a marriage certificate or divorce decree issued by any state or territory of the United States. One of the documents presented by an applicant must include a photograph and one must include a date of birth. Any documents not in English must be accompanied by a certified translation. The registrar may review any documents issued by another country to determine whether they may be used as proof of identity or date of birth.

The law requires that applicants for a driver's license or learner's permit shall attest, under the pains and penalties of perjury, that their license has not been suspended or revoked in any other state, country, or jurisdiction.

The law specifies that information provided by or relating to any applicant or license-holder will not be a public record and shall not be disclosed, except as required by federal law or as authorized by Attorney General regulations, and except for purposes of motor vehicle insurance.

The law directs the registrar of motor vehicles to make regulations regarding the documents required of United States citizens and others who provide proof of lawful presence with their license application.

The law also requires the registrar and the Secretary of the Commonwealth to establish procedures and regulations to ensure that an applicant for a standard driver's license or learner's permit who does not provide proof of lawful presence will not be automatically registered to vote.

The law takes effect on July 1, 2023.

WHAT YOUR VOTE WILL DO

A YES VOTE would keep in place the law, which would allow Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a driver's license or permit if they meet the other requirements for doing so.

A NO VOTE would repeal this law.

ARGUMENTS

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IN FAVOR: A YES vote will keep in place a law that allows all drivers in Massachusetts to be properly vetted for licenses (by providing proof of identity, date of birth, and residency), pass required tests and buy insurance, regardless of immigration status.

A YES vote means safer roads and better tools for law enforcement to do their jobs. In 17 states with similar laws, passage led to declines in uninsured drivers and hit-and-run crashes. That's why this measure is endorsed by over 60 law enforcement officials statewide—including most sheriffs, district attorneys, and all 42 police chiefs in the Massachusetts Major Cities Chief of Police Association.

Voting YES helps families and workers by ensuring they can drive legally to school and work. It makes sense for all of us.

That is what Massachusetts law provides and a YES vote will keep in place.

Franklin Soultz

Yes on 4 for Safer Roads

P.O. Box 15 Readville, MA 02137

Saferroadsma.com

AGAINST: In his veto message of this bill, Governor Charlie Baker made it known that the Registry of Motor Vehicles does not have the capability or expertise necessary to verify documents from other countries and notes that, if this bill becomes law, Massachusetts drivers' licenses will no longer confirm that a person is who they say they are.

Additionally, Governor Baker states the bill specifically restricts the Registry's ability to share citizenship information with entities responsible for ensuring only citizens register to vote and vote in our elections, significantly increasing the likelihood that noncitizens will register to vote.

This bill is patently unfair to those who have taken the time to immigrate to our great country via legal means and significantly diminishes the public safety of all residents of the Commonwealth.

We urge a no vote on this issue.

John Milligan

Fair and Secure Massachusetts

PO Box 116

North Andover, MA 01845

781-819-3201

FairandSecureMA.com