



# The Commonwealth of Massachusetts

## AN INITIATIVE PETITION

### FOR A LAW

Under Article XLVIII of the Amendments to the Constitution of the Commonwealth

### SUMMARY

This proposed law would amend the existing state public records law by giving the Secretary of State and the Supervisor of Records or other officer appointed by the Secretary additional authority to investigate violations of and to enforce the public records law. It would also require the state Attorney General to appoint a public records enforcement officer to file civil lawsuits to enforce the Supervisor of Records' orders issued under the public records law. These orders would need to be given deference by the Attorney General, the Attorney General's enforcement officer, or the District Attorney when taking action to enforce such an order.

The proposed law would allow the Supervisor of Records to issue regulations limiting fees that records custodians may charge for copies of records, with a maximum of 15 cents for black-and-white copies or 25 cents for color copies. Where the cost of responding to a public records request, including copying costs and time to search for and segregate records, is expected to exceed \$10, the proposed law would require the records custodian to provide the requester with a good-faith cost estimate before fulfilling the request. The proposed law would prohibit records custodians from charging for employee time spent searching for and segregating records unless that time exceeded two hours.

**FILING DEADLINES.** Initiative petitions must be submitted to local election officials for certification of signatures no later than **5 p.m. on Wednesday, November 18, 2015**. Local election officials must complete their certification no later than November 30, 2015. Thereafter, initiative petitions containing certified signatures must be retrieved by petitioners from the local election officials and then filed with the Elections Division, Office of the Secretary of the Commonwealth, One Ashburton Place, Room 1705, Boston, MA, no later than **5 p.m. on Wednesday, December 2, 2015**.

Under the proposed law, requests for public records could be made electronically. After an opportunity for a hearing, if a court finds that a records custodian or other official denied access to public records without reasonable grounds, the court could impose a civil penalty of \$20 to \$1,000 upon that records custodian or other official. If the court determined that access to records should have been provided in response to a public records request and that the records custodian or other responsible official acted in bad faith by denying access to those records, the court could award the requester reasonable attorneys' fees and costs.

The proposed law would also add to the existing public records exemption for investigative materials by providing that: (1) criminal investigative information shall be considered active only as long as the investigation is continuing and reasonably expected to result in an arrest or prosecution in the foreseeable future; and (2) any information that would identify victims and witnesses may be withheld indefinitely.

The proposed law would take effect on January 1, 2017. The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect.

FIRST TEN SIGNERS	William Francis Galvin	46 Lake Street	Boston	<b>REGISTRAR USE ONLY:</b>  <i>ONLY REGISTRAR MAY WRITE IN THIS AREA</i>
	Anthony J. Vigliotti	12 Davis Way	Worcester	
	John P. Dumas	247 Beach Street	Quincy	
	Erik R. Mireault	47 Cheryl Lee Lane	Lowell	
	Charles W. McCallister, Jr.	25 Ferncroft Circle	North Andover	
	Gary DePalma	46 Swain Road	Wilmington	
	Robert G. Peterson	18 Stonehedge Drive	Wilmington	
	Thomas M. Crane	16 Chandler Road	Salem	
	Scott S. Lazo	36 Ellis Road	Southbridge	
	Jean H. Christensen	710 Union Street	Marshfield	
<p>These names have been certified as names of registered voters in their places of residence. Original petition was filed on September 2, 2015.</p> <p style="text-align: center;"><i>William Francis Galvin</i></p> <p style="text-align: center;">SECRETARY OF THE COMMONWEALTH OF MASSACHUSETTS</p>				

CIRCULATOR AND SIGNER INFORMATION	<b>INSTRUCTIONS TO CIRCULATORS AND SIGNERS</b>			
	<ul style="list-style-type: none"> <li>• <b>DO NOT ALTER THIS INITIATIVE PETITION IN ANY WAY. ADDITIONAL MARKINGS ON THIS PETITION WILL DISQUALIFY ANY SIGNATURES ON THIS PETITION SHEET.</b></li> <li>• For your signature to be valid, you must be a registered voter in the city or town named below and your signature should be written substantially as registered. DO NOT sign the same petition more than once.</li> <li>• If you are prevented by physical disability from writing, you may authorize some person to write your name and residence in your presence.</li> </ul>			

REGISTRAR USE ONLY	I. SIGNATURE to be made in person with name substantially as registered (except in case of physical disability as stated above)	II. NOW REGISTERED AT (street, number and apartment number, if any) (city or town will be the same as stated below)	WARD	PREC.
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City or Town

ONLY REGISTERED VOTERS OF  MAY SIGN THIS SHEET.

Circulator petition sheet number

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