

**SENATE . . . . . No. 166**

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The Commonwealth of Massachusetts

PRESENTED BY:

*William N. Brownsberger, (BY REQUEST)*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to amending certain provisions of the expanded gaming legislation: H.3807- Acts of 2011 c. 194.

PETITION OF:

NAME:

*Mark A. Thomas*

DISTRICT/ADDRESS:

*482 Beacon Street Boston, MA 02115*

**SENATE . . . . . No. 166**

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By Mr. Brownsberger (by request), a petition (accompanied by bill, Senate, No. 166) of Mark A. Thomas for legislation to amend certain provisions of the expanded gaming legislation: H.3807- Acts of 2011 c. 194. Economic Development and Emerging Technologies.

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The Commonwealth of Massachusetts

An Act relative to amending certain provisions of the expanded gaming legislation: H.3807- Acts of 2011 c. 194.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           1.       WHEREAS, the General Court passed and the Governor signed into law on  
2 November 22, 2011 the above-referenced H-3807 Expanded Gaming Act;

3           2.       WHEREAS, Chapter 23K § 15(13) of the Expanded Gaming Act provides that:

4                   i.)       All citizens of a “host city or town” may vote on whether a Casino  
5 Establishment is permitted to operate there, except the citizens of Boston, Worcester and  
6 Springfield, wherein approximately 90% of these (3) cities’ voters are denied their ability to  
7 vote;

8                   ii.)       Citizens may not view the full details of a “host city-town” agreement  
9 between a municipality and a Casino Establishment. They may only view a concise summary of  
10 the agreement for a limited time;

11                   iii.)       If citizens of a “host city-town” reject by certified ballot election the  
12 presence of Casino Establishment in their municipality, a Casino Operator may request another  
13 ballot after 180 days.

14           3.       WHEREAS, a long-standing decision of the U.S. Supreme Court directed at  
15 Massachusetts voting rights and government procedures states this: “Preserving the integrity of  
16 the electoral process, preventing corruption, and ‘sustaining the active, alert responsibility of the  
17 individual citizen in a democracy for the wise conduct of government’ are interests of the highest  
18 importance.” First Nat’l Bank of Boston v. Bellotti, 435 U.S. 765, 788-89 (1978).

19           4.       WHEREAS, certain clauses of § 15(13) directly opposes this Supreme Court  
20 instruction and other long-standing Equal Protection decisions of the same Court.

21           5.       WHEREAS, § 15(13), by omitting and concealing protections, affords the  
22 proposed Casino Operator significant advantages and greatly hinders Massachusetts citizens by  
23 violating the Declaration of Rights, Articles V, VI, VII.

24           6.       WHEREAS, the Senate President, Speaker of the House and Governor together  
25 with the Members of the General Court are under solemn Oath of Office to abide “faithfully and  
26 agreeably to the rules and regulations of the Massachusetts Constitution, So Help Me God;”

27           7.       WHEREAS, the Senate President, Speaker of the House and Governor together  
28 with the Members of the General Court are also under solemn Oath to the United States  
29 Constitution by Article VI, Clause 3;

30           NOW, THEREFORE, being that Chapter 23K § 15(13) of the Expanded Gaming Act  
31 does infringe and deny the substantial rights of Massachusetts’ citizens by providing an  
32 unwarranted and unlawful advantage to prospective Casino Establishments:

33           BE IT ENACTED by the Senate and House of Representatives in General Court  
34 assembled, finding the best interests of the Commonwealth greatly served, does hereby AMEND  
35 H.3807 Acts of 2011 c. 194, Chapter 23K § 15(13) as follows:

36           i.)       All registered voters in any “host city-town” where a proposed Casino  
37 Establishment is to be situated are eligible to vote;

38           ii.)       Following a rejection by certified ballot election denying a Casino Establishment  
39 in any “host city-town,” another such election shall not be held for at least 24 months from the  
40 date of such rejection;

41           iii.)       Full details of the entire “host city agreement” shall remain available in hard copy  
42 and on the Web site of the municipality for at least 24 months or for the duration of any Casino  
43 License which ever is longer.