

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2020-321

RAYLA CAMPBELL, CAROLINE COLARUSSO, JULIE HALL, HELEN BRADY on
behalf of themselves and others similarly situated

v.

WILLIAM FRANCIS GALVIN, in his
Official Capacity as Secretary of the Commonwealth
of Massachusetts,

INTERIM ORDER

On May 5, 2020, only a matter of hours before the 5:00 p.m. deadline for filing their nomination papers with local election officials for certification of signatures, the petitioners, four candidates seeking to appear on the September 1, 2020, State primary election ballot,¹ filed this emergency petition seeking various relief. Among other things, the petitioners alleged that they were unable, or feared they would be unable, to submit all of their nomination papers to local election officials by the 5:00 p.m. deadline due to the closure of local election officials' offices in response to the COVID-19 pandemic. Following a telephonic hearing late in the afternoon on May 5, 2020, this court issued an order requiring the petitioners to provide links to the Clerk, the Attorney General, and the Secretary of the Commonwealth (Secretary) of electronic storage locations containing the nomination papers they claim they were prepared to file with local election officials by the 5:00 p.m. deadline. The petitioners subsequently submitted links that

¹ The petitioners are each seeking the Republican nomination as United States representative for a different Massachusetts congressional district: Julie Hall, Fourth Congressional District; Caroline Colarusso, Fifth Congressional District; Rayla Campbell, Seventh Congressional District; and Helen Brady, Ninth Congressional District.

they contend were in compliance with this order, and local election officials began reviewing the signatures submitted by the petitioners. The Secretary now moves to dismiss the case in light of the fact that three of the four petitioners have obtained more than the number of certified signatures required, and the fourth petitioner has failed to obtain the required number of certified signatures. Additionally, Petitioner Campbell seeks further relief from the court ordering that she be deemed to have met the requirements to be placed on the September 1, 2020 primary election ballot, even though she has not collected the required number of signatures.

Candidates for Federal and Statewide offices who are affiliated with a party must satisfy certain minimum signature requirements to appear on the State primary election ballot. See G. L. c. 53, § 44. In light of the COVID-19 pandemic, which significantly restricted candidates' abilities to obtain in-person signatures, this court ordered certain modifications to the existing signature requirements to qualify for the September 1, 2020 primary election ballot. See Goldstein v. Secretary of State, 484 Mass. 516 (2020). Candidates seeking to appear on the primary election ballot for the office of representative to the United States Congress are normally required to obtain 2,000 certified signatures. See G. L. c. 53, § 44. Our ruling in Goldstein reduced this requirement to 1,000 signatures for the September 1, 2020 primary ballot. In order to have the signatures they have collected from registered voters certified, candidates must submit their nomination papers to local election officials, who may disallow signatures for a variety of reasons, including that the signatory is enrolled in the wrong party or does not live in the district. See 950 Code Mass. Regs. § 55.03(1). The deadline for candidates running for Federal offices, like the petitioners, to file nomination papers with local election officials was 5:00 p.m. on May 5, 2020. Once the nomination papers are certified by local election officials, candidates must then file them with the Secretary. See G. L. c. 53, § 48. The deadline for

candidates running for Federal offices, like the petitioners, to file certified nomination papers with the Secretary is 5:00 p.m. today, June 2, 2020. Registered voters in the candidate's district then have three days, or until 5:00 p.m. on June 5, 2020, to file objections to the nomination papers with the State Ballot Law Commission (SBLC). The SBLC, in turn, has twenty-one days from that date, or until June 26, 2020, to render decisions on any such objections. Once this has been completed, the Secretary begins the process of preparing the primary ballots. See G. L. c. 55B, § 10.

Local election officials have now finished reviewing and certifying the signatures on the nomination papers submitted by each of the petitioners and the petitioners have filed those certified nomination papers with the Secretary. Hall secured and filed 1,053 certified signatures. Colarusso secured 1,470 certified signatures from local election officials, but it is unclear how many of those she has filed with the Secretary. Brady secured 1,082 signatures from local election officials, but it is unclear how many of those she has filed with the Secretary. Campbell, meanwhile, secured and filed only 544 certified signatures. It appears, therefore, that three of the four candidates, Hall, Colarusso, and Brady, may be in a position to satisfy the modified 1,000 certified signature threshold set in Goldstein. Campbell cannot. The Secretary contends that the case is now moot as to all four candidates, given that the certification process has been completed.

A case may be considered moot "when the party who claimed to be aggrieved ceases to have a personal stake in the outcome." Blake v. Mass. Parole Bd., 369 Mass. 701, 703 (1976). Here, all of the petitioners continue to have a personal stake in the instant proceedings. Their petition sought equitable relief from this court, including that the court order the Secretary to place them on the September 1, 2020 primary election ballot. None of the four petitioners have

yet to be definitively qualified for the September 1, 2020 primary election ballot. Colarusso, Hall, and Brady have preliminarily met the certified signature threshold, but, as the Secretary concedes, there is still the possibility that objections will be filed with and upheld by the SBLC in sufficient numbers to reduce their certified signature tallies below 1,000. Thus, the case is not moot, and this matter shall be stayed as to petitioners Colarusso, Hall, and Brady pending the resolution of any objections to their certified signatures. Petitioners Colarusso, Hall, and Brady and the Secretary shall report back to the Single Justice by 5:00 PM on June 10, 2020, describing whether any objections have been filed as to their certified signatures, and if so, how many signatures are still in dispute for each of the three petitioners.

As to Petitioner Campbell, however, it is now apparent that she was unable to obtain enough signatures to meet the modified Goldstein threshold of 1,000 signatures. While she has identified a number of factors in her Congressional District that made signature collection more difficult, she has not demonstrated why she should be entitled to equitable relief beyond the relief granted in Goldstein to all candidates seeking a party's nomination. The difficulties that Campbell encountered with in-person signature collection are the precise reason why this court issued equitable relief in Goldstein that halved the signature requirement and allowed for electronic signatures. Campbell has not identified any other legal grounds that would warrant further equitable relief in these circumstances. Accordingly, Campbell's request for further relief is denied and the Secretary's motion to dismiss is allowed as to Petitioner Campbell.

Dated: June 2, 2020

By the Court, (Kafker, J.)

/s/ Maura S. Doyle
Clerk