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**For Immediate Release**

***Media Contacts:***

Chris Anderson, Massachusetts High Technology Council  
[chris@mhtc.org](mailto:chris@mhtc.org) | 339-222-2881

Kevin Martin, Goodwin Procter  
[KMartin@goodwinlaw.com](mailto:KMartin@goodwinlaw.com) | 617-570-1186

**Massachusetts High Technology Council Requests that Attorney General Healey  
Draft Accurate Description of the Graduated Income Tax Amendment**

*Poll confirms misleading nature of the Tax Amendment ballot description*

**Burlington, Massachusetts (November 17, 2021):** Yesterday, the Massachusetts High Technology Council (MHTC) submitted a letter to Massachusetts Attorney General Maura Healey and Secretary of the Commonwealth of Massachusetts William Galvin, asking them to ensure that the language used on the November 2022 ballot and in the voter information guide to describe the proposed “Graduated Income Tax Amendment” to the state constitution is not misleading. A copy of the letter is available [here](#).

The Graduated Income Tax Amendment proposes raising the state tax on incomes over \$1 million from 5% to 9%, with the revenues from the tax to be spent “only” on public education and transportation. In 2018, before an identical amendment introduced by an initiative petition was ruled unconstitutional by the Massachusetts Supreme Judicial Court, the Attorney General and Secretary prepared language for the ballot emphasizing that the new taxes only can be spent on education and transportation.

The Attorney General and Secretary have not yet announced what language will be used to describe the proposal appearing on the 2022 ballot. As MHTC explains in its letter, however, the 2018 language is misleading, because it suggests the new taxes can only be used to increase education and transportation spending. That is not true, as the Attorney General acknowledged in the 2018 litigation:

“The Legislature would retain ultimate discretion over spending choices for the ... reason that money is fungible. Because the [Graduated Income Tax Amendment] does not require otherwise, the Legislature could choose to reduce funding in specified budget categories from other sources and replace it with the new surtax revenue.”

In other words, while the 2018 language dangles education and transportation before voters, the Legislature can keep education and transportation spending right where they are and use the new tax revenues to increase spending on whatever it wants.

Before reaching out to the Attorney General and Secretary, MHTC conducted polling to confirm that the 2018 language would be misleading. The polling results were conclusive. A remarkable 72% of polled residents, across the political spectrum, reported feeling misled by the 2018 language once they learned

that the Legislature could use the new revenues to increase spending on other purposes while keeping spending on education and transportation the same. Support for the Amendment also fell from 51% to 44% once respondents learned how the Amendment really works. The full poll results are available [here](#).

State law requires that the language used on the ballot be fair and not misleading. The 2018 language is neither: poll respondents who indicated they would vote in 2022 find it misleading, and they oppose the Amendment once they learn the truth. Therefore, MHTC is calling on the Attorney General and Secretary to ensure that the ballot language used in 2022 accurately informs voters that the Legislature can use the increased revenues to boost spending in other areas while leaving education and transportation spending the same. If the Attorney General and Secretary do not abandon the misleading language used in 2018, then the MHTC will join others to pursue the matter in court.

### **About the Massachusetts High Technology Council**

The [Massachusetts High Technology Council, Inc.](#) is an organization of CEOs and senior executives representing technology companies, professional services firms, and research institutions who are dedicated to creating and sustaining conditions that support investment, job growth and improved quality of life in Massachusetts. Our members are growth-oriented, knowledge-intensive employers and institutions that develop, deliver, and depend on technology products, services, and innovations to advance their organizational objectives—a definition which covers just about all business enterprises in Massachusetts today.

Our mission is to help make Massachusetts the world's most attractive place in which to live and work, and in which to create, operate, and grow high technology businesses.

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