
A Guide to Statewide Ballot Question Petitions



MAY 2025

**Elections Division
Office of the Secretary of the Commonwealth**

| | |
|-------------------------------------------------------------------|----|
| Contents | |
| Types of Ballot Questions | 3 |
| Excluded Subjects | 4 |
| Beginning the Petition Process..... | 4 |
| Initiative Petition for a Law or Constitutional Amendment | 4 |
| Referendum Petitions | 7 |
| Obtaining Petitions | 9 |
| Initiative Petitions for Laws and Constitutional Amendments | 9 |
| Referendum Petitions | 9 |
| Signature Requirements | 11 |
| Initiative Petition for a Law | 11 |
| Initiative Petition for a Constitutional Amendment..... | 12 |
| Referendum Petition..... | 13 |
| Ballot Question Format..... | 14 |
| Passage of a Question..... | 15 |
| Effective Date | 15 |
| Initiative Petition for a Constitutional Amendment..... | 15 |
| Initiative Petition for a Law | 16 |
| Referendum Petition..... | 16 |
| 2025-26 Ballot Question Timeline | 17 |
| Initiative Petition for a Law | 17 |
| Initiative Petition for a Constitutional Amendment..... | 18 |
| Legal References..... | 19 |
| Massachusetts Constitution | 19 |
| General Laws & Regulations..... | 19 |
| Case Law | 19 |

Types of Ballot Questions

Article 48 of the Massachusetts Constitution guarantees citizens the right of initiative petition. Through this process, voters in Massachusetts can use the petition process to place measures on the state ballot to create a new law, repeal an existing law, or amend the state constitution.

To begin the process, it is important to understand the different types of ballot questions. The deadlines, signature requirements, and question format will depend on what you are seeking to do with your ballot question.

- An **Initiative Petition for a Law** seeks to create a new state law, amend an existing state law, or repeal an existing state law.
- An **Initiative Petition for a Constitutional Amendment** seeks to amend the Massachusetts Constitution.
- A **Referendum Petition** seeks to repeal a law that was recently passed by the Legislature.

Each type of statewide ballot question requires a certain number of certified voter signatures to be filed with the Secretary of the Commonwealth, on petition forms provided by the Secretary's Elections Division.

Before collecting any signatures, you must read all of the instructions carefully. This Guide is intended to assist you in preparing to begin the petition process and to provide information on the laws relative to signature gathering.

Every type of petition must be originated by ten registered Massachusetts voters. These first ten signers file the original petition and will have their names and addresses printed on each petition form prepared by the Secretary of the Commonwealth.

Excluded Subjects

The Constitution restricts certain topics from being subject to initiative petitions. Specifically, the Constitution does not allow petitions that relate to:

- Religion
- Judges
- The Courts
- Specific localities of the Commonwealth
- Specific appropriations from the Massachusetts treasury
- Certain provisions of the Massachusetts Constitution's Declaration of Rights

Additionally, a question cannot appear on the ballot if a question substantially similar to it was rejected by the voters at either of the two most recent biennial state elections.

Beginning the Petition Process

Initiative Petition for a Law or Constitutional Amendment

If you are filing an initiative petition for a law or a constitutional amendment, the process begins by seeking certification of your petition by the Office of the Attorney General.

The ten original signers must write and sign an original petition which includes the full text of the law or amendment they wish to have enacted. That signed petition must be filed with the Attorney General, accompanied by certificates of voter registration for each signer. There is no designated form on which the petition must be printed.

A certificate of voter registration may be obtained from the local election office where each signer is registered to vote.

valid certificate of voter registration must:

- State that the voter is a registered voter at the address listed on the certificate, as of the date of the certificate
- Contain the signatures of **at least three registrars** of voters or election commissioners

Original petitions must be submitted to the Office of the Attorney General by the first Wednesday in August.

Because the petition process takes nearly a year to complete, Initiative Petitions for Laws are typically filed by August of the year prior to the election at which the petitioners wish for the question to appear on the ballot. Since the biennial state election occurs in even-numbered years, most petitions are filed by the first Wednesday in August of odd-numbered years.

The process for an Initiative Petition for a Constitutional Amendment takes 3-4 years to complete, before the question reaches the ballot. See page 12 for more information.

Petitioners are strongly advised to submit the draft text of their petition to the Attorney General's office prior to filing. The Attorney General's office welcomes the chance to review draft petitions on an informal, non-binding basis, and will make suggestions for changes to avoid certification problems if drafts are submitted in well advance of the first Wednesday in August.

Recommendations & Suggestions:

- Although courts have not ruled on whether petitions must have a title, it is recommended to include one.
- It is strongly recommended that each signer initial each page of the text of the law or amendment before submitting it to the Attorney General, to avoid any question about whether the signer saw the final version of the petition.
- It is advisable to have more than ten original signers (with voter registration certificates), in case one or more is disqualified.
- It is not recommended to file separate signature papers attached to the full text of the law. Instead, the final page of the full text should contain the signature of each signer.
- Above the name of each signer, consider adding a statement similar to the following: “I have personally reviewed the final text of this Initiative Petition, fully subscribe to its contents, and agree to be one of the original signers of the petition.”
- The Attorney General’s Office requests that petitioners submit an electronic version of the petition, along with the original petition.
- File early! You need not wait until the first Wednesday in August to file.

For more information on submitting petitions to the Attorney General’s office, or to submit a draft of a proposed petition, please contact:

Anne Sterman, Chief, Government Bureau
Office of the Attorney General
One Ashburton Place, 20th Floor
Boston, MA 02108
617-963-2524
ballotquestions@mass.gov

Referendum Petitions

A referendum petition should be filed if the petitioners intend to repeal a law that was recently passed by the General Court. A referendum petition can only be used to repeal an entire law – not just a section of a law.

Unlike other types of petitions, a referendum petition does not originate with the Attorney General. To originate a referendum petition, you must begin by filing with the Secretary of the Commonwealth.

To originate a referendum petition, at least ten registered voters of the Commonwealth must draw up and sign an original petition, which correctly identifies the law that they wish to repeal. These ten voters will be the ten original signers of the referendum petition and will have their names and addresses printed on the petition forms prepared by the Secretary.

The petition filed with the Secretary should be accompanied by a certified copy of the law that the petitioners wish to repeal and must be accompanied by certificates of voter registration for each signer. Certificates of voter registration may be obtained from each signer's local election office.

A valid certificate of voter registration must:

- State that the voter is a registered voter at the address listed on the certificate, as of the date of the certificate
- Contain the signatures of **at least three registrars** of voters or election commissioners

A signed original referendum petition, along with the required certificates of voter registration, must be filed **no later than 30 days after the act is signed into law** or passed over the Governor's veto.

If the law sought to be repealed is not an emergency law, petitioners may seek to suspend the law from taking effect until the election is held. Emergency laws include an emergency preamble, attached to the Act by the General Court or by the Governor.

Suspension requires additional signatures on prepared petition forms to be submitted. Suspension would take place only if the Secretary certifies that enough certified signatures have been submitted.

Recommendations & Suggestions:

- If suspension of the law is sought, the original petition filed with the Secretary must state that the petitioners seek to suspend the law from taking effect (not applicable to emergency laws).
- It is advisable to have more than ten original signers (with voter registration certificates), in case one or more is disqualified.
- Above the name of each signer, consider adding a statement similar to the following: “I have personally reviewed the law sought to be repealed by this Referendum Petition and agree to be one of the original signers of the petition.”

Obtaining Petitions

Initiative Petitions for Laws and Constitutional Amendments

After you have filed your original petition with the Attorney General's Office, it will be reviewed to determine whether or not it is an acceptable subject for an initiative petition. If so, the Attorney General will certify your petition and prepare a fair and concise summary of the proposed law or amendment, which will be printed on the petition forms.

If the Attorney General certifies the petition, you can request that the Secretary prepare petition forms for the gathering of signatures. This request cannot be filed until the first Wednesday in September following the filing with the Attorney General, at the earliest.

Typically, the Attorney General will announce on the first Wednesday in September which petitions have been certified and which have not. At that time, if your petition has been certified, you will be given a certification letter from the Attorney General, a copy of the summary of the proposed law or amendment, and all petition materials that were filed to originate the petition.

After retrieving the petition materials and certification letter, the ten original signers may proceed to the Secretary of the Commonwealth's Elections Division to file a request for petition forms. Elections Division staff will review the filing, confirm that certificates of voter registration appear to be valid, document the order of the first 10 signers, and discuss the format of the petition with you.

One contact person may file a written request on behalf of all 10 signers. The person filing the petition should be prepared to answer questions about the order of the first 10 signers and the format of the petition being requested.

Within 14 days of filing, the Secretary's office will provide a sufficient number of blank petition forms. See the box on the following page for more details.

Referendum Petitions

When you originate your original referendum petition with the Secretary of the Commonwealth, Elections Division staff will review the filing, confirm that certificates of

voter registration appear to be valid, document the order of the first 10 signers, and discuss the format of the petition with you.

One contact person may file a written request on behalf of all 10 signers. The person filing the petition should be prepared to answer questions about the order of the first 10 signers and the format of the petition being requested.

The Secretary will notify the Attorney General of the filing of the referendum petition. The Attorney General will then determine whether the law is one that may properly be the subject of a referendum, and if so, will prepare a fair and concise summary of the existing law to be printed on the blank petition forms.

Within 14 days of receiving the summary from the Attorney General, the Secretary's office will provide a sufficient number of blank petition forms. See the box below for more details.

When Requesting Blank Petitions...

- If you wish to have the first 10 signers listed in a specific order, please bring a numbered list of signers with you.
- A box for numbering of petition is available upon the request of petitioners. Be prepared to indicate whether this is being requested.
- The Elections Division will provide, upon request, a box of contact information for the campaign. This may say "Sponsors of this petition request that you return this petition to..." or "Sponsors of this petition may be contacted at..." If this is desired, be prepared to make a selection and provide a mailing address and/or phone number.
- Be prepared to let the Elections Division know whether you would like a Spanish translation of the summary of the petition.

Signature Requirements

Initiative Petition for a Law

Initiative petitions for laws require two separate rounds of signature gathering and submission. The number of signatures required for each round depends on the number of votes cast for Governor at the most recent gubernatorial election.

Round 1 begins as soon as blank petitions have been prepared by the Secretary, upon the request of the first ten signers. This is typically in mid-September, for those who file a request for petitions on the first Wednesday in September.

Signatures must be submitted to local election officials for certification and thereafter filed with the Secretary's Elections Division by the **first Wednesday in December**. In order for the signatures to be certified by local election officials, they must have been submitted to the local registrars at least **14 days before to the first Wednesday in December**. It is the petitioners responsibility to pick up the certified petitions from local election officials and file them with the Elections Division.

The minimum number of certified and allowed signatures needed in Round 1 is equal to **3% of the total votes cast for Governor** (excluding blanks) at the preceding gubernatorial election. Further, no more than 25% of the total required number may come from any one county.

If a petition receives a sufficient number of signatures in Round 1, the petition will then be transmitted to the Legislature for their action. If the Legislature does not pass the initiative before the first Wednesday in May, the petitioners may advance the petition to Round 2.

Round 2 begins on the **first Wednesday in May** with the petitioners requesting more petition forms and ends on the **first Wednesday in July** with the filing of additional certified signatures. Round 2 petitions must be submitted to registrars **at least 14 days before the first Wednesday in July** in order to be certified.

The minimum number of certified and allowed signatures needed in the second round of signature gathering is equal to **0.5% of the total votes cast for Governor** (excluding

blanks) at the preceding gubernatorial election. No more than 25% of the total required number may come from any one county.

2026 Initiative Petition for a Law Signature Requirements

- Round 1: 74,574
 - No more than 18,643 from any one county
- Round 2: 12,429
 - No more than 3,107 from any one county

Initiative Petition for a Constitutional Amendment

For initiative petitions for a Constitutional Amendment, only one round of signature gathering is required. This period for signature gathering follows the same schedule as Round 1 for an initiative petition for a law, detailed in the previous section.

As with an initiative petition for a law, the minimum number of certified and allowed signatures needed is equal to **3% of the total votes cast for Governor** (excluding blanks) at the preceding gubernatorial election. No more than 25% of the total required number may come from any one county.

If a petition receives a sufficient number of signatures after being filed with the Secretary's office by the **first Wednesday in December**, the petition will then be transmitted to the Legislature for their action. Constitutional amendments must be approved twice, by two consecutively-elected legislatures.

To advance, the proposed amendment must be approved by **at least 25% of legislators** voting in a joint session of the General Court, held **by the first Wednesday in May**. In order to be placed on the ballot, the proposed amendment must be approved again, after the next General Court is elected. This process takes 2-3 years, depending on whether the amendment receives its first vote in the first or second year of the legislature.

An initiative amendment to the Constitution will not appear on the ballot if it receives less than 25% of the vote in either joint session, or if no vote is taken before the legislative term ends.

2028 Constitutional Amendment Requirements

- 74,574 certified signatures
 - No more than 18,643 from any one county
- At least 25% of the votes cast at a joint session of the 194th General Court (2025-26)
- At least 25% of votes cast at a joint session of the 195th General Court (2027-28)

Referendum Petition

The number of signatures required for a referendum petition depends on whether or not the petitioners are seeking to suspend the law until the question can be voted on by the voters.

Suspension of the law is only possible if it is not an emergency law, containing an emergency preamble. An emergency preamble can be added to an Act by the Legislature, during the legislative process, or by the Governor after it is signed into law.

The signature-gathering process begins as soon as petitions have been created by the Secretary and provided to petitioners. This must occur within 14 days of the Secretary receiving the summary of the law from the Attorney General.

Certified signatures must be submitted to the Secretary of the Commonwealth within 90 days of the date that the Act became law. In order to be certified by local election officials, petitions must be filed with local registrars at least 14 days before the deadline for filing with the Secretary.

If you are not seeking to suspend the law, the signature requirement for a referendum petition is equal to 1.5% of the votes cast for Governor at the preceding gubernatorial

election (excluding blanks). No more than 25% of the total required signatures may come from any one county.

If you are seeking to suspend the law, the signature requirement increases to a number equal to 2% of the votes cast for Governor at the preceding gubernatorial election (excluding blanks).

A petition that seeks suspension can still be certified if petitioners file enough signatures for ballot placement (1.5% of the votes for Governor), but do not reach the threshold required for suspension of the law (2% of the votes for Governor).

The law that petitioners are seeking to repeal will not be suspended unless the petitioners requested to do so when the petition was originated, even if petitioners file enough signatures to trigger suspension.

Note: If certified, the question will be placed on the ballot of the next state election to be held at least 60 days after the date the petitions were filed with the Secretary.

2026 Referendum Signature Requirements

- No Suspension of Law: 37,289
 - No more than 9,321 from any one county
- Suspension of Law: 49,716
 - No more than 12,429 from any one county

Ballot Question Format

The text of a statewide ballot question is set by the Massachusetts Constitution.

For a ballot question **pertaining to a law**, the format of the question is:

“Shall a law [here insert description, and state, in distinctive type, whether approved or disapproved by the general court, and by what vote thereon] be approved?”

For a ballot question pertaining to a constitutional amendment, the format of the question is:

“Shall an amendment to the constitution [here insert description, and state, in distinctive type, whether approved or disapproved by the general court, and by what vote thereon] be approved?”

Immediately below each question on the ballot is a fair and concise summary of the proposed law, proposed amendment, or existing law, as prepared by the Attorney General. This summary is the same one printed on the blank petition forms.

Below the summary for each question are short statements explaining the effect of a “yes” or “no” vote. These statements are co-written by the Secretary and the Attorney General.

It is important to understand that the format of the question required by the Massachusetts Constitution asks for the voter’s approval or disapproval of the proposed law, existing law, or proposed amendment. For a referendum petition, the voter is asked if they approve of the law – not whether or not they wish to repeal the law. A “yes” vote is therefore a vote to keep the law in place, while a “no” vote is a vote to repeal the law.

Passage of a Question

In order for a ballot question relating to an initiative petition for a law or a constitutional amendment to pass, a simple majority of voters must vote in the affirmative (yes). Further, at least 30% of voters who cast ballots in the election must have voted in favor of the question.

For a referendum question to pass, a simple majority must vote to repeal the question (no) and at least 30% of voters casting ballots in the election must have voted for repeal.

Effective Date

Initiative Petition for a Constitutional Amendment

The Massachusetts Constitution states that a new constitutional amendment proposed by initiative petition takes effect upon certification of the election results by the

Governor and Governor's Council, unless the amendment specifies a later effective date. Certification of election results typically occurs in late November or early December.

Initiative Petition for a Law

The Constitution states that a law proposed by initiative petition takes effect thirty days after the state election, or at such other time after the election as is provided by the proposed law.

Courts have not definitively ruled on whether the thirty days is counted from Election Day or from the date that the election is concluded (certification of the election results). If you wish to ensure that your initiative takes effect immediately upon certification of the election results, it is suggested that you state in the measure itself that it is to become effective upon passage.

Referendum Petition

As the Constitution does not provide otherwise, repeal of a law through a successful referendum takes effect upon certification of the election results.

In the case of an unsuccessful referendum on a law that that was suspended through the referendum process, the law takes effect thirty days after the election, or at a later time specified in the law.

2025-26 Ballot Question Timeline

Initiative Petition for a Law

August 6, 2025:

Last day to submit petitions signed by 10 original signers to Attorney General.

September 3, 2025:

First day to file petitions certified by the Attorney General with the Secretary of the Commonwealth to request blank petition forms (petitions are provided within 14 days of request).

November 19, 2025:

Last day to submit signed petitions to local registrars of voters for certification.

December 3, 2025:

Last day to file certified petitions with the Secretary.

January 7, 2026:

First legislative day of the year – successful petitions transmitted to House Clerk.

May 5, 2026:

Last day for Legislature to act on petition.

May 6, 2026:

First day petitioners may request additional petitions from the Secretary.

June 2, 2026:

Deadline for petitioners to file an amended petition with the Secretary, with a certificate from the Attorney General that the amendment does not materially change the substance of the measure.

June 17, 2026:

Last day to file petitions with local registrars for certification.

July 1, 2026:

Last day to file certified petitions with the Secretary (first day is June 3, 2026).

November 3, 2026:

Election Day

Initiative Petition for a Constitutional Amendment

August 6, 2025:

Last day to submit petitions signed by 10 original signers to Attorney General.

September 3, 2025:

First day to file petitions certified by the Attorney General with the Secretary of the Commonwealth to request blank petition forms (petitions are provided within 14 days of request).

November 19, 2025:

Last day to submit signed petitions to local registrars of voters for certification.

December 3, 2025:

Last day to file certified petitions with the Secretary.

January 7, 2026:

First legislative day of the year – successful petitions transmitted to House Clerk.

May 13, 2026:

Last day for Legislature to consider amendment. If approved by at least 25%, amendment advances to next Legislature.

2027 or 2028

Next Legislature considers amendment. If approved by at least 25%, amendment advances to the ballot.

November 7, 2028

Earliest election at which an amendment initiated in 2025 can be considered.

Legal References

Massachusetts Constitution

The right of initiative petition was created by Article XLVIII (48) of the Articles of Amendment to the Massachusetts Constitution, as further amended by:

- Article LXXIV
- Article LXXXI
- Article LXVII
- Article CVIII

General Laws & Regulations

State law provides additional requirements relating to ballot question petitions, ballot question format, and the Information for Voters book. Relevant statutes include:

- M.G.L. c. 53 § 22A
- M.G.L. c. 54 § 42A
- M.G.L. c. 54 § 53
- M.G.L. c. 54 § 54
- M.G.L. c. 54 § 53

Regulations promulgated by the Secretary of the Commonwealth dictate the format of the format of initiative petition forms and standards for certification of signatures. Such regulations include:

- 950 C.M.R. § 48
- 950 C.M.R. § 55

Case Law

Previous court cases relating to ballot initiatives include:

- *Capezzuto v. State Ballot Law Commission*, 407 Mass. 949, 556 N.E.2d 366 (1990)
- *Hurst v. State Ballot Law Commission*, 427 Mass. 825 (1998)
- *Limits v. President of the Senate*, 414 Mass. 31 (1992)
- *Walsh v. Secretary of the Commonwealth*, 430 Mass. 103 (1999)