

SJC-13908

Request for Advisory Opinion

The Massachusetts Senate has asked the Justices:

1. Does Initiative Petition 25-14, "An Initiative Petition for a Law to Improve Access to Public Records" (petition), which proposes statutory changes relating to the retention of and access to records of the General Court, propose a rule relating to internal legislative procedures, not a law, and is, therefore, not properly introduced and pending before the General Court under Article XLVIII, The Initiative, Part II, Section 3 of the Amendments to the Constitution of the Commonwealth?
2. Does the petition relate "to the powers . . . of courts," insofar as it grants the judicial branch new and unprecedented authority to review, decide and order relief in challenges to records determinations made by the General Court, and is thus excluded from the initiative process under Article XLVIII, The Initiative, Part II, Section 2 of the Amendments to the Constitution of the Commonwealth?
3. If the petition is properly introduced and pending, does the petition, by amending the public records law to include the General Court within its ambit, violate or intrude upon the Senate's authority to "determine its own rules of proceedings" for its records under Part II, Chapter 1, Section 2, Article VII of the Constitution of the Commonwealth?
4. If the petition is properly introduced and pending, does the petition's grant of authority over the records of the General Court -- and to supersede legislative rules and proceedings related to those records -- to the judicial branch and to executive branch officers, including the Secretary of

the Commonwealth and Attorney General, violate Part I, Article XXX of the Constitution of the Commonwealth?

5. If the petition is properly introduced and pending, does the petition violate or intrude upon rights granted to members and staff of the General Court pursuant to Part I, Article XXI of the Constitution of the Commonwealth, namely freedom of deliberation, speech and debate?

Briefs may be filed on or before April 3, 2026.