

State Election – November 4, 2008

Polls opened at 7:00 a.m. on a foggy fall morning. Temperatures at the time polls opened were in the mid 30's rising to the low 60's in mid afternoon. Polls closed at 8:00 p.m.

Election Officers

Charlene Butterworth	7:00 a.m. to 3:00 p.m.
Jane Grybko	7:00 a.m. to 3:00 p.m.
Joanne O'Shea	7:00 a.m. to 4:30 p.m.
Beverly Sanderson	7:00 a.m. to 3:00 p.m.
Jeffrey DeRose	4:00 p.m. to 11:30 p.m.
Constance Ludlam	3:00 p.m. to 11:30 p.m.
Patricia Barschenski	4:30 p.m. to 11:30 p.m.
Carl Brooks	3:00 p.m. to 11:30 p.m.
Martha Zigmont	7:00 a.m. to 3:00 p.m.

Katherine Fleuriel – Warden	7:00 a.m. to 11:30 p.m.
Virginia Allis – Clerk	6:30 a.m. to 11:30 p.m. (Counting from 8 – 11:30 p.m.)
Lynn Sibley – Clerk	8:00 p.m. to 11:30 p.m.
Thomas Mahar – Constable	7:00 a.m. to 11:30 p.m.

Additional Staff for Counting Ballots:

Frances Symanski	8:00 p.m. – 11:30 p.m.
Lois Bean	8:00 p.m. – 11:30 p.m.
Lynn DiTullio	8:00 p.m. – 11:30 p.m.

At the opening of the polls, and before any ballots were cast, the Ballot Box register indicated 000; and at the close of the polls the Ballot Box register indicated 995. One ballot was stuck and it is possible that the box registered three times for one ballot in the process of removing that ballot. The officers in charge of the voting lists counted and announced the whole number of names checked on said lists to be 993 which indicates that the stuck ballot did count two additional times. The presiding officer then removed the ballots from the ballot box and caused them to be counted one by one, and announced the whole number of ballots cast to be 993. The ballots having been duly sorted and counted were recorded and declared in open meeting to be as set forth in the official record.

993 voters cast ballots of a possible 1,156 registered voters or 86%. Of the 993 ballots 69 were regular absentee ballots that arrived in time to be counted and 3 were absentee ballots from specially qualified voters. There were 5 additional absentee ballot applications for which ballots have not been received one of which was an overseas ballot There were 2 provisional ballots and 1 partial provision ballot cast but not counted by the night of November 4th. Count ended at 11:30 p.m.

Due to the quantity of ballots cast the ballot box needed to be opened several times to empty the ballots into a box kept in public view and guarded by election officials. By emptying the ballot box frequently it kept the box from clogging and therefore allowing the acceptance of ballots.

After all ballots were counted the ballots were sealed in a box with 2 strips numbered 0329097 and 0329073.

Canvas of votes:

Amended by Provisional Ballot
Counted by Board of Registrars
November 14, 2008

Electors of President and Vice President

Baldwin & Castle	0		0
Barr & Root	4		4
McCain & Palin	289	1	290
McKinney & Clemente	2		2
Nader & Gonzalez	24		24
Obama & Biden	660		660
Others	3		3
Blanks	<u>11</u>	<u>—</u>	<u>11</u>
Total votes cast	993	1	994

Senator In Congress

John F. Kerry	674	1	675
Jeffrey K. Beatty	246		246
Robert J. Underwood	53		53
Others	3		3
Blanks	<u>17</u>	<u>—</u>	<u>17</u>
Total votes cast	993	1	994

Representative in Congress

John W. Olver	712	1	713
Nathan A. Bech	252		252
Others	2		2
Blanks	<u>27</u>	<u>—</u>	<u>27</u>
Total Votes Cast	993	1	994

Councillor

Thomas T. Merrigan	714	1	715
Michael Franco	195		195
Others	1		1
Blanks	<u>83</u>	<u>—</u>	<u>83</u>
Total Votes Cast	993	1	994

Senator in General Court

Stanley C. Rosenberg	718	1	719
Keith McCormic	219		219
Others	2		2
Blanks	<u>54</u>	<u>—</u>	<u>54</u>
Total Votes Cast	993	1	994

Representative in General Court			
Stephen Kulik	817	1	818
Others	3		3
Blanks	<u>173</u>	–	<u>173</u>
Total Votes Cast	993	1	994
Register of Probate			
John F. Merrigan	782	1	783
Others	2		2
Blanks	<u>209</u>	–	<u>209</u>
Total Votes Cast	993	1	994
Council of Governments Executive Committee			
Ann H. Banash	7		7
Margaret Sullivan	4		4
Others	11		11
Blanks	<u>971</u>	<u>1</u>	<u>972</u>
Total Votes Cast	993	1	994

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

SUMMARY

This proposed law would reduce the state personal income tax rate to 2.65% for all categories of taxable income for the tax year beginning on or after January 1, 2009, and would eliminate the tax for all tax years beginning on or after January 1, 2010.

The personal income tax applies to income received or gain realized by individuals and married couples, by estates of deceased persons, by certain trustees and other fiduciaries, by persons who are partners in and receive income from partnerships, by corporate trusts, and by persons who receive income as shareholders of “S corporations” as defined under federal tax law. The proposed law would not affect the tax due on income or gain realized in a tax year beginning before January 1, 2009.

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

A YES VOTE would reduce the state personal income tax rate to 2.65% for the tax year beginning on January 1, 2009, and would eliminate the tax for all tax years beginning on or after January 1, 2010.

A NO VOTE would make no change in state income tax laws.

Amended by Provisional Ballot

Counted by Board of Registrars November 14, 2008

Yes	175		175
No	808	1	809
Blanks	<u>10</u>	–	<u>10</u>
Total votes cast	993	1	994

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

SUMMARY

This proposed law would replace the criminal penalties for possession of one ounce or less of marijuana with a new system of civil penalties, to be enforced by issuing citations, and would exclude information regarding this civil offense from the state's criminal record information system. Offenders age 18 or older would be subject to forfeiture of the marijuana plus a civil penalty of \$100. Offenders under the age of 18 would be subject to the same forfeiture and, if they complete a drug awareness program within one year of the offense, the same \$100 penalty.

Offenders under 18 and their parents or legal guardian would be notified of the offense and the option for the offender to complete a drug awareness program developed by the state Department of Youth Services. Such programs would include ten hours of community service and at least four hours of instruction or group discussion concerning the use and abuse of marijuana and other drugs and emphasizing early detection and prevention of substance abuse.

The penalty for offenders under 18 who fail to complete such a program within one year could be increased to as much as \$1,000, unless the offender showed an inability to pay, an inability to participate in such a program, or the unavailability of such a program. Such an offender's parents could also be held liable for the increased penalty. Failure by an offender under 17 to complete such a program could also be a basis for a delinquency proceeding.

The proposed law would define possession of one ounce or less of marijuana as including possession of one ounce or less of tetrahydrocannabinol ("THC"), or having metabolized products of marijuana or THC in one's body.

Under the proposed law, possessing an ounce or less of marijuana could not be grounds for state or local government entities imposing any other penalty, sanction, or disqualification, such as denying student financial aid, public housing, public financial assistance including unemployment benefits, the right to operate a motor vehicle, or the opportunity to serve as a foster or adoptive parent. The proposed law would allow local ordinances or bylaws that prohibit the public use of marijuana, and would not affect existing laws, practices, or policies concerning operating a motor vehicle or taking other actions while under the influence of marijuana, unlawful possession of prescription forms of marijuana, or selling, manufacturing, or trafficking in marijuana.

The money received from the new civil penalties would go to the city or town where the offense occurred.

A YES VOTE would replace the criminal penalties for possession of one ounce or less of marijuana with a new system of civil penalties.

A NO VOTE would make no change in state criminal laws concerning possession of marijuana.

Amended by Provisional Ballot
Counted by Board of Registrars November 14, 2008

Yes	663		663
No	318	1	319
Blanks	<u>12</u>	<u>—</u>	<u>12</u>
Total votes cast	993	1	994

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2008?

SUMMARY

This proposed law would prohibit any dog racing or racing meeting in Massachusetts where any form of betting or wagering on the speed or ability of dogs occurs.

The State Racing Commission would be prohibited from accepting or approving any application or request for racing dates for dog racing.

Any person violating the proposed law could be required to pay a civil penalty of not less than \$20,000 to the Commission. The penalty would be used for the Commission's administrative purposes, subject to appropriation by the state Legislature. All existing parts of the chapter of the state's General Laws concerning dog and horse racing meetings would be interpreted as if they did not refer to dogs.

These changes would take effect January 1, 2010. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit dog races on which betting or wagering occurs, effective January 1, 2010.

A NO VOTE would make no change in the laws governing dog racing.

Amended by Provisional Ballot

Counted by Board of Registrars November 14, 2008

Yes	667	1	668
No	306		306
Blanks	<u>20</u>	<u>—</u>	<u>20</u>
Total votes cast	993	1	994

QUESTION 4: LOCALLY BINDING QUESTION

Shall the Town of Whately accept sections 3 to 7 inclusive, of Chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?

SUMMARY

Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act ("Act"), establishes a dedicated funding source to acquire, create and preserve open space and land for recreational use; acquire, preserve, rehabilitate and restore historic resources; acquire, create, preserve and support community housing; and to rehabilitate and restore open space, land for recreational use and community housing that is acquired or created in accordance with the Act. In Whately, the Act will be funded, beginning in Fiscal Year 2010, by an additional surcharge of 3% (three percent) on the annual tax levy on real property and by matching funds provided by the state. The following exemptions from such surcharge, permitted under Section 3(e) of said Act, will apply: (1) property owned and occupied as a domicile by a person who would qualify for low income housing or low or

moderate income senior housing in the Town; (2) \$100,000 of the value of each taxable parcel of residential real property. A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in surcharge. A Community Preservation Committee must be created pursuant to by-law and will make recommendations on the use of the funds. Town Meeting must approve any such recommendation before funds can be expended. All expenditures pursuant to the Act will be subject to an annual audit.

Amended by Provisional Ballot
 Counted by Board of Registrars November 14, 2008

Yes	569	1	570
No	378		378
Blanks	<u>46</u>	<u>-</u>	<u>46</u>
Total votes cast	993	1	994

The first column shows the results of the count on November 4, 2008. The amended results show the effect of the count done by the Board of Registrars of a provisional ballot on November 14, 2008. The one overseas ballot still outstanding did not arrive by November 14th. One provisional ballot was not counted because there was no proof of registration. The partial provisional ballot was not counted because a confirmation notice that the person no longer lived in town was received in April 2007. The box containing the voted ballots was re-opened and the newly counted ballot was placed as Block 21 in the box along with the absentee ballots received too late to be counted and the provisional ballots that were not counted. The box was resealed with plastic strips 0329050 and 0329014.

A true record,
 Attest:

Lynn M. Sibley, CMC, CMMC
 Town Clerk