

# Ballot Campaigns Seek E-Signature Relief from SJC

*New Case Follows  
Favorable Ruling for  
Plaintiff Candidates*



**Chris Lisinski** 4/27/20 5:35 PM

Another lawsuit over signature-gathering practices is headed for the Supreme Judicial Court after campaigns pushing for November ballot questions filed an emergency petition for relief Monday.

All four campaigns backing initiative petitions joined together in a single case against Secretary of State William Galvin, alleging the constitutional requirements governing ballot access and the ongoing public health emergency have put them in an "untenable situation."

They asked the state's highest court to order that ballot question proponents can gather the 13,347 signatures they need by July 1 electronically, similar to the method that the state's highest court recently approved for various candidates for public office.

"Without immediate relief from this Court, Petitioners and all other ballot proponents similarly situated will face an unduly burdensome Catch-22: either risk their health and the health of voters to satisfy unjustifiable and unachievable ballot restrictions and participate in democracy or protect their health and give up their fundamental right to access the ballot," attorneys for the campaigns wrote in their [petition](#), which the News Service acquired.

Talks are ongoing between Galvin's office and supporters over potential solutions including e-signatures, and attorneys for the plaintiffs wrote that the parties "appear to be in general agreement on most points."

However, the campaigns decided to push for a legal solution in hopes they will find more immediate relief.

The court's April 17 decision in the Goldstein case -- heavily cited in the suit filed Monday - - [slashed](#) the signature thresholds for candidates aiming for the Sept. 1 primary ballot by 50 percent and allowed higher-office hopefuls to submit e-signatures rather than the traditional "wet" pen-on-paper signatures that have historically been collected through in-person contacts.

One member of the court, Justice Scott Kafker, forecast during arguments that the SJC might "have another crisis coming down the road" from ballot questions if the court did not broadly sanction the use of e-signatures. However, the ultimate [decision](#) did not extend to initiative petitions.

Initiative petition campaigns are not seeking a reduction in the number of signatures they must require or a change in deadlines, which they said could create a thorny constitutional issue for the court to resolve, and are looking solely for permission to collect e-signatures.

The four proposed new state laws -- authorizing ranked-choice voting, increasing nursing home funding, allowing beer and wine sales at food stores, and increasing access to automobile telematic repair data -- have been pending in the Legislature for months after campaigns collected tens of thousands of signatures to meet previous steps in the process.

Under the state constitution, the House and Senate have until May 5 to vote on the proposals. If they remain idle on the topics, which [appears likely](#) in the Senate, proponents must collect another 13,347 signatures by July 1 to place the question before voters in November.

"Relief is essential as it is highly likely that the signature gathering period for ballot initiatives will begin, and quite probably end, during at least the continuation of social distancing, and perhaps the Governor's declaration of a state of emergency and Order prohibiting gatherings of more than ten people," the campaigns argued in their case.

In a Monday [response](#) submitted on behalf of Galvin, Assistant Attorney General Anne Sterman wrote that the secretary believes the court should issue an order allowing use of electronic signatures in the same way that it did for candidates.

"Indeed, the Secretary and the petitioners have, for the past several days, engaged in an effort to negotiate this very resolution to this dispute," Sterman wrote. "The Secretary remains willing to continue to negotiate a resolution with the petitioners by the May 6 date when they can request signature blanks, and to present the single justice with a proposed form of order to govern the initiative petition signature gathering process for this election cycle."

However, Sterman said Galvin believes the court should not offer more relief than it did in the Goldstein case and that the secretary, contrary to what petitioners allege, hopes to find a solution without legal intervention.

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