

The Commonwealth of Massachusetts

STATE ELECTION

OFFICIAL SPECIMEN BALLOT

GLOUCESTER

385/384

Penalty for willfully defacing, tearing down, removing or destroying a List of Candidates of Specimen Ballot - fine not exceeding One Hundred Dollars.

SECRETARY OF THE COMMONWEALTH OF MASSACHUSETTS

Tuesday, November 6, 2012

To vote for a candidate, fill in the oval to the right of the candidate's name. To vote for a person not on the ballot, write that person's name and residence in the blank space provided and fill in the oval.

ELECTORS OF PRESIDENT AND VICE PRESIDENT

Vote for ONE

JOHNSON and GRAY ++++++ Liberalian

OBAMA and BIDEN ++++++ Democratic

ROMNEY and RYAN ++++++ Republican

STEIN and HONKALA ++++++ Green-Rainbow

DO NOT VOTE IN THIS SPACE. USE BLANK LINE BELOW FOR WRITE-IN.

WRITE-IN SPACE ONLY

SENATOR IN CONGRESS

Vote for ONE

SCOTT P. BROWN ++++++ Republican

ELIZABETH A. WARREN ++++++ Democratic

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REPRESENTATIVE IN CONGRESS

Vote for ONE

JOHN F. TIERNEY ++++++ Democratic

RICHARD R. TISEI ++++++ Republican

DANIEL FISHMAN ++++++ Libertarian

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COUNCILLOR

Vote for ONE

MAURA L.P. GIARDIELLO ++++++ Republican

EILEEN R. DUFF ++++++ Democratic

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SENATOR IN GENERAL COURT

Vote for ONE

BRUCE E. TARR ++++++ Republican

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REPRESENTATIVE IN GENERAL COURT

Vote for ONE

ANN-MARGARET FERRANTE ++++++ Democratic

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CLERK OF COURTS

Vote for ONE

THOMAS H. DRISCOLL, JR. ++++++ Democratic

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REGISTER OF DEEDS

Vote for ONE

JOHN L. O'BRIEN, JR. ++++++ Democratic

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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 on or before May 1, 2012?

SUMMARY

This proposed law would prohibit any motor vehicle manufacturer, starting with model year 2015, from selling or leasing, either directly or through a dealer, a new motor vehicle without allowing the owner to have access to the same diagnostic and repair information made available to the manufacturer's dealers and in-state authorized repair facilities.

The manufacturer would have to allow the owner, or the owner's designated in-state independent repair facility (one not affiliated with a manufacturer or its authorized dealers), to obtain diagnostic and repair information electronically, on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

The manufacturer would have to provide access to the information through a non-proprietary vehicle interface, using a standard applied in federal emissions-control regulations. Such information would have to include the same content, and be in the same form and accessible in the same manner, as is provided to the manufacturer's dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would require a manufacturer of motor vehicles sold in Massachusetts to make available for purchase, by vehicle owners and in-state independent repair facilities, the same diagnostic and repair information that the manufacturer makes available through an electronic system to its dealers and in-state authorized repair facilities. Manufacturers would have to make such information available in the same form and manner, and to the same extent, as they do for dealers and authorized repair facilities. The information would be available for purchase on an hourly, daily, monthly, or yearly subscription basis, for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For vehicles manufactured from 2002 through model year 2014, the proposed law would also require manufacturers to make available for purchase, by vehicle owners and in-state independent repair facilities, all diagnostic repair tools, incorporating the same diagnostic, repair and wireless capabilities as those available to dealers and authorized repair facilities. Such tools would have to be made available for no more than fair market value and on terms that do not unfairly favor dealers and authorized repair facilities.

For all years covered by the proposed law, the required diagnostic and repair information would not include the information necessary to reset a vehicle immobilizer, an anti-theft device that prevents a vehicle from being started unless the correct key code is present. Such information would have to be made available to dealers, repair facilities, and owners through a separate, secure data release system.

The proposed law would not require a manufacturer to reveal a trade secret and would not interfere with any agreement made by a manufacturer, dealer, or authorized repair facility that is in force on the effective date of the proposed law. Starting January 1, 2013, the proposed law would prohibit any agreement that waives or limits a manufacturer's compliance with the proposed law. Any violation of the proposed law would be treated as a violation of existing state consumer protection and unfair trade-practices laws.

A YES VOTE would enact the proposed law requiring motor vehicle manufacturers to allow vehicle owners and independent repair facilities in Massachusetts to have access to the same vehicle diagnostic and repair information made available to the manufacturers' Massachusetts dealers and authorized repair facilities.

A NO VOTE would make no change in existing laws.