



Proposition 2½ Ballot Questions

*Prepared for Association of Town Finance Committees
Annual Meeting – October 19, 2013*

FOLLOWING PAGES FROM:
Proposition 2½ Ballot Questions – Requirements and Procedures (October 2008)

Appendix A

PROPOSITION 2½ BALLOT QUESTION FORMS

The form of each type of Proposition 2½ referendum question is prescribed by G.L. c. 59, § 21C. To properly present a question to the voters, the following statutory language must be used:

Levy Limit Override (G.L. c. 59, § 21C(g)):

Shall the (city/town) of _____ be allowed to assess an additional \$ _____ in real estate and personal property taxes for the purposes of (state the purpose(s) for which the monies from this assessment will be used) for the fiscal year beginning July first _____?

Yes ____ No ____

Levy Limit Underride (G.L. c. 59, § 21C(h)):

Shall the (city/town) of _____ be required to reduce the amount of real estate and personal property taxes to be assessed for the fiscal year beginning July first _____ by an amount equal to \$ _____?

Yes ____ No ____

Capital Expenditure Exclusion (G.L. c. 59, § 21C(i½)):

Shall the (city/town) of _____ be allowed to assess an additional \$ _____ in real estate and personal property taxes for the purposes of (state the purpose(s) for which the monies from this assessment will be used) for the fiscal year beginning July first _____?

Yes ____ No ____

Pre-Proposition 2½ Debt Exclusion (G.L. c. 59, § 21C(j)):

Shall the (city/town) of _____ be allowed to exempt the total amounts required to pay for bonded indebtedness incurred prior to the passage of proposition two and one-half, so-called, from the city's/town's limit?

Yes ____ No ____

Post-Proposition 2½ Debt Exclusion (G.L. c. 59, § 21C(k)):

Shall the (city/town) of _____ be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to (state the purpose or purposes for which the monies from the local issue will be used)?

Yes ____ No ____

Appendix C

LEVY LIMIT OVERRIDE APPROACHES

I. SINGLE QUESTION OVERRIDE

Presents voters with a single choice of additional funding for general or specific spending purposes. The following are examples of single question overrides:

Example 1. General Purposes

Shall the Town of Yourtown be allowed to assess an additional \$2,000,000 in real estate and personal property taxes for the purposes of funding the operating budgets of the Town and the Public Schools for the fiscal year beginning July 1, ____?

Example 2. General Categories

Shall the Town of Yourtown be allowed to assess an additional \$2,000,000 in real estate and personal property taxes for the purposes of funding local and regional school, public safety, library, highway, parks and recreation and general government expenses for the fiscal year beginning July 1, ____?

Example 3. Multiple Departmental Purposes with Allocation

Shall the Town of Yourtown be allowed to assess an additional \$2,000,000 in real estate and personal property taxes for the purposes of funding the following departmental expenses: School Department (\$750,000), Police Department (\$250,000), Fire Department (\$250,000), Public Works Department (\$250,000), Public Library (\$250,000), Parks and Recreation Department (\$150,000), Council on Aging (\$25,000) and Financial Offices, including Assessors, Collector-Treasurer, Accountant, (\$75,000) for the fiscal year beginning July 1, ____?

Example 4. Single Departmental Budget

Shall the Town of Yourtown be allowed to assess an additional \$200,000 in real estate and personal property taxes for the purposes of funding the Fire Department for the fiscal year beginning July 1, ____?

Example 5. Specific Positions/Programs/Services

Shall the Town of Yourtown be allowed to assess an additional \$200,000 in real estate and personal property taxes for the purposes of funding four full-time firefighter positions for the fiscal year beginning July 1, ____?

II. MULTIPLE QUESTION OVERRIDES

Presents voters with multiple choices of additional funding for general or specific spending purposes. There are two multiple question approaches: "menu" and "pyramid" overrides.

A. "MENU" OVERRIDE

The "menu" approach presents two or more questions each of which will fund different services or programs. Each question stands on its own merits. Therefore, if the voters approve more than one question, the community's levy limit is increased by the total of the amounts specified in all approved questions.

The following is an example of a "menu" override:

Shall the Town of Yourtown be allowed to assess an additional \$1,000,000 in real estate and personal property taxes for the purposes of funding the Yourtown Public and Yourtown Valley Regional High Schools for the fiscal year beginning July 1, ____?

Shall the Town of Yourtown be allowed to assess an additional \$250,000 in real estate and personal property taxes for the purposes of funding the Fire Department for the fiscal year beginning July 1, ____?

Shall the Town of Yourtown be allowed to assess an additional \$250,000 in real estate and personal property taxes for the purposes of funding the Police Department for the fiscal year beginning July 1, ____?

Shall the Town of Yourtown be allowed to assess an additional \$100,000 in real estate and personal property taxes for the purposes of funding the Public Library for the fiscal year beginning July 1, ____?

B. "PYRAMID" OVERRIDE

The "pyramid" approach provides voters with a choice of two or more different funding levels for general spending purposes or for specific services or programs. A separate question is presented for each funding level. The funding levels are presented as alternative, not independent, proposals, which means a higher funding level proposed in a question also includes all lower ones. Therefore, if the voters approve more than one question, the approved question stating the highest dollar amount prevails and the community's levy limit is increased by that amount.

The following are examples of "pyramid" overrides:

Example 1. General Purpose

- 1A Shall the Town of Yourtown be allowed to assess an additional \$1,000,000 in real estate and personal property taxes for the purposes of operating the Municipal Government and Public Schools for the fiscal year beginning July 1, ____?
- 1B Shall the Town of Yourtown be allowed to assess an additional \$500,000 in real estate and personal property taxes for the purposes of operating the Municipal Government and Public Schools for the fiscal year beginning July 1, ____?
- 1C Shall the Town of Yourtown be allowed to assess an additional \$250,000 in real estate and personal property taxes for the purposes of operating the Municipal Government and Public Schools for the fiscal year beginning July 1, ____?

Example 2. Multiple Purposes with Allocation

- 1A Shall the Town of Yourtown be allowed to assess an additional \$1,000,000 in real estate and personal property taxes for the purposes of funding the school (\$500,000), police (\$250,000) and fire (\$250,000) departments for the fiscal year beginning July 1, ____?
- 1B Shall the Town of Yourtown be allowed to assess an additional \$500,000 in real estate and personal property taxes for the purposes of funding the school (\$250,000), police (\$125,000) and fire (\$125,000) departments for the fiscal year beginning July 1, ____?
- 1C Shall the Town of Yourtown be allowed to assess an additional \$250,000 in real estate and personal property taxes for the purposes of funding the school (\$125,000), police (\$62,500) and fire (\$62,500) departments for the fiscal year beginning July 1, ____?

Example 3. Multiple "Pyramids"

- 1A Shall the Town of Yourtown be allowed to assess an additional \$500,000 in real estate and personal property taxes for the purposes of operating the Yourtown Public Schools for the fiscal year beginning July 1, ____?
- 1B Shall the Town of Yourtown be allowed to assess an additional \$250,000 in real estate and personal property taxes for the purposes of operating the Yourtown Public Schools for the fiscal year beginning July 1, ____?
- 1C Shall the Town of Yourtown be allowed to assess an additional \$125,000 in real estate and personal property taxes for the purposes of operating the Yourtown Public Schools for the fiscal year beginning July 1, ____?

- 2A Shall the Town of Yourtown be allowed to assess an additional \$300,000 in real estate and personal property taxes for the purposes of operating the Police Department for the fiscal year beginning July 1, ____?
- 2B Shall the Town of Yourtown be allowed to assess an additional \$200,000 in real estate and personal property taxes for the purposes of operating the Police Department for the fiscal year beginning July 1, ____?
- 2C Shall the Town of Yourtown be allowed to assess an additional \$100,000 in real estate and personal property taxes for the purposes of operating the Police Department for the fiscal year beginning July 1, ____?

Example 4. Specific Positions/Programs

- 1A Shall the Town of Yourtown be allowed to assess an additional \$400,000 in real estate and personal property taxes for the purposes of funding 8 firefighter positions for the fiscal year beginning July 1, ____?
- 1B Shall the Town of Yourtown be allowed to assess an additional \$200,000 in real estate and personal property taxes for the purposes of funding 4 firefighter positions for the fiscal year beginning July 1, ____?
- 1C Shall the Town of Yourtown be allowed to assess an additional \$100,000 in real estate and personal property taxes for the purposes of funding 2 firefighter positions for the fiscal year beginning July 1, ____?

Example 5. "Tiered" Pyramid

- 1A Shall the Town of Yourtown be allowed to assess an additional \$2,000,000 in real estate and personal property taxes for the purposes of operating the Yourtown Public Schools and to fund instructional staff (8 positions), textbooks, technology support (including 1 position) and equipment for Yourtown High School and to fund instructional staff (14 positions), textbooks and technology support and equipment for the other schools for the fiscal year beginning July 1, ____?
- 1B Shall the Town of Yourtown be allowed to assess an additional \$1,000,000 in real estate and personal property taxes for the purposes of operating the Yourtown Public Schools and to fund instructional staff (8 positions), textbooks, technology support (including 1 position) and equipment for Yourtown High School for the fiscal year beginning July 1, ____?
- 1C Shall the Town of Yourtown be allowed to assess an additional \$500,000 in real estate and personal property taxes for the purposes of operating the Yourtown Public Schools for the fiscal year beginning July 1, ____?

Appendix D

SEQUENCING OPTIONS

<u>Number 1</u> Election - Appropriation	<u>Number 2</u> Appropriation - Election	<u>Number 3</u> Contingent Appropriation - Election Towns Only
Referendum election held <ul style="list-style-type: none"> Annual or special municipal State biennial 	Appropriation made by town meeting or city/town council <ul style="list-style-type: none"> Annual or special 	Appropriation made by town meeting <ul style="list-style-type: none"> Annual or special
Appropriation made by town meeting or city/town council <ul style="list-style-type: none"> Annual or special 	Referendum election held <ul style="list-style-type: none"> Annual or special municipal State biennial 	Referendum election held <ul style="list-style-type: none"> Annual or special municipal, state biennial Referendum deadline: <ul style="list-style-type: none"> September 15 for appropriations made at annual town meeting 90 days after special town meeting dissolves for appropriations made at that meeting
If referendum passes and appropriation fails <ul style="list-style-type: none"> Referendum is valid If override/capital exclusion, have until tax rate set to appropriate for same purpose If debt exclusion, have reasonable time to authorize debt for same project 	If referendum passes and appropriation fails <ul style="list-style-type: none"> Referendum is valid If override/capital exclusion, have until tax rate set to appropriate for same purpose If debt exclusion, have reasonable time to authorize debt for same project 	If referendum passes <ul style="list-style-type: none"> No further action required - appropriation validated and tax increase approved to cover expenditure
If appropriation passes and referendum fails <ul style="list-style-type: none"> Appropriation is valid Budget must be adjusted within levy limit by time tax rate set (to balance budget, town meeting or city/town council may cut any budget item, not just referendum purpose, and/or community may raise non-tax revenues) Referendum may be presented again 	If appropriation passes and referendum fails <ul style="list-style-type: none"> Appropriation is valid Budget must be adjusted within levy limit by time tax rate set (to balance budget, town meeting or city/town council may cut any budget item, not just referendum purpose, and/or community may raise non-tax revenues) Referendum may be presented again 	If referendum fails <ul style="list-style-type: none"> No further action required - appropriation null and void Referendum may be presented at other elections, but must be approved by: <ul style="list-style-type: none"> September 15 for appropriations made at annual town meeting 90 days after special town meeting dissolves for appropriations made at that meeting
If referendum and appropriation both pass or both fail <ul style="list-style-type: none"> No further action required 	If referendum and appropriation both pass or both fail <ul style="list-style-type: none"> No further action required 	If referendum not held by deadline <ul style="list-style-type: none"> Appropriation null and void

Appendix E
EXAMPLES
CONTINGENT APPROPRIATION ARTICLES AND MOTIONS

OMNIBUS BUDGET ARTICLES

APPROACH 1: SINGLE MOTION FOR CONTINGENT AND NON-CONTINGENT AMOUNTS

ARTICLE ___: TO ACT ON THE REPORT OF THE FINANCE COMMITTEE ON THE FISCAL YEAR ___ BUDGET AND TO RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS MONEY FOR THE OPERATION OF THE TOWN'S DEPARTMENTS AND THE PAYMENT OF DEBT SERVICE AND ALL OTHER NECESSARY AND PROPER EXPENSES FOR THE YEAR, OR TAKE ANY OTHER ACTION RELATIVE THERETO.

MOTION: I move that the town vote to raise and appropriate or transfer from available funds the amounts recommended by the Finance Committee for departmental operating purposes, debt service and other town expenses in fiscal year ____, with each item to be considered a separate appropriation and the amounts shown in the column captioned "Contingent Appropriations" to be appropriated contingent upon passage of a Proposition 2½ referendum question under General Laws Chapter 59, § 21C.

PROPOSED FISCAL YEAR ____ BUDGET

THE FINANCE COMMITTEE RECOMMENDS THAT THE AMOUNTS SHOWN IN THE COLUMN CAPTIONED "NON-CONTINGENT APPROPRIATIONS" BE APPROPRIATED FROM THE TAX LEVY, UNLESS OTHERWISE SPECIFIED, FOR FISCAL YEAR ___ DEPARTMENTAL OPERATING PURPOSES, DEBT SERVICE AND OTHER TOWN EXPENSES, AND THAT THE AMOUNTS SHOWN IN THE COLUMN CAPTIONED "CONTINGENT APPROPRIATIONS" BE APPROPRIATED FROM THE TAX LEVY CONTINGENT UPON THE PASSAGE OF A PROPOSITION 2½ REFERENDUM QUESTION UNDER GENERAL LAWS CHAPTER 59, § 21C.

<u>PURPOSE</u>	<u>NON-CONTINGENT APPROPRIATIONS</u>	<u>CONTINGENT APPROPRIATIONS</u>
Selectmen's Office		
Salaries	\$ 45,000	\$ 6,000
Expenses	18,000	4,000
School Department	2,800,000	300,000
Town Planner		
Salary	0	35,000
Expenses	0	12,000
Cemetery Commission		
Salaries	8,000	
Expenses	10,000	
	(Includes \$8,000 transfer from Sale of Lots Fund)	
...
TOTAL	\$ 8,000,000	\$ 890,000

APPROACH 2: SEPARATE MOTIONS FOR CONTINGENT AND NON-CONTINGENT AMOUNTS

MOTION: I move that the town vote to raise and appropriate or transfer from available funds the amounts recommended by the Finance Committee for departmental operating purposes, debt service and other town expenses in fiscal year ____, with each item to be considered a separate appropriation.

PROPOSED FISCAL YEAR ____ BUDGET

THE FINANCE COMMITTEE RECOMMENDS THAT THE FOLLOWING AMOUNTS BE APPROPRIATED FROM THE TAX LEVY, UNLESS OTHERWISE SPECIFIED, FOR FISCAL YEAR ____ DEPARTMENTAL OPERATING PURPOSES, DEBT SERVICE AND OTHER TOWN EXPENSES:

<u>PURPOSE</u>	<u>RECOMMENDED</u>
Selectmen's Office	
Salaries	\$ 45,000
Expenses	18,000
School Department	2,800,000
Town Planner	
Salary	0
Expenses	0
Cemetery Commission	
Salaries	8,000
Expenses	10,000
	(Includes \$8,000 transfer from Sale of Lots Fund)
...	...
TOTAL	\$ 8,000,000

MOTION: I move that the town vote to raise and appropriate any additional amounts recommended by the Finance Committee for the departmental operating purposes and other town expenses in fiscal year ____, contingent upon passage of a Proposition 2½ referendum question under General Laws Chapter 59, § 21C.

PROPOSED FISCAL YEAR ____ CONTINGENT BUDGET

THE FINANCE COMMITTEE RECOMMENDS THAT THE FOLLOWING AMOUNTS BE APPROPRIATED FROM THE TAX LEVY FOR FISCAL YEAR ____ DEPARTMENTAL OPERATING PURPOSES AND OTHER TOWN EXPENSES CONTINGENT UPON PASSAGE OF A PROPOSITION 2½ REFERENDUM QUESTION UNDER GENERAL LAWS CHAPTER 59, § 21C.

<u>PURPOSE</u>	<u>RECOMMENDED</u>
Selectmen's Office	
Salaries	\$ 6,000
Expenses	4,000
School Department	300,000
Town Planner	
Salary	35,000
Expenses	12,000
...	...
TOTAL CONTINGENT APPROPRIATIONS	\$ 890,000

BALLOT QUESTIONS

Under either approach, the town has the choice whether to bundle all the contingent appropriations for operating expenditures for the fiscal year into a single override question for the \$890,000 in this example, or to put separate questions on the ballot for different departments or groups of departments: for instance, one question for \$300,000 for school department operating expenses and another question for \$590,000 for operating expenses of all other town departments. The choice of how to structure the ballot questions is within the discretion of the selectmen. If the selectmen do decide to include more than one contingent appropriation in a question, the purpose of each appropriation the question is intended to fund would have to be stated in the question.

OTHER APPROPRIATION ARTICLES

REGIONAL SCHOOL BUDGET ARTICLE - (Levy Limit Override)

ARTICLE __: TO SEE IF THE TOWN WILL APPROVE THE _____ REGIONAL SCHOOL DISTRICT BUDGET FOR FISCAL YEAR ____ AND RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS \$(FULL ASSESSMENT) TO PAY ITS ASSESSED SHARE OF THAT BUDGET, OR TO TAKE ANY OTHER ACTION RELATIVE THERETO.

MOTION: I move that the town raise and appropriate \$(non-contingent portion) to pay its assessed share of the _____ Regional School District Budget for fiscal year ____ and that it raise and appropriate the additional \$(contingent portion) required to fully fund the assessment and thereby approve the district's budget for the year, provided that this additional appropriation be contingent on the approval of a Proposition 2½ levy limit override under General Laws Chapter 59, § 21C(g) (*or passage of a Proposition 2½ ballot/referendum question*).

REGIONAL SCHOOL BUDGET ARTICLE - (Capital Outlay Expenditure Exclusion)

ARTICLE __: TO SEE IF THE TOWN WILL APPROVE THE _____ REGIONAL SCHOOL DISTRICT BUDGET FOR FISCAL YEAR ____ AND RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS \$(FULL ASSESSMENT) TO PAY ITS ASSESSED SHARE OF THAT BUDGET, OR TO TAKE ANY OTHER ACTION RELATIVE THERETO.

MOTION: I move that the town raise and appropriate \$(non-contingent portion) to pay its assessed share of the _____ Regional School District Budget for fiscal year ____ and that it raise and appropriate the additional \$(contingent portion) attributable to its share of the budget for capital spending not funded by debt so as to fully fund the assessment and thereby approve the district's budget for the year, provided that this additional appropriation be contingent on the approval of a Proposition 2½ capital outlay expenditure exclusion under General Laws Chapter 59, § 21C(i½) (*or passage of a Proposition 2½ ballot/referendum question*).

SEPARATE DEPARTMENTAL "CONTINGENT BUDGET" ARTICLE

ARTICLE __: TO SEE IF THE TOWN WILL RAISE AND APPROPRIATE OR TRANSFER FROM AVAILABLE FUNDS A SUM TO SUPPLEMENT THE FIRE DEPARTMENT'S OPERATING BUDGET FOR FISCAL YEAR ____ CONTINGENT UPON THE PASSAGE OF A PROPOSITION 2½ REFERENDUM QUESTION, OR TAKE ANY OTHER ACTION RELATIVE THERETO.

MOTION: I move that the town raise and appropriate an additional \$_____ for the Fire Department's fiscal year ____ operating budget to be allocated as follows: \$_____ for salaries and \$_____ for expenses, provided that such additional appropriations be contingent on the passage of a Proposition 2½ referendum (*or passage of a Proposition 2½ ballot/referendum question*).

BORROWING ARTICLE

ARTICLE __: TO SEE IF THE TOWN WILL APPROPRIATE A SUM OF MONEY BY BORROWING TO DESIGN AND CONSTRUCT A SENIOR CENTER AND TO AUTHORIZE THE TREASURER, WITH THE APPROVAL OF THE SELECTMEN, TO ISSUE ANY BONDS OR NOTES THAT MAY BE NECESSARY FOR THAT PURPOSE, OR TAKE ANY OTHER ACTION RELATIVE THERETO.

MOTION: I move that the town appropriate and borrow \$10,000,000 for the design and construction of a Senior Center and authorize the treasurer with the approval of the selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by General Laws Chapter 44, § 7(3a), or any other general or special law, for a period not to exceed the maximum period authorized by law, provided, however, that this appropriation and debt authorization be contingent upon passage of a Proposition 2½ debt exclusion referendum under General Laws Chapter 59, § 21C(k) (*or passage of a Proposition 2½ ballot/referendum question*).

Note: In Proposition 2½ Ballot Questions, the purpose in this borrowing example is a school project. The form of a vote for a school construction project being financed in part by school building assistance grant funds is now prescribed by the [Massachusetts School Building Authority](#).