

07/11/2022 #23

ORDER: On June 22, 2022, the Governor signed into law "An Act fostering voter opportunities, trust, equity, and security" (VOTES act), St. 2022, c. 92. The following day, the plaintiffs filed a complaint against the Secretary of the Commonwealth (Secretary) in the Supreme Judicial Court for Suffolk County (county court), alleging that the VOTES act is unconstitutional and seeking various equitable, declaratory, mandamus, and certiorari relief. The plaintiffs also filed an emergency motion for a temporary restraining order, seeking to enjoin the Secretary from putting the VOTES act into effect for the September 6, 2022, primary election and the November 8, 2022, general election. On June 28, 2022, the Secretary filed a combined motion to dismiss the plaintiffs' complaint and opposition to the motion for a temporary restraining order, to which the plaintiffs responded by filing three affidavits in support of their claims. The following day, the single justice reserved and reported the matter to the full court for decision due to the significant time constraints involved in this matter, including, most urgently, the requirement in the VOTES act that the Secretary mail out applications for ballots to all registered voters forty-five days prior to the September 6 election date (i.e., by July 23, 2022), and the wide-ranging and novel constitutional challenges presented by the complaint. Thereafter, on July 5, 2022, the parties filed briefs and an agreed statement of facts with the full court. The full court then heard oral argument from the parties on July 6, 2022.

It is now hereby ORDERED that judgment shall enter in the county court for the Secretary on all claims in the plaintiffs' complaint. The plaintiffs' request to enjoin the Secretary from putting the VOTES act into effect is denied.

Although time constraints dictate the issuance of an immediate order, a full opinion explaining the court's reasoning will follow in due course.