

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

SUFFOLK, ss.

NO. SJC-12931

ROBERT GOLDSTEIN, KEVIN O’CONNOR,
MELISSA BOWER SMITH, on behalf of
themselves and others similarly situated,

Petitioners,

v.

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

Respondent.

REPORT OF DEFENDANT SECRETARY OF THE COMMONWEALTH

Defendant William F. Galvin, in his official capacity as Secretary of the Commonwealth (the “Secretary”) submits this report in response to the Court’s April 20, 2020 order that “the Secretary of the Commonwealth shall provide the court with the text of the ‘clear guidance’ that the Secretary is required by the court’s opinion (see pp. 29-30) to provide forthwith to prospective candidates as to how the process of electronic signature collection may be accomplished effectively.”

I. Guidance Posted on April 17, 2020

Less than three hours after the Court’s decision, by 5 p.m. on Friday, April 17, the Secretary posted initial guidance to a COVID-19 updates page on his website at <https://www.sec.state.ma.us/ele/covid-19/covid-19.htm>. The guidance was accessed by clicking on a bright yellow banner entitled “COVID-19 Election Updates” at the top of the Secretary’s Election’s Division homepage

(<https://www.sec.state.ma.us/ele/eleidx.htm>), which included the date and time on which it was last modified:



The guidance was also distributed to all local election officials on Friday afternoon, and advertised on the Elections Division's Twitter feed (@VotingInMass):



The text of the guidance was as follows:

Candidate Nomination Papers

The Massachusetts Supreme Judicial Court [has ruled](#) that, due to the difficulty of obtaining signatures on nomination papers during the current pandemic, the following accommodations shall be made for all candidates, except for non-party candidates for federal offices:

- The number of required signatures for ballot access will be cut in half;
- The deadlines for filing nomination papers with local registrars and with the Secretary of the Commonwealth's Elections Division will be extended by one week for candidates running for district and county offices;
- An "electronic signature" similar to the voter's hand-written signature will be accepted on printed nomination papers.

Number of Signatures Required

In accordance with the SJC ruling, the number of certified signatures required for candidates to be placed on the 2020 State Primary or State Election ballot shall be:

U.S. Senator (party candidates only) – 5,000

U.S. House of Representatives (party candidates only) – 1,000

Governor's Councillor – 500

State Senator – 150

State Representative – 75

County Offices – 500 (Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties) or 250 (Barnstable, Berkshire, Franklin, and Hampshire Counties) or 13 (Dukes and Nantucket Counties).

The signature requirements for non-party candidates for federal offices, for which papers are not due to be submitted to local registrars until late July, have not been changed.

Deadlines

By court order, [nomination paper deadlines](#) for candidates for state district and county offices have been extended by one week.

For those candidates, the deadline to submit nomination papers to local registrars of voters has been extended from April 28, 2020 to 5 p.m., May 5, 2020. The deadline to submit nomination papers to the Secretary of the Commonwealth's Elections Division has been extended from May 26, 2020 to 5 p.m., June 2, 2020.

Electronic Signature Gathering

The Supreme Judicial Court has ruled that signatures gathered electronically may be acceptable for certification, though the nomination papers must still be submitted to local registrars and the Secretary of the Commonwealth on paper.

Acceptable "electronic signatures" include signatures signed on a scanned nomination paper using a mouse, stylus, or finger. Signatures are also acceptable if they are signed by hand on a nomination paper which has been scanned and returned to the campaign electronically. Typed signatures are not acceptable.

Please note that nomination papers cannot be submitted to registrars of voters or the Secretary of the Commonwealth's office electronically. Papers must still be printed, back-to-front, and must be exact copies of nomination papers provided by this office.

Additional guidance on "electronic signatures" may be obtained by contacting the Elections Division at 617-727-2828.

Submission

Because many city and town halls are currently closed to the public, candidates are encouraged to submit nomination papers to their local election offices by mail, if enough time remains before the deadline. If you are mailing nomination papers, we recommend the use of some tracking service, in case they are mis-delivered. If you would like the papers returned to you by mail, include a pre-addressed postage paid envelope for the clerk to use to return them to you.

Remember that postmarks are not sufficient for nomination paper deadlines. The papers must be in the local election office by 5 p.m. [on the date of the deadline!](#)

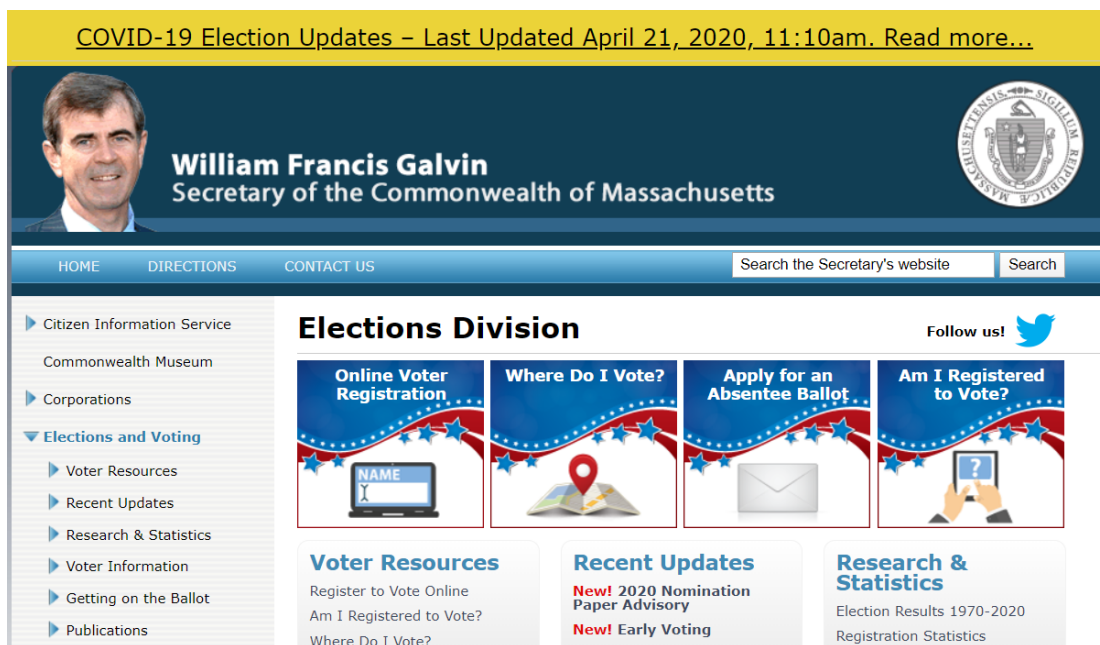
If you need to file your papers in person, you should [contact the local election official](#) for information on their availability. They may ask you to call when you arrive, so they can meet you outside, or they may request that you leave your nomination papers in a drop box. If you are leaving nomination papers in a drop box, be sure to include your contact information, so the clerk can get in touch with you when the papers are ready to be picked up.

The Secretary of the Commonwealth's office remains open to the public during regular business hours for the filing of nomination papers.

(Updated 4/17/2020)

II. Guidance Posted on April 21, 2020

This morning, April 21, the Secretary posted additional, more detailed guidance for candidates. The yellow banner on the Elections Division's page has been updated to reflect the presence of new information on the COVID-19 Election Updates page, and the Elections Division's homepage now advertises a new, specific page with information regarding nomination signatures:



The guidance on both of those linked pages has been updated to reference and link to a more detailed Advisory regarding nomination signatures, which is available at <https://www.sec.state.ma.us/ele/covid-19/SOC-COVID-19-Signature-Gathering-Guidelines-4-21-2020.pdf> and is also attached hereto as Exhibit A.

Respectfully submitted,

MAURA HEALEY
ATTORNEY GENERAL

/s/ Anne Sterman

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Date: April 21, 2020

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2020, I filed with the Supreme Judicial Court and served this Report of the Secretary of the Commonwealth in Goldstein et al. v. Galvin, No. SJC 12931 by email and through the Court's electronic filing system, on the following:

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EXHIBIT A

ADVISORY
FROM
WILLIAM F. GALVIN
SECRETARY OF THE COMMONWEALTH
CONCERNING
THE COLLECTION OF SIGNATURES FOR THE 2020 STATE PRIMARY AND
GENERAL ELECTIONS¹

The Massachusetts Supreme Judicial Court has ruled that, due to the difficulty of obtaining signatures on nomination papers during the current pandemic, certain accommodations shall be made for the 2020 State Primary and State Election.

On Friday April 17, 2020, the Supreme Judicial Court of Massachusetts in the case of [Goldstein v. Secretary of the Commonwealth \(SJC 12931\)](#), adopted alternative signature gathering procedures recommended by Secretary William F. Galvin and has directed the Secretary to issue, consistent with the Court's decision, guidance as to the type of signatures and nomination papers that are acceptable for submission to the local election officials and the Secretary's Office under these extraordinary circumstances.

NOMINATION PAPERS

Nomination papers originally printed by the State Secretary may be reduced to a letter sized document, as long as the document is an EXACT copied image of the state issued nomination paper and is printed double-sided.

The nomination papers may be transmitted to the voter for their signature by mail or electronic transmission. Electronic transmission includes email or by posting on a website. If the exact copied image of the nomination paper is transmitted electronically, it is understood that both the front and back will be transmitted to the voter and returned to the campaign. Thereafter and prior to submission to the local election officials and the Secretary's Office, the respective campaigns must reproduce the two pages of the signed nomination paper to a single, double-sided sheet of paper and submit each such nomination paper sheet to local election officials in a double-sided, hard copy paper format. Single-sided sheets or two sheets stapled or otherwise attached together ARE NOT ACCEPTABLE.

Please note that any nomination papers provided by candidates must contain the necessary information before being transmitted to a voter for their signature. This

¹ This advisory is limited to party and non-party candidates for district and county offices and party candidates for federal offices. This advisory does not apply to non-party candidates for federal offices.

includes the candidate's name, street number and name, city or town of residence or some clearly identifiable reference thereto, the office sought, district name, and party, if running in a party primary. Failure to complete the nomination papers with the required information prior to circulation shall result in disqualification of any voter signatures contained thereon.

SIGNATURES ACCEPTABLE FOR SUBMISSION

Nomination papers transmitted to voters electronically must be signed by the voter. The voter can sign by either *a)* using a computer mouse or stylus applied to the signature line of the nomination paper screen image to sign their actual original signature in person and in real time or *b)* printing out the transmitted nomination paper and affixing their original signature by hand ("wet signature"). The signed nomination paper can then be returned to the campaign electronically by computer transmission, scan, facsimile, or by mail.

Those authorized to sign on behalf of a disabled voter may write the name of the voter in the same manner as described above with the authorized person writing the name of the voter using a computer mouse or stylus applied to the signature line of the nomination paper screen image, in person and in real time, or by printing out a hard copy of the nomination paper for the authorized person to write the name of the voter in by hand.

NOTE: Only signatures of voters or writings of authorized representatives who actually sign in person and in real time using a stylus or mouse applied to the signature line on the electronic screen image of the nomination paper or by a "wet signature" or an authorized writing on the hard copy of the nomination paper are acceptable.

Computer generated generic signatures of a voter's name ARE NOT ACCEPTABLE. For example, the following is not acceptable:

	CHECK	I. SIGNATURE to be made in person with name substantially as registered (except in case of physical disability as stated above)	II. NOW REGISTERED AT (street, number and apartment number, if any) (city or town will be the same as stated below)	WARD	PREC.
1		George Washington	1 Main Street		
2		<i>Abraham Lincoln</i>	<i>12 Cherry Tree Lane</i>		
3					