

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
No. SJ-2020-0584

REBECCA GROSSMAN, BECKY GROSSMAN FOR CONGRESS, JONATHAN
LEVENFELD, SOPHIE KRIPP and SHIRLEY D. GROSSMAN, on behalf of themselves and
others similarly situated,

v.

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

RESERVATION AND REPORT

The plaintiffs, registered voters in Massachusetts and one candidate running for office in the September 1, 2020 State primary election, filed this emergency complaint seeking, among other things, relief from the requirement that all primary ballots be received by local election officials no later than 8 P.M. on September 1, 2020. The plaintiffs argue that, in light of the dramatic anticipated increase in mail-in ballots due to the COVID-19 pandemic, as well as significant pressures on local election officials and the U.S. postal service, this requirement threatens to impinge on the constitutional rights of voters in the Commonwealth. The plaintiffs also contend that the deadline of August 26, 2020 for submitting applications to vote by mail is incongruent with the September 1 deadline for receiving mail-in ballots. The plaintiffs seek declaratory and equitable relief, including an order that the Secretary of the Commonwealth direct local election officials to accept and count mail-in ballots postmarked by September 1, 2020 that are received within ten days of the primary.

In light of the extraordinary declaratory and equitable relief requested by the plaintiffs, and the issues presented, I conclude this is a matter best decided by the full court, and I exercise my discretion to reserve and report this matter. The record before the full court shall include all the papers filed in the county court in this case, the docket sheet for SJ-2020-0584, and this Reservation and Report. The Secretary shall file his answer to the complaint and any responsive memorandum in the full court 5:00 p.m. on Friday, August 21, 2020. In addition, the parties are to prepare and file in the full court a statement of agreed facts that will enable the court to resolve the legal issues raised in the pleadings, not later than 9:00 a.m. on Monday, August 24, 2020. The plaintiffs may also file any reply by that time. The full court will consider the case without further briefing or memoranda, and it is anticipated that it will hold a telephonic oral argument on Monday, August 24, 2020. The parties shall confer with the clerk of the full court concerning the telephonic argument.

By the Court,

/s/ Scott Kafker
Associate Justice

Dated: August 20, 2020