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September 6, 2023

Kirstin Beatty
149 Central Park Dr.
Holyoke, MA

Re: Initiative Petition Nos. 23-39 and 23-40, Initiative Petition for a Law Relative to
Radiation Limits for Technology and Wireless Facilities – Versions A & B

Dear Ms. Beatty:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, we have reviewed the above-referenced initiative petitions, which were submitted to the Attorney General on or before the first Wednesday of August this year. I regret that we are unable to certify that the proposed laws comply with Article 48. Our decision, as with all decisions on certification of initiative petitions, is based solely on art. 48's legal standards and does not reflect the Attorney General's policy views on the merits of the proposed laws.

Below, we describe the proposed laws and then explain why we cannot certify them because they does not "contain only subjects ... which are related or which are mutually dependent," as required by Article 48, The Init., Pt. 2, § 3.

Section-by-Section Summary of Petition

Section 1 of the petitions enacts a new chapter in the General Laws, "Wireless and Technology Corporations Reducing Radiation." This new chapter requires technology companies¹ to "limit electromagnetic field exposures to the minimum required for access to their services and operation of their devices." This mandate applies to new "products, services, and installations," and where compatible "to service upgrades, product upgrades, and ongoing software updates." Section 1 further provides that electromagnetic field exposures limits "shall include but not be limited to the arenas of power density, harmonics, transients, poor power quality, pulsing, interference, and signaling."² Section 1 requires that, "without preventing access

¹ "including but not limited to internet and personal wireless services providers and electronic product manufacturers"

² IP 23-39 does not define any of the following terms: power density, harmonics, transients, poor power quality,



to personal wireless services or to communications,” radiation exposures be limited to “As Low as Reasonably Achievable” and “As Safe as Reasonably Achievable” based on science and technical capabilities. Section 1 identifies six ways to do so: reducing radiation in product and software design and installation; reducing the number, duration, or integrated dose of emissions; protecting power quality; measuring radiation exposure; eliminating extraneous wireless transmissions; and requiring antenna and wireless devices to be manufactured with fourteen different software and design functionalities. The section defines “electromagnetic field,” “frequency,” “radiation,” and “technology company.” Further, Section 1 directs the Attorney General to enforce compliance with subsection (a) through Chapter 93A enforcement actions, in addition to other potential causes of action.³ Once effective, Section 1 must be implemented as soon as possible, with the various provisions in subparagraph (b) implemented at two months, one year, or one year and three months, depending on the provision.

Section 2 of the proposed laws amends General Laws chapter 25C, section 8, which currently states that the Department of Telecommunications and Cable (DTC) does not have “jurisdiction, general supervision, regulation or control over wireless service.” The measure amends section 8 by limiting the jurisdictional and regulatory restriction to the “regulatory control of placement, modification, or construction of wireless facilities,” and requiring that DTC monitor wireless facility electromagnetic radiation and “provide support to municipalities in their review of wireless facility applications and infrastructure.”

Section 3 of the proposed law amends the title of General Laws chapter 25C, section 8, from “Lack of jurisdiction over wireless service; effect on related regulatory and enforcement authority,” to “Jurisdiction over wireless service; regulatory and enforcement authority.”

Section 4 of the proposed law amends General Laws chapter 25C, section 1. This section was amended by the Legislature effective July 1, 2021, to vest DTC with new authority to “develop statewide policy regarding advanced telecommunications capability within the commonwealth,” and to define “advanced telecommunications capability” as high-speed broadband telecommunications capability that allows users to send and receive telecommunications “without regard to any transmission media or technology.” Section 4 of the proposed law would strike the phrase, “without regard to any transmission media or technology” and replace it with, “with respect to the transmission media and technology that best reduces electromagnetic radiation exposures from 0 to at least 300 GHz.”

Section 5 amends General Laws chapter 25C by adding a new section after section 9. This new section creates a new Division of Communication and Electronic Radiation Monitoring within the DTC. This Division is primarily charged with collecting data on electromagnetic radiation from wireless facilities and other technologies; publishing that data on a publicly accessible and searchable database called the Electromagnetic Database; sharing with the public relevant information and publications on mitigating radiation exposure, and annual reporting of

pulsing, interference, and signaling.

³ Subparagraph (a) describes the title only. Presumably the proponent intended to refer to subparagraph (b).

the Division's work to the governor and the legislature. Section 5 tasks the Division with assisting with radiation measurements for epidemiological purposes. Section 5 further identifies various types of data to be collected and included in the Electromagnetic Database, with exceptions for antennas used for criminal law enforcement investigations and surveillance.⁴ Section 5 provides that the new Division shall include engineers that specialize in monitoring wireless facilities and measuring electromagnetic radiation, and that each county shall have one such engineer reside therein (called "county engineers"). County engineers must be certified as Building Biology Electromagnetic Radiation Specialists and may not be otherwise employed. County engineers are tasked with supporting municipalities with assessing radiation emissions from wireless facilities; conducting assessments; supporting auditing protocols; and additional data collection duties. Section 5 provides that fees earned by county engineers must be allocated to the legislature's General Fund for appropriation. This section defines "Electromagnetic field," "DBM," "Drive Test," "Federal exposure limits," "Frequency," "Personal wireless service," "Radio-frequency," "Radiation," "Site developer," "Volts per meter," "Wireless carriers," and "Wireless facility." The measure provides that the requirements described in Section 5 be established within one year after the measure is effective.

Section 6 enacts a new chapter in the General Laws, after current Chapter 159C. This new chapter establishes regulations governing the operation of wireless facilities (i.e., cell towers). These requirements include: mandatory annual radiation testing, certification, and reporting; minimum funds in reserve or insurance coverage to cover personal and environmental pollution claims; provision of insurance policy documentation to the applicable municipality; provision of documents and data to the new Division of Communication and Electronic Radiation Monitoring⁵ to support the Electromagnetic Database; and evidentiary support for claims of "significant gap in coverage or capacity deficiency," such evidence to include dropped call records, denial of service records, and Drive Test data, and signal strength maps when applicable. Section 6 expressly prohibits the installation of wireless facilities on public higher education and public school campuses, and state parks and state forests, but provides for an exception for "basic emergency services" at state parks and state forests.⁶ Section 6 also requires failsafe mechanisms for wireless facilities, permitting the county engineer or municipality to shut off transmission if necessary. Section 6 includes civil penalties for acting in bad faith when providing data or evidence, such civil penalties to include bans on additional applications⁷ and shutdown of the permittee's facility. Section 6 also includes criminal penalties for any person or entity "who fails to comply with or violates this section," "who shall have aided or abetted the commission of any such violation," or refuses a reasonable request to inspect any premises, such criminal penalties to include a \$600 fine or 15 days imprisonment. Section 6 further requires that

⁴ Earlier in Section 5 there's a reference to another exception "to protect the privacy of planned audits," but later the measure limits exceptions to criminal law enforcement work. *Contra* Section 5(a) with Section 5(a)(2).

⁵ This Division is inconsistently referred to as the "division of electronics and communications radiation" in Section 6 paragraph (d).

⁶ Section 6 paragraphs (f) and (g) both prohibit new installations at "state parks and state forests," with paragraph (f) constituting an outright ban on new installation, and paragraph (g) including exceptions for basic emergency services.

⁷ The proposed measure does not indicate to whom these applications are submitted.

any entities with equipment on a wireless facility shall be present for any new installation on that wireless facility. Section 6 defines “Applicant,” “Collocation,” “Distributed antenna system,” “DBM,” “Facility,” “Frequency,” “Macrocell,” “Node,” “Personal wireless service,” “Small cell,” “Substantial evidence,” “Wireless carriers,” and “Wireless facility.” Section 6 is immediately effective upon enactment.

Section 6-II⁸ – which is present in Petition 23-39 only, not in Petition 23-40 – amends General Laws chapter 111, which governs the Department of Public Health, by adding a new section 244 entitled “EMS Disease Classification, Research and Registry.” This new section adds “Electromagnetic Sensitivity (EMS) to the list of diseases dangerous to the public health in 105 CMR 300.000 and 300.100 in order to facilitate reporting and surveillance requirements within the Disease Surveillance and Case Management System (MAVEN) implemented in 105 CMR 300.050 and identification of incidences that are part of a cluster or outbreak for purposes of 105 CMR 300.134.”⁹ Section 6-II directs DPH to “include EMS to the list of diseases possibly linked to environmental exposures in 105 CMR 300.192,”¹⁰ “collect and disseminate . . . recommended educational materials and diagnosis guidelines for identification of the symptoms associated with EMS,” and establish an EMS disease registry and an electromagnetic registry. Section 6-II establishes an EMS disease registry advisory committee that would support the EMS disease registry and the Electromagnetic Database, and further describes the required composition and meeting schedule of this committee. Section 6-II requires the DPH commissioner to “include EMS as part of the data systems and biennial reports required by each population health trends required by” General Laws chapter 111 section 237.¹¹ Section 6-II defines EMS as “the recognized constellation of mainly neurological symptoms that have been associated with acute or chronic exposure to electromagnetic fields from modern technologies.”

Section 7 amends General Laws chapter 71, which governs Public Schools, by adding new section 98.¹² This new section provides that the Department of Elementary and Secondary Education establish a new “educational k-12 science and technology standard” requiring that students learn about the biological effects of natural and human-generated electromagnetic radiation.

Section 8 enacts a new chapter in the General Laws entitled “Radiation and Wireless

⁸ The Petitions contain many duplicate section numbers. We refer to any such duplicate section numbers with -II, -III etc. designations.

⁹ “The purpose of 105 CMR 300.000 is to list diseases dangerous to the public health as designated by the Department of Public Health and to establish reporting, surveillance, isolation and quarantine requirements.” 105 Mass. Code Regs. 300.001.

¹⁰ 105 CMR 300.192 authorizes DPH to “collect medical records and other identifiable information from health care providers and other persons . . . on individuals evaluated for or diagnosed with” diseases listed in the regulation. By adding EMS to the list of diseases in this regulation, persons diagnosed with EMS are subject to disease surveillance as described therein.

¹¹ General Laws chapter 111 section 237 permits the DPH commissioner, *inter alia*, to collect data necessary to analyze population health trends.

¹² Currently there already exists a section 98 and 99. Presumably, if enacted, this law would assume the next available section number.

Corporations,” after current Chapter 159C. This new chapter requires “carriers, personal wireless services, and wireless facilities – and any corporation offering internet and telecommunications access” to “limit electromagnetic field radiation power density, pulsing, and signaling to the minimum required for operation of services.” This new chapter further directs the Attorney General to enforce compliance with subsection (a) though Chapter 93A enforcement actions, in addition to other potential causes of action. Section 8 defines “Electromagnetic field,” “Frequency,” “Personal wireless service,” “Radiation,” “Wireless carriers,” and “Wireless facility.”

Section 10¹³ enacts a new chapter in the General Laws, apparently entitled “Wireless Investigation,” after current Chapter 159C. This new chapter creates a commission that would conduct a two-year investigation into the health and environmental effects of electromagnetic radiation from small cells and wireless facilities. This new chapter would prohibit “further installation of small cells and wireless facilities as may be use for personal wireless service and driverless cars” during the investigation. Section 10 describes the individual makeup of the commission and experience and expertise required of each member. Section 10 requires that the commission’s meeting records be available to the public and imposes certain restrictions and practices to manage and mitigate commission members’ potential conflicts of interest. Section 10 directs the commission in its investigation to “identify past and present factors which may obscure relevant scientific findings”; reassess the scientific research as appropriate; identify gaps in knowledge, common and potential past and present exposures, and the impacts of existing and future exposures; and identify guidelines and solutions for safer technology as appropriate.

Section 11 establishes a commission to determine how to mitigate non-ionizing radiation exposure for first responders who use wireless technology. This section describes the membership and makeup of the commission, and includes procedures and timelines for convening the commission. Section 11 also requires the commission to submit findings, recommendations, and draft legislation within 14 months of the first meeting. Section 11 defines “Facility,” “Frequency,” “Wavelength,” “Radiation,” and “Power quality.”

Section 11-II amends General Laws chapter 71, which governs public schools, by adding new section 98. This new section requires that every public school “eliminate manmade non-ionizing radiation emissions known or likely to be harmful,” and “reduce manmade non-ionizing radiation emissions” that are potentially, unintentionally, or unknown to be harmful. Section 11-II requires every public “or independent school”¹⁴ to minimize the effect of any preexisting antennas on school property. Section 11-II further requires public schools to prioritize hardwired broadband and telecommunications connectivity; establish routine monitoring of mitigated wireless systems; and develop plans for continued reduction of non-ionizing radiation exposures. Section 11-II further requires public schools and “associated school districts” to prohibit construction of telecommunications and mobile service facilities on school property. Section 11-II requires public school or district reviews to consider the school or district’s efforts in pursuing

¹³ There is no Section 9.

¹⁴ “Independent school” is not defined, and is not defined or used elsewhere in Chapter 71.

Section 11-II's objectives. Section 11-II defines "Collocation," "Distributed antenna system," "Mobile service," "Non-ionizing radiation," "Small cell network," "Structure," and "Telecommunications service."

Section 12 amends General Laws chapter 15A, which governs Public Education, by adding new section 15. This new section requires that every degree-granting Massachusetts "public or independent institution of higher education"¹⁵ shall "eliminate manmade non-ionizing radiation emissions known or likely to be harmful," and "reduce manmade non-ionizing radiation emissions" that are potentially, unintentionally, or unknown to be harmful. Section 12 requires that "institutions" minimize the effect of any preexisting antennas on school property. Section 12 further requires institutions to prioritize hardwired broadband and telecommunications connectivity; establish routine monitoring of mitigated wireless systems; and develop plans for continued reduction of non-ionizing radiation exposures. Section 12 further requires "[a]ll institutions" to prohibit construction of telecommunications and mobile service facilities on campus property. Section 12 defines "Collocation," "Distributed antenna system," "Mobile service," "Non-ionizing radiation," "Small cell network," "Structure," and "Telecommunications service."

Section 13 amends General Laws chapter 71, which governs public schools, by adding a new section at the end of the chapter. This new section requires the Department of Elementary and Secondary Education, working with the Board of Elementary and Secondary Education, to develop guidelines and recommendations regarding the reduction of "man-made non-ionizing radiation emissions" that are known, likely, potentially, unintentionally, or unknown to be harmful. This section provides that DESE shall consider the particular financial and other circumstances of school districts, may consult with subject matter experts, and shall review and update the guidance annually. Section 13 provides that BESE shall prioritize and implement recommendations, though schools may adopt stricter measures. Section 13 further provides that BESE shall evaluate public school efforts to pursue non-ionizing radiation reduction. The Secretary of Education shall report and explain to the Governor and legislature regarding any inability to achieve the intent of Section 13. Section 13 also defines "Building Biology electromagnetic radiation specialist."

Section 14 amends General Laws chapter 15A, which governs public education, by adding new section 45. Similar to the previous Section 13, this new section requires the Board of Higher Education to develop guidelines and recommendations regarding the reduction of "man-made non-ionizing radiation emissions" that are known, likely, potentially, unintentionally, or unknown to be harmful.¹⁶ This section provides that BHE shall consider the particular circumstances of "institutions," may consult with subject matter experts, and shall review and update the guidance annually. Section 14 provides that BHE shall prioritize and implement recommendations, though "any institution" may adopt stricter measures. Section 14 further provides that BHE shall evaluate the efforts of "every public and independent institution of

¹⁵ Independent institution of higher education is not defined.

¹⁶ The measure references "public and independent institutions" without defining "independent institution."

higher education” in Massachusetts to pursue non-ionizing radiation reduction. Section 14 defines “Building Biology electromagnetic radiation specialist.”

Section 14-II (along with Section 14-III and Section 14-IV) amends General Laws chapter 40J, which establishes the Massachusetts Technology Park Corporation, by amending section 6B.¹⁷ Section 14-II adds securing public wired infrastructure for telecommunications and internet, and supporting “hard-wired connectivity in public spaces” to the objectives of the Massachusetts Broadband Institute. Section 14-II sets the “first priorities” of the Massachusetts Broadband Institute as supporting the public indoor and outdoor wired infrastructure, and “to begin eliminating holdings in wireless communications except where the technology is utilized by police and emergency services exclusively.”¹⁸

Section 14-III amends General Laws chapter 40J by amending section 6B to replace on the Massachusetts Broadband Institute board of directors “the chairman of the governing board of the John Adams Innovation Institute or his designee” with “an engineer with knowledge of Building Biology.”

Section 14-IV amends General Laws chapter 40J by amending section 6B to add “Building Biology, reducing exposure” to the list of knowledge required for board members.

Section 15 amends General Laws chapter 164, which addresses the manufacture and sale of gas and electricity, by adding a new section 116C entitled “Smart/wireless utility meter information.” This new section requires the Department of Public Utilities to direct utility companies to provide ratepayers with the choice of utility meter, the option to select an electromechanical analog meter, and the right to replace a wireless meter. Utility companies would further be required to obtain ratepayer consent before installing or altering wireless or similar meters. This new section further requires utility companies to notify ratepayers within 90 days of the proposed new section’s effective date to inform them of their rights under the proposed law. Utility companies would be prohibited from taking adverse action against ratepayers that opt out of wireless meters or who have “medical conditions that are exacerbated by exposures to pulsed microwave radio frequencies.” The new section further prohibits utility companies from installing equivalent technology “near”¹⁹ the property of an “individual requesting a non-transmitting meter.” The new section requires DPH to “establish terms and conditions to comply with the requirements of this section,” and “convene a study of how utilities can eliminate electromagnetic exposures, opening a docket for comment and providing a report to the legislature within one year.” Section 15 states that it shall take effect upon passage.

¹⁷ Section 6B currently establishes the Massachusetts Broadband Institute, which is “an institute for investment in broadband infrastructure in the commonwealth” and whose purpose is to deploy affordable broadband internet across Massachusetts.

¹⁸ The proposed laws do not clarify what “holdings in wireless communications” refers to.

¹⁹ The proposed laws do not define “near.”

The Measures Do Not Meet the Relatedness Requirement.

The proposed laws do not meet the relatedness requirement of Art. 48. Under that standard, the laws must contain “only subjects . . . which are related or which are mutually dependent[.]” Art. 48, Init., pt. 2, § 3. “[O]ne [must be able to] identify a common purpose to which each subject . . . can reasonably be said to be germane,” and that “general subject of [the] initiative petition [must not be] so broad as to render the ‘related subjects’ limitation meaningless.” Massachusetts Teachers Association v. Secretary of the Commonwealth, 384 Mass. 209, 219 (1981); see also Oberlies v. Attorney General, 479 Mass. 823, 831 & n.8 (2018) (petition met relatedness requirement where common purpose of all parts was to “establish and enforce nurse-to-patient ratios” in health-care facilities); Opinion of the Justices, 422 Mass. 1212, 1220-21 (1996) (while “governmental accountability” is too broad and general a subject to satisfy relatedness requirement, “legislative accountability” would satisfy requirement, if all parts of petition related to that theme.)

The Supreme Judicial Court has synthesized its formulations of the “relatedness” test into a two-part inquiry:

First, ‘do the similarities of an initiative’s provisions dominate what each segment provides separately so that the petition is sufficiently coherent to be voted on ‘yes’ or ‘no’ by the voters?’;

Second, does the initiative petition ‘express an operational relatedness among its substantive parts that would permit a reasonable voter to affirm or reject the entire petition as a unified statement of public policy’?

Dunn v. Attorney General, 474 Mass. 675, 680-681 (2016). The same year, the Court noted that the relatedness requirement cannot be met by a “conceptual or abstract bond” between the features of a petition and that “separate public policy issues” may not permissibly be joined in a single petition. See Gray v. Attorney General, 474 Mass. 638, 648-49 (2016).

“[A]n initiative petition under art. 48, The Initiative, II, § 3, as amended by art. 74, must contain a single common purpose and express a unified public policy.” Anderson v. Attorney General, 479 Mass. 780, 791 (2018). Here, one could identify the common purpose of both petitions as reducing electromagnetic radiation emissions. The petitions arguably advances this purpose by (1) requiring technology and wireless corporation to limit electromagnetic radiation from products and services; (2) vesting the Department of Telecommunications and Cable with authority to monitor wireless facilities and publish data on electromagnetic radiation from wireless facilities; (3) requiring the Department of Public Utilities and utility companies to provide ratepayers with the choice of hard-wired connectivity alternatives to wireless equipment; (4) establishing new testing, certification, and reporting requirements for wireless facility operators; (5) banning new wireless facilities on public higher education and public school campuses, state parks, and state forests, excepting for basic emergency services at state parks and state forest; (6) prioritizing the Massachusetts Broadband Institute’s pursuit of hard wired

connectivity; (7) requiring the Department of Elementary and Secondary Education (DESE), public schools, public school districts, the Board of Higher Education (BHE), and public or independent institutions of higher education to reduce or eliminate radiation emissions that are known, likely, potentially, unintentionally, or unknown to be harmful; and (8) establishing a commission to determine how to mitigate radiation exposure for first responders who use wireless technology. These provisions (collectively, the “Emissions Regulations Provisions”) all map different routes to the common goal of *reducing electromagnetic radiation emissions*. See Dunn v. Attorney Gen., 474 Mass. 675, 681 (2016) (use of multiple paths toward a “common purpose” does not vitiate Article 48 relatedness requirement).

However, in addition to the Emissions Regulations Provisions, both petitions would also enact additional provisions that independently would cause the petitions to fail the relatedness test. Each of these sections expand the scope of the proposed measure beyond an appropriately focused common purpose to a loose conglomeration of subjects related “only at the broadest conceptual level.” See Anderson, 479 Mass. at 798-99. For example, Section 7, which would establish a new elementary and high school educational standard that would require students to learn about the biological impacts of electromagnetic radiation (the “School Curriculum Provision”), represents a stark departure from the measure’s purpose. Here, the petitions shift focus from emissions regulation to advance a public-school curriculum standard that teaches “the biological effects of natural and human-generated electromagnetic radiation.” Although related broadly to radiations emissions, the School Curriculum Provision fails to relate to the others beyond some “conceivable level of abstraction.” Carney, 447 Mass. at 230.

Additionally, Section 6-II (present only in Petition 23-39) grants DPH new surveillance authority over “Electromagnetic Sensitivity” (EMS) (the “EMS Surveillance Provision”). Pursuant to this authority, DPH would be required to collect medical records and other identifiable information from health care providers and other persons on individuals evaluated for or diagnosed with EMS. DPH would also be required to establish multiple databases that would collect information and data regarding EMS prevalence and “non-thermal” electromagnetic exposures. DPH would also publish educational materials and diagnosis guidelines. Collectively, these various provisions are focused on patient outcomes and treatment options, a policy goal that impermissibly expands the scope of the proposed laws beyond reducing electromagnetic radiation emissions.

Section 10, which establishes a commission that would conduct a two-year investigation into the health and environmental effects of electromagnetic radiation from small cells and wireless facilities (the “Wireless Investigation Provision”), also cannot be said to be sufficiently related to the common purpose of the petitions. Although this section includes a 2-year ban on the installation of certain small cells and wireless facilities consistent with emissions regulation, it also directs this investigation towards an array of topics that are not focused on emissions regulation and are, in some cases, significantly vague, including (1) identifying factors that may “obscure relevant scientific findings,” (2) evaluating “scientific research, conclusions, and hearing testimony,” (3) to evaluate exposure impacts on, *inter alia*, “agriculture, ecosystems, and the continued viability of the human race,” and (4) to identify “solutions to limit negative

economic impacts upon the general populace and small businesses, including with regard to retirement funds.” This collection of investigative pursuits impermissibly departs from the Petition’s purpose of reducing electromagnetic radiation emissions.

In packaging the Emissions Regulations Provisions, on the one hand, with the School Curriculum Provision, the EMS Surveillance Provision, and the Wireless Investigation Provision, on the other hand, the petitions impermissibly bundle substantively distinct policy issues. The similarities of IP 23-39’s provisions do not “dominate what each segment provides separately so that the petition is sufficiently coherent to be voted on ‘yes’ or ‘no’ by the voters,” nor do the petitions “express an operational relatedness among its substantive parts that would permit a reasonable voter to affirm or reject the entire petition as a unified statement of public policy.” Dunn, 474 Mass. at 680-81.

It is true that a lengthy and detailed initiative petition can still satisfy the relatedness requirement, and the SJC has “interpreted the related subjects requirement to allow for an initiative petition to include multiple subjects, provided that the joined subjects have a common purpose to which each element is germane.” El Koussa v. Attorney Gen, 489 Mass. 823, 827 (2022) (internal quotation marks, alterations, and citations omitted). However, petitions that combine “substantively distinct policy issues, thereby yoking together disparate policy decisions into a single package that voters are only able to approve or disapprove as a whole” will fail the relatedness test, with the SJC cautioning against “voter confusion caused by obfuscation.” Id. at 829; see also id. (“Concealing controversial provisions in murky language is another way of burying them.”).

For these reasons, we are unable to certify that Petition Nos. 23-39 and 23-40 meet the constitutional requirements for certification set by Amendment Article 48.

Very truly yours,



Anne Sterman
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cc: William Francis Galvin, Secretary of the Commonwealth