

**Frequently Asked Questions about District-Wide Balloting:
Background Information for the Special Referendum in the
Minuteman School District on September 20, 2016**

1. **Is a district-wide ballot legal?** Yes. State law provides the Minuteman school district with two (2) ways to borrow money for capital projects (construction projects). Both of these options are outlined in Massachusetts General Laws Chapter 71, Section 16. Subsection (d) allows the district to borrow with approval (or non-disapproval) from the Town Meetings in its member towns. Subsection (n) allows the district to borrow with approval by a district-wide ballot.
2. **Why haven't I heard about district-wide balloting before?** Good question. Regional vocational school districts have generally gone the "traditional" route to borrow for large capital projects, by securing approval from each of their member towns at Town Meetings. Subsection (n) – a district-wide ballot -- is also an option available in state law.
3. **Has district-wide balloting been done before?** Yes. Bay Path Regional Vocational Technical High School in Charlton secured approval for a \$73.8 million renovation project through a district-wide ballot in October of 2012. Franklin County Technical School in Turners Falls secured approval for \$2.456 million in renovations through district-wide balloting on June 23, 2015. Tri-County Regional Vocational Technical School District in Franklin secured approval for a \$2.3 million bond through district-wide balloting in 1995.
4. **What does Minuteman have in common with Bay Path, Franklin County Tech, and Tri-County?** All four are regional vocational technical schools. Like the other three, Minuteman has a sprawling district, with multiple member communities. Bay Path has 10 member towns. Franklin County has 19. Tri-County has 11. Minuteman has 16.
5. **What quantum of votes is required for the School Committee to issue debt?** A simple majority vote is required under the "traditional" Town Meeting approach. A two-thirds vote of the School Committee (11 of 16 in Minuteman's case, without weighting) is required to initiate the district-wide ballot approach.
6. **When did the Minuteman School Committee call for a district-wide referendum?** On June 27, 2016, the School Committee voted 12-1, with one abstention, to issue debt for the building project under M.G.L. Chapter 71, Section 16(n) and to submit the vote for approval to the registered voters in the District in an election to be held on September 20, 2016 from 12 noon to 8:00 p.m.

7. **Why not just go the “traditional” route and ask Town Meetings for approval?** We first tried the “traditional” approach under M.G.L. Chapter 71, Section 16(d) and were not successful. The traditional process requires approval (or waiver) by all member town meetings. On May 4, 2016, one of Minuteman’s 16 member town meetings (Belmont’s) voted to disapprove the bond, effectively vetoing the project.
8. **Why not just ask Belmont Town Meeting to reconsider its initial rejection?** Good question. Representatives from all the member towns met with key Belmont officials on June 20, 2016, exploring whether it would make sense to simply go back to Belmont Town Meeting and ask again. At the meeting, Belmont officials informed representatives from the other 15 member towns that they would not change their opposition to bonding for the project. Based on that, a clear majority of those present agreed that reconsideration did not have a reasonable prospect for success and that the better, clearer course would be to proceed directly to a referendum.
9. **How much time does Minuteman have to get local approval?** Originally, the Massachusetts School Building Authority (MSBA) had given us until June 30, 2016, to secure local approval for the project. After the rejection in Belmont, we sought an extension. On June 17, 2016, MSBA Executive Director John K. McCarthy wrote to us, granting an extension until November 30, 2016. But Mr. McCarthy’s approval letter also contained this warning: “Given the overwhelming capital needs of the school districts across the Commonwealth and the MSBA’s limited capital program funds, the MSBA cannot indefinitely tie up funds allocated to a project that lacks local support. Accordingly, no additional extension beyond November 30, 2016 will be considered.”
10. **What are the advantages of using a district-wide ballot?** It gives every voter in the district an opportunity to be heard. It’s completed in one day. Most important, it allows for approval in a timely fashion that would secure state funding through the Massachusetts School Building Authority (MSBA).
11. **What are the disadvantages?** First, it’s not something that most town clerks, town officials, school officials, or voters in the Minuteman District are familiar with. It will be a learning experience for everyone. Second, it will be an expense for the Minuteman District.
12. **The district-wide election must cost money to run. Who pays for it?** The regional school district pays for it. In this case, Minuteman will pay for the printing of ballots, programming of voting machines, publishing of legal notices, mailings about changes in polling places, mailing of absentee ballots, poll workers, police officers, constables, and other direct expenses related to the election.
13. **How much money are we talking about?** Franklin County expected to pay about \$60,000 for the district-wide ballot in its 19 member towns. Bay Path paid approximately \$48,000 for the district-wide ballot in its 10 member towns. We project

that Minuteman may need to spend as much as \$100,000 for the district-wide ballot in its 16 member towns.

14. **Where's the money for a district-wide ballot coming from?** The Minuteman School Committee has voted to transfer funds from within its existing \$19.7 million budget to pay for the election. The district won't increase the budget to pay for the district-wide ballot. A district-wide ballot will not increase assessments to member towns.
15. **Who picks the date for the district-wide ballot?** Under the statute, the Minuteman School Committee sets the date. The Committee has selected Tuesday, September 20, 2016, from 12 noon to 8:00 p.m.
16. **Who writes the ballot question?** The actual wording has been drafted by Minuteman's bond counsel, Atty. Richard A. Manley, Jr. of Locke Lord LLP.
17. **How long is the election?** The minimum and maximum number of hours are set by law. The law says that the election must be held on the same date, with uniform voting hours. The polls must be open for at least four (4) hours and no more than eight (8) hours.
18. **Can't the School Committee allow for longer voting hours?** No. The law says the polls can be open for no more than 8 hours.
19. **Where do people vote?** Under the statute, the number and location of the polling place(s) in each town are determined by the Minuteman School Committee after consultation with the towns.
20. **Will all 16 member towns participate in the voting?** Yes. Even though six (6) towns are scheduled to withdraw from this District on July 1, 2017, and under the district agreement will not be liable for assessment as members on this debt, those towns and their citizens have full rights to participate in district decisions until the withdrawal date. Accordingly, their residents will have the same rights as in other district towns to vote in the referendum.
21. **Is there a minimum number of voters – or percentage of voters – who need to go to the polls to make a district-wide election valid?** No.
22. **How are the votes counted? And how do you decide which side wins?** Local election officials count and certify the votes in their individual towns. Those votes are added together. The district-wide aggregate count of "yes" and "no" votes, with the majority prevailing, will decide the outcome.

23. **What happens if the ballot question is approved?** The project moves ahead. Assessments to pay the debt move ahead consistent with the terms of the Regional Agreement.
24. **How would member towns pay the debt under the two options?** Permanent financing for the project will be in the form of tax-exempt 30-year bonds with scheduled annual principal and interest payments. Member towns will pay their share of the annual payment on the bonds as part of the assessment pursuant to the current Regional Agreement. In the event that the District moves forward under General Laws Chapter 71, Section 16(d), member towns can authorize the project and their share of the debt service within the tax levy by a vote of Town Meeting, or the Town could make its approval subject to the passage of a debt exclusion override. In the event that the District moves forward under Chapter 71, Section 16(d), and if a given town meeting makes its approval of the issuance of the debt contingent upon the successful passage of a debt exclusion override, which requires a separate ballot vote, then a failure of that override election would mean that the project could not move forward. If the District moves forward with a district-wide ballot election under Chapter 71, Section 16(n) and the majority of voters in the District approve the project, the project will proceed and funding for the assessment would then be the decision of each member town. Towns may utilize debt exclusion funding for that portion of their district assessment, but that is a local decision that does not affect the assessment itself or prevent the project from going forward.
25. **If the voters in a particular town vote against the project in a district-wide election, will the town still be responsible for paying its share of the debt?** Yes, with two exceptions. First, under the District Agreement the six withdrawing communities are not liable for district debt incurred after December 10, 2015. The withdrawing communities are Boxborough, Carlisle, Lincoln, Sudbury, Wayland, and Weston. Second, any town in which the majority of votes in the referendum are to disapprove the bond may, by two-thirds vote of its town meeting within 60 days after the referendum, approve a notice of withdrawal from the district, in which instance that town would not be liable on the project debt.
26. **So not every town needs to vote to approve?** No. This election will be decided by the total district-wide vote. This is a district-wide referendum to gauge the wishes of the entire Minuteman district, not just the wishes of voters in a particular town.
27. **In prior district-wide votes, have some towns voted against?** Yes. In 2012, seven (7) of the ten (10) towns in the Bay Path district in Central Massachusetts voted in favor of the \$73.8 million renovation project. Three towns – North Brookfield, Oxford, and Paxton – voted against the ballot question by slim margins. Based on the aggregate vote in the Bay Path district, the project was approved.

28. **What happens if the ballot question is not approved?** If time permits, a couple of options may be available. The district could submit the issue to the 16 Town Meetings again. The district could try another district-wide ballot. But given the current timelines and project constraints, we expect that this referendum will provide the final decision, either “yes” or “no”.
29. **Has the option of a district-wide referendum been cleared by district counsel?** Yes. Murphy, Hesse, Toomey & Lehane, LLP, Minuteman’s counsel, has carefully reviewed the statute and is advising the school on the process that must be followed. We have also consulted with Atty. Richard A. Manley, Jr. of Locke Lord LLP, Minuteman’s bond counsel, and Atty. Thomas Kiley of Cosgrove, Eisenberg, & Kiley, P.C.
30. **Who makes sure this is a fair election?** The Office of the Massachusetts Secretary of State, the Office of Campaign & Political Finance, the State Ethics Commission, and local election officials all will be monitoring the campaign and the outcome of the election.
31. **Can groups run organized campaigns for or against the district-wide ballot?** Yes, subject to the requirements of state elections laws.
32. **Can Minuteman employees take part in the campaign?** Yes, but only to the limited extent allowed by the Office of Campaign & Political Finance and the State Ethics Commission.
33. **How are public employees limited?** Public employees cannot use their public positions or public resources to promote a ballot question. They can prepare newsletters concerning a ballot question but may not send them to the public, unsolicited. Public employees can inform voters about the date and place for an election but cannot make any comments on the merits of the ballot question when doing so.
34. **Does this rule apply to everyone?** As a general matter, policy makers such as members of the School Committee and the School Superintendent have more latitude. However, they still cannot use public funds to support or oppose a ballot question.
35. **Could Minuteman employees serve on a campaign committee?** Yes. Public employees could serve on a campaign committee, but cannot solicit money or serve as the committee’s treasurer. On their own time and using personal funds, they can do what other citizens do. For example, they can write a Letter to the Editor, supporting or opposing a ballot question. They can contribute money in their own name to a ballot question committee.
36. **How will Minuteman employees know what they can do – and what they cannot do?** The school administration will provide employees with written materials and tutorial

videos prepared by the Office of Campaign & Political Finance. We will also ask OCPF to conduct a training session at the school.

37. **Where can I learn more about the rules governing the conduct of public employees in political campaigns?** Visit the website of the Massachusetts Office of Campaign and Political Finance (OCPF) at www.ocpf.us.
38. **What does the new Regional Agreement say about district-wide voting?** A new Regional Agreement was approved by the 16 member towns – and by the Massachusetts Commissioner of Education – in the spring of 2016. Section IV (I) of the new Regional Agreement is titled “Incurring of Debt.” This section provides for borrowing by the traditional Town Meeting route pursuant to M.G.L. Chapter 71, Section 16(d), and by a district wide ballot pursuant to M.G.L. Chapter 71, Section 16(n).
39. **Where can I find the new Regional Agreement?** The new Regional Agreement, including a March 11, 2016, letter from the Commissioner of Education approving the new Agreement, is posted on our School Building Committee’s web page. Visit <http://minuteman.org//site/Default.aspx?PageID=196> for more information.
40. **Where can I find the state law governing this election?** The state law governing this special election is M.G.L. Chapter 71, Section 16(n). You can find it at this website: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section16>.

Last Updated: July 26, 2016