

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY

No.

[PLAINTIFFS' NAMES],

Plaintiffs,

Nick Bokron and Terra Friedrichs

V.

ATTORNEY GENERAL and SECRETARY
OF THE COMMONWEALTH

Defendants.

COMPLAINT

1. This action for relief in the nature of mandamus challenges the Attorney General's refusal to certify Initiative Petition No. 20-01, relative to corporate rights and political spending as complying with the requirements of amendment article 48 of the Massachusetts Constitution. Plaintiffs seek an order requiring the Attorney General to certify the petition and preliminary injunctive relief requiring the Attorney General and Secretary to take all steps they would have been required to take under amendment article 48 had the petition been certified

JURISDICTION

2. The Court has jurisdiction pursuant to the mandamus statute, G.L. c. 249, sec. 5.

PARTIES

3. Plaintiffs are registered voters and are among the initial signers of the petition.
4. The Attorney General and the Secretary of the Commonwealth are state officials who have duties under amendment article 48 of the Massachusetts Constitution. They are sued in their official capacities only.

FACTS

5. Plaintiffs and other registered voters signed an initiative petition and filed it, along with certificates indicating that they were registered voters, with the Attorney General on January 21, 2020. The Attorney General designated the petition Initiative Petition No. 20-01
6. On September 2, 2020, the Attorney General informed the plaintiffs or their representatives that she declined to certify the petition as complying with amendment article 48.
7. The Attorney General has declined to release a summary of the proposed amendment to the plaintiffs or the Secretary, stating that she has no duty to do so for a petition that she did not certify.
8. Without the certificate and summary from the Attorney General, the Secretary has declined to move forward in the petition process concerning additional signature gathering.
9. If the Secretary does not allow the plaintiffs to move forward with

signature gathering while this case is pending, the plaintiffs will be irreparably harmed in their effort to acquire signatures for submittal to the Secretary by the constitutional deadline of the first Wednesday in December of this year. The ability to gather signatures would cause no irreparable harm to the Attorney General, Secretary, or the public interest.

LEGAL CLAIM

10. The Attorney General's refusal to certify the petition was legally erroneous and in violation of her constitutional duty. The plaintiffs are entitled to an order in the nature of mandamus requiring the attorney General to issue the certificate.

REQUEST FOR RELIEF

1. The plaintiffs therefore respectfully request that the court:
 - a. Issue a preliminary injunction, in the form attached hereto, requiring the Attorney General to release a summary of the measure to the Secretary and requiring the Secretary to move forward in the petition process concerning additional signature gathering and take all steps she would have been required to take under amendment article 48 had the petition been certified, short of transmitting the petition to the legislature in the case of a proposed constitutional amendment.
 - b. Upon the required amount of signatures being filed with the Secretary, reserve and report the case to the Supreme Judicial court for the Commonwealth, based upon a statement of agreed facts to be filed by the parties, for resolution of the question whether the Attorney General's refusal to certify the petition was erroneous.
 - c. If the Supreme Judicial Court for the Commonwealth rules that the

Attorney General's refusal to certify the petition was erroneous, order the Attorney General to issue the certificate and order the Attorney General and Secretary to take all steps they would have been required to take under amendment article 48 had the petition been certified and the certificate filed with the Secretary along with the petition; and

- d. Issue such other or further relief as may be appropriate.

PLAINTIFFS

By there attorney, [or pro se]

Nick Bokron /s/ Nick Bokron
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Date: September 16, 2020

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