

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

SUFFOLK, ss.

No. SJC-12972

RAYLA CAMPBELL, Appellant¹

v.

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

ORDER

In Goldstein v. Secretary of the Commonwealth, 484 Mass. 516 (2020), the court, in response to the extraordinary restrictions on in-person contact arising from the COVID-19 pandemic, granted several forms of equitable relief to candidates seeking to appear on the September 1, 2020, State primary election ballot, including, as relevant here, a fifty percent (50%) reduction in the number of certified voter signatures they were required to secure from voters and have certified by local election officials. Id. at 529-532. For candidates like the appellant Rayla Campbell, who seeks election

¹Three other candidates -- Caroline Colarusso, Julie Hall, and Helen Brady -- were parties to the underlying petition in the County Court, but are not parties to this appeal. The petition was dismissed as moot by the Single Justice as to Colarusso and Hall after they qualified for and were placed on the primary ballot. Brady has a separate appeal pending before the full court. See Brady v. State Ballot Law Commission, SJC-12979.

as a representative to the United States Congress, this resulted in a reduction in the required number of certified signatures from the 2,000 established by statute, see G.L. c. 53, § 44, to 1,000. When Campbell subsequently fell short of satisfying that reduced number and did not qualify for the ballot, she filed a petition in the Supreme Judicial Court for Suffolk County seeking to be placed on the ballot nonetheless. See Campbell et al. v. Secretary of the Commonwealth, SJ-2020-0321. The Single Justice denied her petition because she failed to obtain certification of the required number of signatures. She now appeals that denial and seeks expedited consideration of her appeal by the full court. We grant her request to expedite consideration of her appeal, but deny her the relief she seeks and affirm the Single Justice's ruling.

Campbell seeks to be on the primary ballot for the Republican nomination for the office of United States representative for the Seventh Congressional District. She asks us, on various constitutional, statutory, and equitable grounds, in essence to reduce the Goldstein certified signature threshold even further below 1,000 by declaring that the number of signatures she has obtained suffices to place her name on the ballot in the Seventh Congressional District.² Where that ballot

²Campbell had 544 signatures certified by local election officials, but claims that she had an additional 108 for which

has already been completed and distributed, she also asks that we order that the ballot be recalled and reprinted with her name on it.³ She asserts that this extraordinary relief is warranted because her ability to secure the requisite number of signatures was unfairly hindered by (a) the greater impact that the COVID-19 pandemic has had on the majority-minority Seventh Congressional District than on other congressional districts in Massachusetts, (b) the small percentage of registered Republican voters in the Seventh Congressional District, and (c) the fact that several municipalities are split between the Seventh Congressional District and other districts, thereby making it more difficult to determine who is an eligible registered voter who can sign nomination papers.

As noted by the Single Justice in dismissing Campbell's petition, the court issued the equitable relief in Goldstein in recognition of the extraordinary difficulties candidates were encountering, and likely to continue to encounter, with in-

certification was wrongly denied. Even if the 108 were certified, however, she would still fall 348 short of the reduced requirement of 1,000 established in Goldstein.

³The Single Justice dismissed Campbell's petition on June 2, 2020, and denied her request for reconsideration on June 12, 2020. She then filed a notice of appeal on June 22, 2020, but did not seek expedited consideration until July 9, 2020. She never sought a stay to prevent the Secretary from completing and distributing the ballot in the Seventh District, which has now occurred (without her name on it).

person signature collection during the pandemic. None of the difficulties Campbell has identified leads us to believe that additional relief is now warranted. Indeed, some of the difficulties she identifies surely existed in the Seventh Congressional District before the onset of the pandemic and are likely to persist after it is over (e.g., the small percentage of Republican voters, the split-municipalities).

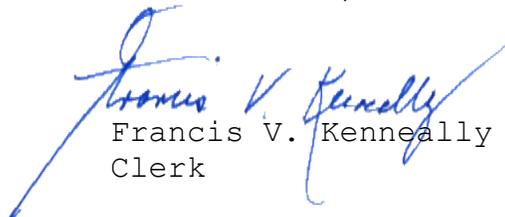
In so holding, we note that the statute establishing the minimum signature requirements for candidates for state and federal elected office in Massachusetts sets one number for each office, regardless of the district (e.g., candidates seeking election as a representative to the United States Congress must collect at least 2,000 certified signatures regardless of the district). See G.L. c. 53, § 44. In crafting the relief that we provided in Goldstein, we remained as true to the statute as possible, reducing the minimum signature requirements for all offices, state and federal alike, across all districts, by the same fifty percent (50%). We are not persuaded by the appellant that we should stray from that course now and allow different minimum signature requirements on a district-by-district basis.

Although the limited record presented in this case may be insufficient alone to permit the conclusion that the COVID-19 pandemic has had a greater adverse impact on communities of color, we do not doubt this to be true. Indeed, COVID-19

statistics released by the Massachusetts Department of Public Health demonstrate this to be true, not only in cities and towns in the Seventh Congressional District, but elsewhere in the Commonwealth. The truth of that assertion, however, does not affect our conclusion that we should preserve the uniform signature threshold set in Goldstein, and not allow that threshold potentially to differ depending on the particular demographic, economic, political, or geographic circumstances in each district.

For the above-stated reasons, it is hereby ORDERED that the decision of the Single Justice, dismissing Campbell's claims, is affirmed.

BY THE COURT,



Francis V. Kenneally
Clerk

Entered: July 13, 2020