



# The Activist News

Citizens for Limited Taxation & Government  
*The Commonwealth Activist Network*

18 Tremont Street #608 □ Boston Massachusetts 02108  
(617) 248-0022 □ Internet: CommActNet@aol.com  
World Wide Web: <http://pages.map.com/bkpowell/clt&gpage.html>



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## Income Tax Rollback Petition Makes It . . . Barely

### “Someone Else” a No-Show this time!

**T**his time, anyone who left it to “Someone Else” made a big mistake.

There weren’t enough “Someone Elses” and the “Someone Elses” who worked so hard just couldn’t collect the number of signatures we usually can count on.

While we pulled off the petition drive in the 11th hour, it was only by the skin of our teeth -- and only through a frantic last-minute scramble (see Chip Ford’s column on Page 3).

We needed 64,928 signatures of Massachusetts registered voters to succeed: We managed to collect only 65,045.

We made it by 117 certified signatures -- .018 percent over the legal requirement -- *far less than one percent*. And that left us wide open to challenge -- as all our opponents need to do to get

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The MTA and TEAM started advertising for temporary help to challenge our petition weeks before our deadline, and wasted no time putting them in place -- the morning after we delivered our signatures to the Secretary of State. Above is one group of some twenty workers that have occupied the corridors for over a week, poring through our petitions.

### Ballot Countdown Incredibly Hectic

*Patriot Ledger column published on December 6, 1997*

**By Barbara Anderson**

**Y**ou know something I don’t. For you, this fall’s initiative petition drives have been over since 5 PM on December 3rd. You know if enough signatures were collected to move the issues toward the 1998 ballot. You know if “A Promise to Keep: 5%” has a chance to keep the Legislature’s unkept promise that the income tax rate increase to 5.95 percent would be temporary.

For me, it is much earlier. I am writing this column before its deadline so I can give you a flavor of what the final days of a petition drive are like.

**Friday, November 28th.** Working at home on call-forwarding, sorting petition receipts, dealing with anxiety by dropping in at the refrigerator for leftover stuffing every half hour or so.

The way we do a petition drive is: we ask all our members and allies to get actively involved as volunteers, spend nine weekends on the streets or at the malls, collecting signatures. If they can’t or won’t give up their entire fall, we ask them to fill as many petitions as they can and take them to their city/town hall by the deadline of November 19th everywhere but Boston, which was November 24th.

We ask our volunteers to collect right up to the end, take their petitions directly to the town halls for certification and mail us the receipt; after the city/town clerks have counted up the registered voters, we send volunteer drivers to pick up the petitions. Until they return and we count, we don’t know if we’ve made it. The fact that our system has always worked in the past doesn’t make the uncertainty, and need for frequent snacks, go away.

This year, for the first time, all city/town halls are supposed to be using computers and relaying their signature totals directly to the Secretary of State. We have been getting regular updates, but we don’t know how far along in the count the clerks are, or even how many are actually using the computer instead of doing the work by hand. When we checked before Thanksgiving, Promise had 55,344 signatures certified; we need at least 64,928. We have

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## Incredibly Hectic . . . *Cont'd from Page 1*

also learned that the Massachusetts Teachers Association is planning to challenge our signatures if we're close, hoping to keep our tax cut off the ballot.

**Thanksgiving weekend.** Organizers Chip Ford and Chip Faulkner prepare for final pick-up of petitions from most of the 351 cities and towns. I do end-of-month bookkeeping and eat chocolate.

**Monday, December 1st.** The state constitution requires that all petitions must be certified by city/town clerks by 5 PM today. However, we must turn them in to the Secretary of State on Wednesday so we can't wait til tomorrow to start collecting and counting; our drivers go out today and hope the petitions are ready. I do my usual eastern Essex County run, Salem to Topsfield to Cape Ann; all the clerks have completed except Beverly, which says it will be done by 5 but I shouldn't wait because City Hall closes at 4:30! So I drive with Chip Ford to the function room where staffers and volunteers are counting the signatures that drivers deliver until 10 PM.

**Tuesday, December 2nd.** Drivers finish their runs: I return to Beverly, which hands me six sheets of signatures. I know we should have more and insist they search. Twenty-four more sheets

are found on the city clerk's desk. Beverly was not alone; as we do our own computer totals we learn that several clerks did not give our drivers all the petitions they had on hand, and our drivers must return tomorrow, to places as far as New Bedford and Longmeadow. Meanwhile, we toss out the useless uncertified signatures that some petitioners, ignoring our instruction postcards, mailed us after the deadlines. Our total count at the end of the day: 644 short of the number we need. Suddenly I've lost my appetite.

**Wednesday, December 3rd.** Staff and volunteers call city clerks looking for "found" petition sheets, drive wherever necessary to pick up a few more signatures. We find 196 more in Weymouth alone. There are 137 certified signatures in today's mail. By noon, we are short just 58, as we drive into Boston to deliver the signatures to the Secretary of State by the final 5 P.M. deadline. In the past, some people have mailed their petitions directly to his office. Counting everything, will we have enough? I don't know, but you do.

*Editor's note: Promise delivered 117 more signatures than required by the filing deadline.*

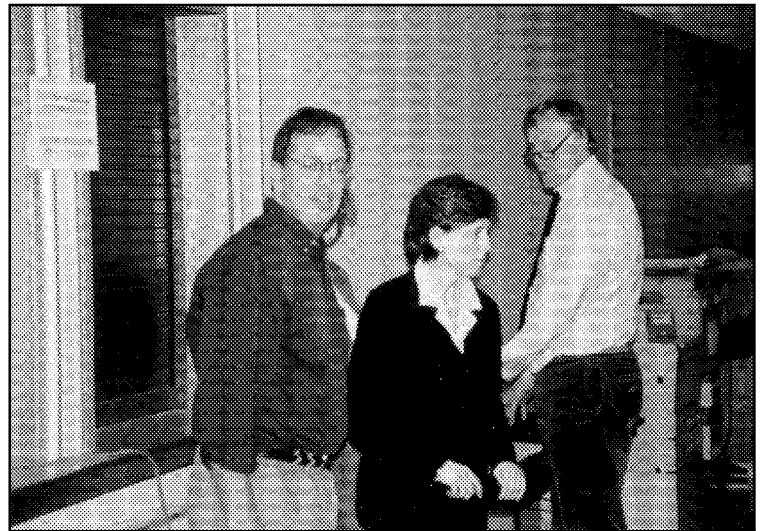
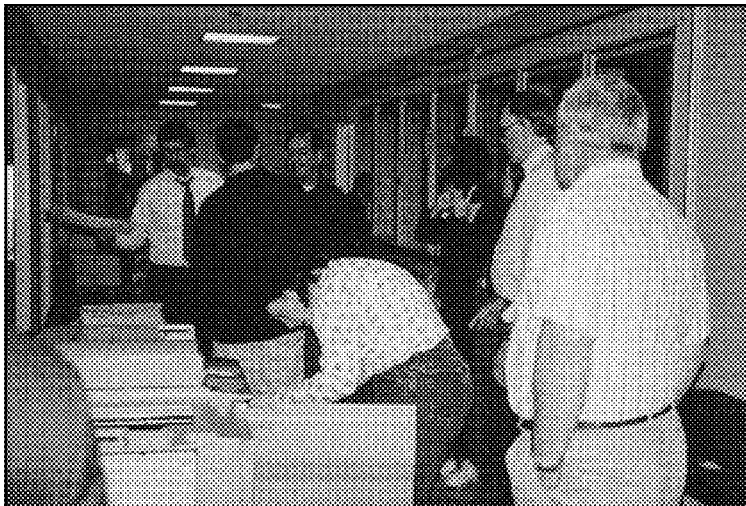
## No-Show this time . . . *Cont'd from Page 1*

our petition knocked out is to find 118 signatures that "shouldn't have been" certified by the city and town clerks as those of registered voters.

Challenge they have. The **Massachusetts Teachers Association** (MTA), the teachers union, supported by our old adversaries, the **Tax Equity Alliance of Massachusetts** (TEAM), and their two dozen workers started pawing over our petitions immediately (see photos below and right).

To keep our victory, we now must now counter-challenge for a number of the signatures that the clerks failed to certify -- and this takes a tremendous amount of additional work and a very big legal expense.

It would have been so much easier, and inexpensive, to just have collected another thousand or two good signatures while we still had the time.



□ □ **James St. George** (top-left), director of the Tax Equity Alliance of Mass., and **Arline Issacson** (top-center) of the Mass. Teachers Association, overseeing their challenge of our petitions.

□ Left, MTA and TEAM workers swarm over our petitions. When Chip Ford arrived (Mon., Dec. 8) in the corridors of the Secretary of State's office with his Nikon camera and photographer's vest he was mistakenly welcomed by all as a news photographer! In fact, the group on Page 1 called him down to their alcove and asked him to photograph them too! "Hey' we'll all be in the Herald tomorrow!" one cried out with glee.

Before leaving, he introduced himself and informed them that they would all soon be made infamous in the **CLT&G Activist News!**



# The Story Behind the Scenes

By Chip Ford

Originally published on December 4, 1997

as a CLT&G/Promise e-mail Update

and posted on the CLT&G World Wide Web Homepage:

<http://pages.map.com/bkpowell/clt&gpage.html>

Greetings activists on this glorious day of success!

Oh sure, if you read the newspapers or watch the TV news reports, the glass is half empty. But our petition is *alive*, even if on life-support for now, and that is fantastic -- especially if you were in that gloomy Newton Marriot conference room on Tuesday night, after we had counted all the signatures for a *second* time, and still came out with the same total: 644 short!

But first, there's something extremely important that was utterly misreported in today's Boston Herald and I want this cleared up immediately before any further confusion (and even damage!) is done:

In a story titled "*Term limits question axed, tax cut may not make ballot*," by Carolyn Ryan and Maggie Mulvihill, they reported: "... [Jennifer] Peck said her group [CommFAST] hired organizers to gather signatures, as did Citizens for Limited Taxation [ & Government] and proponents of a successful question to eliminate turnpike tolls."

We have *never* hired paid petitioners or organizers.

Carolyn Ryan called back today in response to Barbara's and my numerous calls to the Herald from its State House bureau all the way up the feeding chain to publisher Patrick Purcell. Carolyn said she'd gotten her information from the State House News Service. She was asked to read it. She started, stopped, and muttered, "... oh, oh ... *refuses* to use paid petitioners ..."

Carolyn, usually a good reporter, apologized, and the Boston Herald will publish a correction tomorrow along with a letter to the editor from Barbara.

But back to my tale of clutching victory from the jaws of defeat!

On election night 1994, in the Boston hotel room my Committee to Repeal the Mandatory Seat Belt Law shared with CLT (which was fighting the TEAM-sponsored Graduated Income Tax ballot questions) I watched the returns as our repeal was falling to defeat. An AP reporter came over and asked me if I was ready to concede the vote. I replied, "Concede hell; I may yet be beaten, but I'll never surrender."

That's exactly how I again felt on Tuesday night -- and we still had 19 hours of life remaining before the deadline with the Secretary of State!

So we scrambled, pulled out all the stops to find those 644-plus signatures. I was positive we could find them -- *somehow*; they were there -- *somewhere*!

As soon as Barbara and I got back to my place, there were messages on my answering machine to return. One was from **Sue Dowd** in Longmeadow, reporting that the clerk there had called to tell her that her petition with 30 signatures had been certified; when was she going to pick it up? She asked me if our driver

wasn't going to pick it up, as we'd told her it would be. The clerk had failed to give Sue's petition to our driver as instructed by our Letter of Authorization carried by every driver!

The next message was from **Bill McKibben**, offering to drive anywhere we might need to send him the next day. Bill left Wednesday morning on his 170 mile round-trip drive to Longmeadow, and returned with Sue's 30 certified signatures.

We called all our drivers and coordinators and asked them to call every city and town hall in the state and ask, "Do you have any petitions still your possession?" If yes, then "Do you have any letter 'I' petitions?" I put out an "ALERT!" to the thousand or so who receive our regular e-mail Updates and asked that they to do the same. It wasn't long before the calls started coming in.

**Anne Hilbert**, our Weymouth coordinator, found 196 certified signatures "misplaced" and still in the Weymouth town clerk's office and retrieved them. Westminster admitted to still holding another 27 signatures (which were picked up by former state Rep. **Bob Hawke** and relayed to **Chip Faulkner**, who hit the road from his Wrentham home Wednesday morning and kept in touch with me by car-phone relaying with others as I dug up more petitions). **Rob Lamoureux**, our Burlington coordinator who provided Chip with the phone, dug up another 37 from the Burlington town clerk, picked them up (making him late for work!), and relayed them to Faulkner.

57 good signatures were reported in New Bedford. A call to **Ann Perry** sent her rushing to the city hall to claim them as a call came in from the Cape reporting 28 signatures in Yarmouth. **Norm Paley**, our Plymouth County coordinator, jumped in his Land Rover with **Mark Casper** and raced first to meet Ann Perry, then **Harold Rusch**, one of our Cape coordinators, then back to Boston to get the 85 signatures to us before the 5:00 PM deadline. I got a call from **Helen Hatch** of Wakefield that she still had her certified petition with 12 signatures, which Barbara, **Pat Warnock** and I stopped by and picked up on our way into Boston.

**Governor Cellucci's** and **Treasurer Joe Malone's** campaigns, and **Marc DeCoursey** of the Republican State Committee, called us and offered to help, then began calling all the city and town clerks' offices too. Libertarian Party leader **Eli Israel** and Reform Party leader **Phil Bator** called and offered to help drive. **Tom Valle** of the Cellucci campaign provided us with two drivers who raced out to Framingham and Lowell to grab a few more "misplaced" petitions. (Three of Joe Malone's guys came up to the CLT&G office and helped us mule the boxes of petitions over to the Secretary of State's office as well, and Joe met us there when we arrived for a brief congratulations.) By mid-afternoon many of the clerks complained that they were going crazy with all the calls coming in looking for "misplaced" letter "I" petitions!

When the mail arrived, in it was our self-addressed stamped envelopes from the clerks in the small towns in the western part of the state: 91 signatures from Belchertown, 47 from Pittsfield, a small handful more from, Russell, Southwick, Granville and Goshen.

When Chip Faulkner got back into the office, he called the Secretary of State's Elections Division, asked, and discovered we had

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## Behind the Scenes . . . *Cont'd from Page 3*

161 certified signatures sitting there that people had mailed directly to the Secretary!

Those signatures put us at 115 certified signatures OVER the requirement -- miraculously *WE HAD MADE IT!*

The next day the Secretary of State's Elections Division officially announced that we have made it -- by 117 signatures!

Miraculously -- *and with a lot of help way above and beyond the call of duty!* -- our dedicated volunteers pulled this one off in the 11th hour and fifty-five minutes!

But this was only the first battle in what is now, unfortunately of necessity, a drawn out war.

Today the Tax Equity Alliance of Massachusetts (TEAM, aka "Tax Everything and More," and the Massachusetts Teachers Association ("More Taxes Always") announced their challenge of our signatures -- hoping to do by technicality what they know they can't do through persuasion if we get on the ballot: defeat the peoples' initiative.

Oh but for just a thousand or two more signatures and this could have been avoided -- but that was not to be, and we should be grateful we're still alive to fight the next battle.

But this defense and our likely counter-challenge will cost us tens if not hundreds of thousands of dollars which we do not have, just for the legal assistance and expenses. And it's going to tie us up for months when we could have been doing something more productive (like *anything* else). For us, the petition drive is far from over; we have just survived the first gauntlet.

But, assuming we can raise the funds for a respectable defense, it can certainly be done, as it has many times before. CLT survived signature challenges in 1979-80 to both the Proposition 2 1/2 initiative for a law, and a Prop 2 1/2 constitutional amendment, because we got so few signatures on each that it was challengeable. (That was when we learned the hard way the risk of attempting to carry two petitions at the same time, and why we

*NEVER* have since. Think about that for a moment and draw your own conclusions.)

The constitutional amendment, like term limits in 1992, was killed by the Legislature in their constitutional convention, so we have had to settle for the statute, which still stands because we are ever vigilant in its defense.

Opponents of rent control were challenged in 1993-94, and Denise Jilson and her supporters were still able to come up with sufficient signatures to make it to the ballot -- where rent control was repealed by the voters. (The challenges and legal expenses cost them about \$200,000 and took flat-out work from December through May -- just so you are aware of and keep all these costs in perspective.)

The Fair Ballot Access Committee fell just short of the required number of signatures, challenged, and recovered enough signatures that city and town clerks had disqualified to make it onto the 1990 ballot, and the voters adopted it. We have that law to thank for the 8 1/2" x 14" petitions we all just carried around instead of those God-awful oversized petitions we used to have to cart about, and for now being able to *copy* petitions -- not allowed before this law was approved by the voters.

It really is too bad that we couldn't have picked up just another one or two thousand signatures and made all of this unnecessary. But we didn't. The upside is, I'll bet that in the future *NOBODY* will ever take it for granted that "someone else will do it," or "why worry, they always pull it off." Or bite off more than they can chew.

And just think . . . *every signature* collected by those of you who took an active role in this effort was one of the signatures that put us over the top and gave us this incredible success!

Good job, and thanks again for being an important part of this most amazing resurrection in state petition drive history!

## The Outsider's Track by Barbara Anderson

Meanwhile, life went on, with one exception. The Legislature passed a new tax for Cape Cod, overriding Gov. Cellucci's veto. It is now up to Cape voters to accept or reject his sales tax on real estate. A similar proposal was defeated in Haverhill by a 3-1 vote.

Well, we tried. **State Treasurer Joe Malone** joined us in asking the Legislature to pass electricity deregulation that was more fair to ratepayers than Attorney General **L. Scott Harshbarger's** proposal.

Wish we all could have heard Promise treasurer **Phil Bator** sing solo the Star Stangled Banner at the opening of the *National Reform Party* convention in Kansas City!

**David Tuerk's Beacon Hill Institute** released a study showing that an income tax rollback would not only benefit individual taxpayers but our economy too. **Jim St. George** countered with his predictable

**TEAM** blahblahblah: "Tax cuts endanger services that people want. We should never try to compete with Mississippi to have the worst public services, the worst education system and the lowest taxes in the country," he told AP on Dec. 5. With the 6th-highest per capita tax burden, Massachusetts has a long way to go to compete with Mississippi.

**The Committee for Fair and Simple Taxation** got enough signatures on its petition to reduce the 12 percent investment tax rate to whatever rate we can reduce the wage income rate.

Congratulations to **Free The Pike** for coming back again this year with a successful petition drive. His signatures safely counted by Dec. 2, tolls foe **Harold Hubsch-**

**man** and other FTP volunteers came to the Newton Marriott and helped us count ours.

Late in the petition drive, we received a note from Brewster: "Frank Varga died Thursday, Oct. 16th, so I'm sending on a list of names he collected up to the moment of death." It was signed, "Marjorie W. Varga, wife." I have a feeling that this long-time CLT&G member's signatures just might win this for us. Rest in peace.

