

MASSACHUSETTS SUPREME JUDICIAL COURT

Opinion of the Justices to the Senate

SJC-13909 · No. SJC-13909 · Decided April 27, 2026

SUMMARY

The Massachusetts Supreme Judicial Court advised that an initiative petition concerning legislative stipends and committee performance requirements proposed internal legislative rules rather than a law. Because article 48 authorizes initiatives proposing laws or constitutional amendments, the court concluded that the petition was not in proper form for submission to the voters and did not reach the Senate's second question concerning legislative rulemaking authority.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Kimberly S. Budd; Frank M. Gaziano; Scott L. Kafker; Dalila Arguez Wendlandt; Serge Georges, Jr.; Elizabeth N. Dewar; Gabrielle R. Wolohojian
JURISDICTION	Supreme Judicial Court of Massachusetts
DECIDED	April 27, 2026
DOCKET	SJC-13909
DISPOSITION	other
PROCEDURAL POSTURE	Advisory opinion issued in response to questions propounded by the Massachusetts Senate concerning whether an initiative petition proposed a law within the meaning of article 48 and whether the petition would intrude on the Legislature's rulemaking authority.
STANDARD OF REVIEW	The court applied the constitutional standard governing advisory opinions: the questions must be important questions of law posed upon a solemn occasion.
PRECEDENTIAL VALUE	Advisory opinion of the Massachusetts Supreme Judicial Court concerning the validity and scope of an initiative petition.
PARTIES	Massachusetts Senate

TOPICS

- constitutional law
- election law
- separation of powers

PRACTICE AREAS

constitutional law

election law

legislative procedure

QUESTIONS PRESENTED

1. Whether the initiative petition proposed a law within the meaning of article 48 of the Massachusetts Constitution or instead improperly proposed a rule governing the Legislature's internal procedures.
2. Whether, if the petition proposed a law, its enactment would intrude on the Senate's constitutional authority to determine its own rules of proceedings.

HOLDINGS

1. The petition proposed a rule rather than a law because its principal purpose was to regulate the internal operations and procedures of the Senate and House of Representatives through conditions on legislative compensation and duties imposed on legislative clerks.
2. The court did not reach the second question because the petition failed at the threshold to propose a law and therefore was not in proper form for submission to the people.

KEY QUOTATIONS

"We conclude that the petition does propose a rule rather than a law." (at 5)

"A petition thus proposes a rule rather than a law if its "principal purpose is to order the internal operations of the Senate and the House."" (at 7)

"Because the petition fails to propose a law, it is "not in proper form for submission to the people"" (at 10-11)

FACTUAL BACKGROUND

House No. 5010 proposed to amend Massachusetts General Laws chapter 3, section 9B, by conditioning portions of legislative stipends on compliance with specified committee procedures and performance goals. The proposed measure would require public hearings and markup sessions, approval of committee reports at public meetings, and certification by the clerks of the Senate and House of Representatives. The Senate questioned whether these provisions improperly regulated internal legislative procedures that fall within each chamber's exclusive rulemaking authority.

PROCEDURAL HISTORY

The Senate adopted an order on March 12, 2026, transmitted it to the Supreme Judicial Court on March 13, 2026, and requested the Justices' opinions regarding House No. 5010, an initiative petition concerning legislative stipends and legislative procedures. The Justices answered the first question affirmatively, concluding that the petition proposed a rule rather than a law, and declined to reach the second question.

DISPOSITION

other

CASES CITED

- Answer of the Justices, 444 Mass. 1201, 1202 (2005)
- Opinion of the Justices, 375 Mass. 795, 802 (1978)
- Paisner v. Attorney Gen., 390 Mass. 593, 596-602 (1983)
- Opinion of the Justices, 422 Mass. 1212, 1221-1224 (1996)
- League of Women Voters of Mass. v. Secretary of the Commonwealth, 425 Mass. 424, 432 (1997)
- Oberlies v. Attorney Gen., 479 Mass. 823, 838 (2018)

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