

HOW TO BRING A PETITION ARTICLE TO TOWN MEETING

What is petition article?

A petition article is an article brought to Town Meeting for discussion and possible action by a citizen, (rather than by a Board or Committee of the Town). Any person or group can bring a petition article on any topic that is relevant to action by Carver Town government.

What is the process for getting a petition article on the Town Meeting Warrant?

Petition articles begin with a form available from the Select Board's office. On the form, print or type your proposed article in the space provided at the top of the page. The petition must clearly state the name of the article and the exact wording of the article as it will appear in the warrant. Photocopy as many petitions as you need if you intend to ask others to help you collect signatures. The article must be at the top of each page with the signatures. The number of signatures required to get an article on the warrant varies depending on whether the Town Meeting is an Annual Town meeting (i.e., Spring Town Meeting where the budget is passed), a Special Town Meeting, or a Special Town Meeting within a previously call Town Meeting (e.g., if the warrant has already been set). The required number of signatures for each of the above are:

- **Annual Town Meeting: 10 valid signatures required**
- **Special Town Meeting: 100 valid signatures required**
- **To call a Special Town Meeting**
(or a Special Town Meeting within a previously scheduled Town Meeting) to consider an article or articles: **200 valid signatures**

To be valid, a signature must be from a registered Carver voter. When collecting signatures, first ask if the person is registered to vote in Carver. Sometimes people will mistakenly say they are. For this reason, always collect more signatures than are actually needed. Collecting signatures is also a good way of educating the public about your proposed article.

What do I do with my petition once I collect the required number of signatures?

Petitions should be turned into the Select Board's Office. Be aware that whoever turns in the signatures will be the person whose name is listed next to the petition article at Town Meeting. If the petition proposed is from a citizen group, the group's name might be listed, but not necessary; the Select Board office could instead choose to list the name of the person delivering the petition. It is therefore important to think about whose name you would want listed on the warrant next to this article.

What are the deadlines for bringing a petition article to Town Meeting?

The deadlines for citizen petition articles are set by the Select Board. Deadlines are posted on the Town's website, www.carverma.gov.

What happens after I drop off the petition article at the Select Board's Office?

After you hand in your petition form,

- 1) The petition is checked for the correct amount of valid signatures. If there are not enough valid signatures, the Select Board office will contact the contact name and number given at the time it was submitted.
- 2) Once the signatures are verified, it is placed on the Town Meeting warrant.
- 3) Typically, the sponsor of the article will present an explanation of the article. It is recommended in advance that you notify the Moderator that you will be speaking on the article.

If you are not a Carver resident, you must sit in a designated area of the auditorium until a motion is made and seconded on the article.



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Elections Division

SOLICITATION OF SIGNATURES IN PUBLIC PLACES

Both the United States and Massachusetts Constitutions protect the right to solicit signatures on nomination papers and ballot question petitions in a reasonable and unobtrusive manner in open public areas. This includes the public areas of municipal property as well as the common areas of privately owned shopping centers. Distribution of printed material in connection with signature solicitation is also protected. The right of signature solicitation (along with other free-speech activities) on municipal sidewalks, in parks and in similar open public areas is clear. Hague v. CIO, 307 U.S. 496, 515-16 (1939).

Public Areas of Privately Owned Shopping Centers:

The state Supreme Judicial Court has provided guidance specifically to those persons gathering signatures in privately owned shopping centers. Batchelder v. Allied Stores International, Inc., 388 Mass. 83, 445 N.E.2d 590 (1983). Although the Batchelder Court ruling was limited to gathering signatures on candidates' nomination papers, this standard also applies to gathering signatures on initiative and referendum petitions, under the Massachusetts Constitution. Mass. Const. amend art. 48. Shopping centers may adopt reasonable regulations that require signature gatherers to identify themselves, prevent them from harassing customers and obstructing pedestrian traffic, and allocate space and times among different groups of petitioners. It is therefore suggested that solicitors contact the management company of a privately owned shopping center to arrange for a mutually convenient time for such activity.

Municipal Property:

In Batchelder the Supreme Judicial Court held that Article 9 of the Massachusetts Constitution protects the right to solicit signatures, and to distribute related printed material, in the common areas of privately owned shopping centers, subject to reasonable regulations. At least the same amount of protection must apply on municipal property that is regularly open to the general public for municipal business. Therefore, ballot-access and nomination paper signature solicitation must be allowed on municipal property that is regularly open to the general public for municipal business, subject only to reasonable time, place and manner regulations.

Please do not hesitate to contact Michelle K. Tassinari, Legal Counsel, at 617.727.2828 or 1.800.462.VOTE for more information on the right of individuals to gather signatures in public places.

03/02



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth

**SOLICITING SIGNATURES ON NOMINATION PAPERS
AND BALLOT QUESTION PETITIONS AT SHOPPING CENTERS**

The Massachusetts Constitution protects the right to solicit signatures on candidate nomination papers and ballot question petitions, in a reasonable and unobtrusive manner, in the common areas of privately owned shopping centers. Distribution of printed material in connection with signature solicitation is also protected.

Shopping centers may adopt reasonable regulations that require petitioners to identify themselves, prevent them from harassing customers and obstructing pedestrian traffic, and allocate space and times among different groups of petitioners.

However, the Secretary advises that shopping centers may not:

- require petitioners to give significant advance notice (more than 24 hours).
- substantially limit the days and times when petitioning can occur.
- prevent petitioners from actively soliciting signatures in a reasonable area. For example, petitioners may not be restricted to standing behind a table or booth.
- require petitioners to have insurance coverage, agree to assume liability, or make a deposit of money.
- discriminate in favor of or against any group of petitioners.

The above advice by the Secretary of the Commonwealth, the chief elections officer of Massachusetts, is based in part on a 1983 decision by the state Supreme Judicial Court and on later court cases. Petitioners should notify shopping centers before soliciting signatures, and should try to resolve problems with shopping center managers before contacting the Secretary's Election Division.

In the Secretary's view, failure to allow petitioners the rights outlined above violates the state constitution. In addition, interference or attempted interference with these rights by threats, intimidation, or coercion violates the state civil rights law, which provides for money damages and attorney's fees. Petitioners or the state Attorney General may obtain a court order against any violations.

For more information or assistance, please contact: Elections Division, Office of the Secretary of the Commonwealth, One Ashburton Place, Room 1705, Boston, MA 02108, telephone (617) 727-2828 or 1-800-462-VOTE.

Submitted by: Name _____ Email _____ Phone _____

PETITION

**Honorable Select Board
Carver, Massachusetts**

Date: _____

We, the undersigned registered voters in the Town of Carver, do hereby petition the Select Board to insert the following article in the WARRANT FOR THE _____ 20__ TOWN MEETING:

ARTICLE: To see if the Town of Carver will vote to raise and appropriate or transfer from available funds the sum of \$ _____ for the purpose of providing the following services

Check	Signature of Registered Voters:	Addresses:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

FOR TOWN USE ONLY

CERTIFICATION OF NAMES

At least three registrars names must be signed or stamped below.

_____ month & day

We certify that _____
Use numbers & words.

The above signatures checked thus are the names of qualified voters from this town.

Registrars of Voters of _____