

# COMMONWEALTH OF MASSACHUSETTS

WILLIAM FRANCIS GALVIN  
SECRETARY OF THE COMMONWEALTH

Essex, SS.

**GREETINGS:** In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the City of Lawrence who are qualified to vote in State Election on November 8, 2022 from 7:00am to 8:00pm to vote at the following precincts:

**A-1, A-2, A2A, A-3, A-4, B-1, B-2, B-3, B-4, C-1, C-2, C-3, C-4, D-1, D-2, D-3, D-4, E-1, E-1A, E-2, E-3, E-4, F-1, F-2, F-3, F-4;**

Which are more particularly described and located as follows:

## DISTRICT A

**A-1 EDWARD F. PARTHUM SCHOOL, 255 EAST HAVERHILL STREET  
A-2 EDWARD F. PARTHUM SCHOOL, 255 EAST HAVERHILL STREET  
A-2A EDWARD F. PARTHUM SCHOOL, 255 EAST HAVERHILL STREET  
A-3 ROLLINS SCHOOL, 451 HOWARD ST.  
A-4 EDWARD F. PARTHUM SCHOOL, 255 EAST HAVERHILL STREET**

## DISTRICT B

**B-1 NORTH COMMON EDUCATIONAL CENTER, 58 LAWRENCE ST.  
B-2 NORTH COMMON EDUCATIONAL CENTER, 58 LAWRENCE ST.  
B-3 NORTH COMMON EDUCATIONAL CENTER, 58 LAWRENCE ST.  
B-4 VALEBROOK APARTMENTS, UNION & SUMMER STREETS**

## DISTRICT C

**C-1 FAMILY DAY CHARTER SCHOOL, 404 HAVERHILL STREET  
C-2 BRUCE SCHOOL, 135 BUTLER ST.  
C-3 ARLINGTON PARK, 355 PARK St.  
C-4 ARLINGTON SCHOOL, 150 ARLINGTON St.**

## DISTRICT D

**D-1 BRUCE SCHOOL, 135 BUTLER ST.  
D-2 GUILMETTE SCHOOL – 80 BODWELL STREET  
D-3 GUILMETTE SCHOOL- 80 BODWELL STREET  
D-4 GUILMETTE SCHOOL- 80 BODWELL STREET**

## DISTRICT E

**E-1 FROST SCHOOL, 33 HAMLET ST.  
E-1A FROST SCHOOL, 33 HAMLET ST.  
E-2 FROST SCHOOL, 33 HAMLET ST.  
E-3 FROST SCHOOL, 33 HAMLET ST.  
E-4 WETHERBEE SCHOOL, 75 NEWTON ST.**

## DISTRICT F

**F-1 SO. LAWRENCE EAST SCHOOL, 165 CRAWFORD ST.  
F-2 SO. LAWRENCE EAST SCHOOL, 165 CRAWFORD ST.**

**F-3 SO. LAWRENCE EAST SCHOOL, 165 CRAWFORD ST.  
F-4 SO. LAWRENCE EAST SCHOOL, 165 CRAWFORD ST.**

[page one of two – continued on next page]

on **TUESDAY, THE EIGHTH DAY OF NOVEMBER 2022**, from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates of political parties for the following offices:

GOVERNOR .....	.FORTHIS COMMONWEALTH
LIEUTENANT GOVERNOR .....	.FORTHIS COMMONWEALTH
ATTORNEY GENERAL .....	.FOR THIS COMMONWEALTH
SECRETARY OF STATE .....	.FOR THIS COMMONWEALTH
TREASURER AND RECEIVER GENERAL .....	.FOR THIS COMMONWEALTH
AUDITOR .....	.FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS .....	.FOR THE THIRD DISTRICT
COUNCILLOR .....	.FOR THE FIFTH DISTRICT
SENATOR IN GENERAL COURT .....	.FIRST ESSEX DISTRICT
REPRESENTATIVE IN GENERAL COURT .....	.FOR THE FOURTH ESSEX DISTRICT
REPRESENTATIVE IN GENERAL COURT .....	.FOR THE SIXTEENTH ESSEX DISTRICT
REPRESENTATIVE IN GENERAL COURT .....	.FOR THE SEVENTEETH ESSEX DISTRICT
DISTRICT ATTORNEY .....	.FOR THE EASTERN DISTRICT
SHERIFF .....	.FOR ESSEX COUNTY

QUESTION 1-ADDITIONAL TAX ON INCOME OVER ONE MILLION DOLLARS

QUESTION 2-REGULATION OF DENTAL INSURANCE

QUESTION 3-EXPANDED AVAILABILITY OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES.

QUESTION 4-ELIGIBILITY FOR DRIVER'S LICENSES

(PLEASE SEE ATTACHMENT FOR QUESTIONS)

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 1ST day of NOVEMBER, 2022,

Councilor President Marc LaPlante-Council President and District F Councilor

Councilor Estela Reyes – Council Vice President and District B Councilor

Councilor Pavel Payano-Councilor-At-Large

Councilor Celina Reyes-Councilor-At-Large

Councilor Ana Levy-Councilor-At-Large

Councilor Maria De La Cruz - District A Councilor

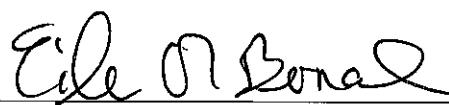
Councilor Gregory Del-Rosario – District C Councilor

Councilor Jeovanny Rodriguez- District D Councilor

Councilor Stephany Infante - District E Councilor

Members of the City Council for the City of Lawrence, Massachusetts

Attest: Eileen O'Connor Bernal, City Clerk



Warrant must be posted by November 1, 2022, (at least seven days prior to the November 8, 2022, the date of the State Election)

# 1

## 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)?*

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#### **SUMMARY**

As required by law, summaries are written by the State Attorney General.

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.

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#### **WHAT YOUR VOTE WILL DO**

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

**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.

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#### **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.

## QUESTION 1: Proposed Amendment to the Constitution

### ARGUMENTS ►

**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

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.

### 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**

### FULL TEXT OF AMENDMENT

Article 44 of the Massachusetts Constitution is hereby amended by adding the following paragraph at the end thereof:-

To provide the resources for quality public education and affordable public colleges and universities, and for the repair and maintenance of roads, bridges and public transportation, all revenues received in accordance with this paragraph shall be expended, subject to appropriation, only for these purposes. In addition to the taxes on income otherwise authorized under this Article, there

shall be an additional tax of 4 percent on that portion of annual taxable income in excess of \$1,000,000 (one million dollars) reported on any return related to those taxes. To ensure that this additional tax continues to apply only to the commonwealth’s highest income taxpayers, this \$1,000,000 (one million dollars) income level shall be adjusted annually to reflect any increases in the cost of living by the same method used for federal income tax brackets. This paragraph shall apply to all tax years beginning on or after January 1, 2023.

# 2

## 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 ►

As required by law, summaries are written by the State Attorney General.

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.

## QUESTION 2: Law Proposed by Initiative Petition

**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.

**STATEMENT OF FISCAL CONSEQUENCES** ► The proposed measure has no discernible material fiscal consequences for state and municipal government finance.

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

**ARGUMENTS** ► **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](http://www.fairdentalinsurance.org)

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

**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](http://Protectmydentalcare.com)

### FULL TEXT OF PROPOSED LAW

SECTION 1. The General Laws are hereby amended by inserting after chapter 176W the following chapter:-

Chapter 176X

Dental Benefit Plans

Section 1. As used in this chapter the following words shall,

unless the context clearly requires otherwise, have the following meanings:-

“Carrier”, an insurer or other entity offering dental benefit plans in the commonwealth.

“Commissioner”, the commissioner of the division of

## QUESTION 2: Law Proposed by Initiative Petition

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### FULL TEXT OF PROPOSED LAW (continued)

insurance.

"Connector", the commonwealth health insurance connector, established by chapter 176Q.

"Dental benefit plans", any stand-alone dental plan that covers oral surgical care, dental services, dental procedures or benefits covered by any individual, general, blanket or group policy of health, accident and sickness insurance issued by an insurer licensed or otherwise authorized to transact accident and health insurance under chapter 175; any oral surgical care, dental services, dental procedures or benefits covered by a stand-alone individual or group dental medical service plan issued by a non-profit medical service corporation under chapter 176B; any oral surgical care, dental services, dental procedures or benefits covered by a stand-alone individual or group dental service plan issued by a dental service corporation organized under chapter 176E; any oral surgical care, dental services, dental procedures or benefits covered by a stand-alone individual or group dental health maintenance contract issued by a health maintenance organization organized under chapter 176G; or any oral surgical care, dental services, dental procedures or benefits covered by a stand-alone individual or group preferred provider dental plan issued by a preferred provider arrangement organized under chapter 176I. The commissioner may, by regulation, define other dental coverage as a qualifying dental benefit plan for the purposes of this chapter.

"Self-insured customer", a self-insured group for which a carrier provides administrative services.

"Self-insured group", a self-insured or self-funded employer group health plan.

"Third-party administrator", a person or entity that, on behalf of a dental insurer or the MassHealth dental program, or purchaser of dental benefits, provides administrative services including receiving or collecting charges, contributions or premiums for, or adjusting or settling claims on or for residents of the commonwealth.

Section 2. (a) Notwithstanding any general or special law to the contrary, the commissioner may approve dental benefit policies submitted to the division of insurance for the purpose of being provided to individuals and groups. These dental benefit policies shall be subject to this chapter and may include networks that differ from those of a dental plan's overall network. The commissioner shall adopt regulations regarding eligibility criteria.

(b) Notwithstanding any general or special law to the contrary, the commissioner shall require carriers offering dental benefit plans to submit information as required by the commissioner, which shall include the current and

projected medical loss ratio for plans the components of projected administrative expenses and financial information, including, but not limited to: (i) underwriting, auditing, actuarial, financial analysis, treasury and investment expenses; (ii) marketing and sales expenses, including but not limited to, advertising, member relations, member enrollment and all expenses associated with producers, brokers and benefit consultants; and (iii) claims operations expenses, including, but not limited to, adjudication, appeals, settlements and expenses associated with paying claims. Unless otherwise determined by the commissioner, the following items shall be deemed to be an administrative cost expenditure for the purposes of calculating and reporting the medical loss ratio: (i) financial administration expenses; (ii) marketing and sales expenses; (iii) distribution expenses; (iv) claims operations expenses; (v) medical administration expenses, such as disease management, care management, utilization review and medical management activities; (vi) network operations expenses; (vii) charitable expenses; (viii) board, bureau or association fees; (ix) state and federal tax expenses, including assessments; and (x) payroll expense.

(c) Notwithstanding any general or special law to the contrary, carriers offering dental benefit plans, including carriers licensed under chapters 175, 176B, 176E, 176G or 176I, shall 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 shall disapprove any proposed changes to base rates that are excessive, inadequate, or unreasonable in relation to the benefits charged. The commissioner shall disapprove any change to group rating factors that is discriminatory or not actuarially sound. The commissioner shall adopt regulations to carry out this section.

(d) If a carrier files a base rate change under this section and the administrative expense loading component, not including taxes and assessments, increases by more than the most recent calendar year's percentage increase in the dental services consumer price index (U.S. city average, all urban consumers, not seasonally adjusted) or if a carrier's reported contribution to surplus exceeds 1.9 per cent or if the aggregate medical loss ratio for all plans offered under this chapter is less than the applicable percentage set forth in subsection (e), then such carrier's rate, in addition to being subject to all other provisions of this chapter, shall be presumptively disapproved as excessive by the commissioner as set forth in this subsection. If the annual aggregate medical loss ratio for all plans offered under this chapter is less than the applicable percentage set forth in subsection (e), the carrier shall refund the excess premium

## QUESTION 2: Law Proposed by Initiative Petition

### FULL TEXT OF PROPOSED LAW (continued)

to its covered individuals and covered groups. A carrier shall communicate within 30 days to all individuals and groups that were covered under plans during the relevant 12-month period that such individuals and groups qualify for a refund on the premium for the applicable 12-month period or, if the individual or groups are still covered by the carrier, a credit on the premium for the subsequent 12-month period. The total of all refunds issued shall equal the amount of a carrier's earned premium that exceeds that amount necessary to achieve a medical loss ratio of the applicable percentage set forth in subsection (e), calculated using data reported by the carrier as prescribed under regulations promulgated by the commissioner. The commissioner may authorize a waiver or adjustment of this requirement only if it is determined that issuing refunds would result in financial impairment for the carrier.

(e) The medical loss ratio set forth in subsection (d) shall be 83 percent.

(f) If a proposed rate change has been presumptively disapproved: (i) a carrier shall communicate to all employers and individuals covered under a group product that the proposed increase has been presumptively disapproved and is subject to a hearing at the division of insurance; (ii) the commissioner shall conduct a public hearing and shall advertise that hearing in newspapers in the cities of Boston, Brockton, Fall River, Pittsfield, Springfield, Worcester, New Bedford and Lowell, or shall notify such newspapers of the hearing; and (iii) the attorney general may intervene in a public hearing or other proceeding under this section and may require additional information as the attorney general considers necessary to ensure compliance with this subsection. The commissioner shall adopt regulations to specify the scheduling of the hearings required under this section and to otherwise carry out this subsection (f).

(g) If the commissioner disapproves the rate submitted by a carrier the commissioner shall notify the carrier in writing no later than 45 days prior to the proposed effective date of the carrier's rate. The carrier may submit a request for hearing to the division of insurance within 10 days of such notice of disapproval. The division must schedule a hearing within 15 days of receipt. The commissioner shall issue a written decision within 30 days after the conclusion of the hearing. The carrier may not implement the disapproved rates, or changes at any time unless the commissioner reverses the disapproval after a hearing or unless a court vacates the commissioner's decision.

Section 3. (a) Each carrier shall submit an annual comprehensive financial statement to the division detailing carrier costs from the previous calendar year. The annual comprehensive financial statement shall include all of the

information in this section and shall be itemized, where applicable, by:

(i) market group size, including individual; small groups of 1 to 5, 6 to 10, 11 to 25, and 26 to 50; large groups of 50 to 100, 101 to 500, 501 to 1000 and greater than 1000; and

(ii) line of business, including any stand-alone dental plan that covers oral surgical care, dental services, dental procedures or benefits covered by any individual, general, blanket or group policy of health, accident and sickness insurance issued by an insurer licensed or otherwise authorized to transact accident and health insurance under chapter 175; any oral surgical care, dental services, dental procedures or benefits covered by a stand-alone individual or group dental medical service plan issued by a non-profit medical service corporation under chapter 176B; any oral surgical care, dental services, dental procedures or benefits covered by a stand-alone individual or group dental service plan issued by a dental service corporation organized under chapter 176E; any oral surgical care, dental services, dental procedures or benefits covered by a stand-alone individual or group dental health maintenance contract issued by a health maintenance organization organized under chapter 176G; any oral surgical care, dental services, dental procedures or benefits covered by a stand-alone individual or group preferred provider dental plan issued by a preferred provider arrangement organized under chapter 176I; and stand-alone dental group health insurance plans issued by the commission under chapter 32A.

(b) The financial statement shall include, but shall not be limited to, the following information: (i) direct premiums earned, as defined in chapter 176J; direct claims incurred, as defined in said chapter 176J; (ii) medical loss ratio; (iii) number of members; (iv) number of distinct groups covered; (v) number of lives covered; (vi) realized capital gains and losses; (vii) net income; (viii) accumulated surplus; (ix) accumulated reserves; (x) risk-based capital ratio, based on a formula developed by the National Association of Insurance Commissioners; (xi) financial administration expenses, including underwriting, auditing, actuarial, financial analysis, treasury and investment expenses; (xii) marketing and sales expenses, including advertising, member relations, member enrollment expenses; (xiii) distribution expenses, including commissions, producers, broker and benefit consultant expenses; (xiv) claims operations expenses, including adjudication, appeals, settlements and expenses associated with paying claims; (xv) dental administration expenses, including disease management, utilization review and dental management expenses; (xvi) network operational expenses, including contracting, dentist relations and dental policy procedures;

## QUESTION 2: Law Proposed by Initiative Petition

### FULL TEXT OF PROPOSED LAW (continued)

(xvii) charitable expenses, including any contributions to tax-exempt foundations and community benefits; (xviii) board, bureau or association fees; (xix) any miscellaneous expenses described in detail by expense, including an expense not included in (i) to (xviii), inclusive; (xx) payroll expenses and the number of employees on the carrier's payroll; (xxi) taxes, if any, paid by the carrier to the federal government or to the commonwealth; and (xxii) any other information deemed necessary by the commissioner.

(c) Any carrier required to report under this section, which provides administrative services to 1 or more self-insured groups shall include, as an appendix to such report, the following information: (i) the number of the carrier's self-insured customers; (ii) the aggregate number of members, as defined in section 1 of chapter 176J, in all of the carrier's self-insured customers; (iii) the aggregate number of lives covered in all of the carrier's self-insured customers; (iv) the aggregate value of direct premiums earned, as defined in said chapter 176J, for all of the carrier's self-insured customers; (v) the aggregate medical loss ratio, as defined in said chapter 176J, for all of the carrier's self-insured customers; (vi) net income; (vii) accumulated surplus; (viii) accumulated reserves; (ix) the percentage of the carrier's self-insured customers that include each of the benefits mandated for health benefit plans under chapters 175, 176A, 176B and 176G; (x) administrative service fees paid by each of the carrier's self-insured customers; and (xi) any other information deemed necessary by the commissioner.

(d) A carrier who fails to file this report on or before April 1 shall be assessed a late penalty not to exceed \$100 per day. The division shall make public all of the information collected under this section. The division shall issue an annual summary report to the joint committee on financial services, the joint committee on health care financing and the house and senate committees on ways and means of the annual comprehensive financial statements by May 15. The information shall be exchanged with the center for health information and analysis for use under section 10 of chapter 12C. The division shall, from time to time, require payers to submit the underlying data used in their calculations for audit.

The commissioner shall adopt rules to carry out this subsection, including standards and procedures requiring the registration of persons or entities not otherwise licensed or registered by the commissioner, such as third-party administrators, and criteria for the standardized reporting and uniform allocation methodologies among carriers. The division shall, before adopting regulations

under this section, consult with other agencies of the commonwealth and the federal government and affected carriers to ensure that the reporting requirements imposed under the regulations are not duplicative.

(e) If, in any year, a carrier reports a risk-based capital ratio on a combined entity basis under subsection (a) that exceeds 700 percent, the division shall hold a public hearing within 60 days. The carrier shall submit testimony on its overall financial condition and the continued need for additional surplus. The carrier shall also submit testimony on how, and in what proportion to the total surplus accumulated, the carrier will dedicate any additional surplus to reducing the cost of dental benefit plans or for dental care quality improvement, patient safety, or dental cost containment activities not conducted in previous years. The division shall review such testimony and issue a final report on the results of the hearing.

(f) The commissioner may waive specific reporting requirements in this section for classes of carriers for which the commissioner deems such reporting requirements to be inapplicable; provided, however, that the commissioner shall provide written notice of any such waiver to the joint committee on health care financing and the house and senate committees on ways and means.

Section 4. Except as otherwise provided below, this chapter shall apply to all dental benefit plans, including plans issued directly by a carrier, through the connector, or through an intermediary. This chapter shall 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. Nothing in this chapter shall be construed to require a carrier that does not issue dental benefit plans subject to this chapter to issue dental benefit plans subject to this chapter.

### SECTION 2.

Section 10 of chapter 12C of the General Laws is hereby amended by inserting at the end of clause (4) of subsection (b):—

"or section 3 of chapter 176X".

### SECTION 3.

The commissioner of insurance shall promulgate by October 1, 2023, regulations consistent with this act.

### SECTION 4.

Except as otherwise provided herein, this act shall apply to all dental benefit plans issued, made effective, delivered or renewed on or after January 1, 2024.

# 3

## 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**

As required by law, summaries are written by the State Attorney General.

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**  
As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

**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.

## QUESTION 3: Law Proposed by Initiative Petition

### 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:** 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**  
21<sup>st</sup> Century Alcohol Retail Reform Committee  
30 Lyman Street, Suite 2  
Westborough, MA 01581  
(508) 366-1100  
[www.Masspack.org](http://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](http://www.FoodStoresMA.org)

### FULL TEXT OF PROPOSED LAW

SECTION 1. The second sentence of section 15 of chapter 138 of the General Laws is hereby amended by striking out, in each instance, the phrase "more than 9" and inserting in place thereof the following phrase:- more than 12.

SECTION 2. The second sentence of said section 15 of said chapter 138, as amended by section 1 of this Act, is hereby further amended by striking out, in each instance, the figure "12" and inserting in place thereof the following figure:- 15.

SECTION 3. The second sentence of said section 15 of said chapter 138, as amended by section 2 of this Act, is hereby further amended by striking out, in each instance, the figure "15" and inserting in place thereof the following figure:- 18.

SECTION 4. Section 15 of chapter 138 of the General Laws is hereby further amended by inserting, after the

second sentence, the following new sentences:-

No person, firm, corporation, association, or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever, shall be granted, in the aggregate, more than 7 licenses for the sale of all alcoholic beverages in the commonwealth, or participate in decisions regarding the purchasing of such beverages or the purchasing of insurance or accounting or bookkeeping services, or receive any percentage or fee derived from gross revenues in exchange for management assistance, or participate in any other action designed to effect common results of more than 7 such licensees; provided, however, any person, firm, corporation, association, or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever, who, as of December 31, 2022, has more than 7 licenses for the sale of all

### **QUESTION 3: Law Proposed by Initiative Petition**

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#### **FULL TEXT OF PROPOSED LAW (continued)**

alcoholic beverages in the commonwealth, or who, as of December 31, 2022, participates in decisions regarding the purchasing of such beverages or the purchasing of insurance or accounting or bookkeeping services, or receives any percentage or fee derived from gross revenues in exchange for management assistance, or participates in any other action designed to effect common results of more than 7 such licensees, may continue to hold that number of all alcoholic beverages licenses and participate in any actions designed to effect the common results of that number of licensees. Each license for the sale of all alcoholic beverages shall be included as a license for purposes of determining the total number of licenses authorized under the second sentence of this section.

**SECTION 5.** Sections 1 and 4 of this Act shall take effect on January 1, 2023.

**SECTION 6.** Section 2 of this Act shall take effect on January 1, 2027.

**SECTION 7.** Section 3 of this Act shall take effect on January 1, 2031.

**SECTION 8.** Section 15 of chapter 138 of the General Laws, as so appearing, is hereby further amended by inserting after the final paragraph, the following new paragraph:-

The in-store sale of alcoholic beverages by a licensee engaged in the sale of alcoholic beverages as so authorized under the provisions of this section shall be conducted through a face-to-face transaction between the customer and the licensee or between the customer and an authorized employee of the licensee who has attained the age of 18 years. In-store automated or self-checkout sales of alcoholic beverages by such licensees shall be prohibited.

**SECTION 9.** Section 23 of chapter 138 of the General Laws is hereby amended by striking out, in the third sentence of the twelfth paragraph, the phrase "alcoholic beverage sales" and inserting in place thereof the following phrase:- all retail sales.

**SECTION 10.** Section 34B of chapter 138 of the General Laws is hereby amended by inserting in the first sentence of the second paragraph after the phrase "or a valid United States issued military identification card," the following phrase:- or a valid motor vehicle license issued by another state.

**SECTION 11.** Section 34B of said chapter 138 is hereby further amended by inserting in the second sentence of the second paragraph after the phrase "or motor vehicle license issued pursuant to said section eight," the following phrase:- or a valid motor vehicle license issued by another state,

## **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.