



The Commonwealth of Massachusetts
State Senate Republican Caucus
State House, Boston, MA 02133-1054

March 12, 2026

Honorable Karen Spilka, Senate President
State House, Room 332
Boston, MA 02133

Dear President Spilka,

We write in the context of the Senate's actions during the informal session of March 12 to seek an advisory opinion from the Supreme Judicial Court (court) relative to two measures that now pend before the Senate in the form of *H.5004 — An Act to Improve Access to Public Records* and *H.5010 — An Act to Reform and Regulate Legislative Stipends*, which are the subject of the initiative petition process contained in Article 48 of the Massachusetts Constitution, and which, if adopted, would affect the operations of the General Court. Given these actions, we request that the Senate act similarly and consistently to place before the court questions relative to the law regarding the audit of the General Court, Chapter 250 of the Acts of 2024. This law, enacted overwhelmingly by the Commonwealth's voters, was also the subject of an initiative petition and affects the operations of the General Court. The voters who approved this law by a decisive margin deserve a clear and authoritative answer as to its constitutionality and the Legislature's corresponding obligations.

Seeking the opinion of the court is an important tool which has been used throughout the history of our state by the legislature to obtain guidance from the ultimate arbiter of constitutionality. Under Part II, c. 3, art. 2, as amended by art. 85 of the Amendments of the Massachusetts Constitution, each branch of the Legislature may require the opinions of the Justices "upon important questions of law, and upon solemn occasions." The Supreme Judicial Court has explained that a solemn occasion exists where a branch, "having some action in view, has serious doubts as to their power and authority to take such action, under the Constitution, or under existing statutes," and where resolution of those doubts is "necessary to enable that branch of government, in the exercise of its proper functions, to act legally and intelligently upon the pending question." Answer of the Justices, 373 Mass. 867, 871 (1977) (quoting Answer of the Justices, 148 Mass. 623, 625-26 (1889)). Advisory opinions are appropriate only "respecting pending matters in order that assistance may be gained in the performance of a present duty." Answer of the Justices, 444 Mass. 1201, 1202 (2005) (quoting Answer of the Justices, 211 Mass. 630, 631 (1912)).

Clearly the provisions of Chapter 250 of the Acts of 2024 not only confer upon the auditor the authority to audit the General Court, but also the commensurate obligation on the part of the House and Senate to comply with requests for the information necessary to conduct an audit. Given that such requests have been made and remain outstanding, there exists exactly the type of duty contemplated by Part II, c. 3, art. 2, as amended by art. 85 of the Amendments of the

Massachusetts Constitution, and if the current state of noncompliance with that duty by the legislature is predicated on lingering questions regarding constitutionality or related legal matters, those questions should be posed to the court as soon as possible.

Moreover, the need for clarification and guidance by the court is at least, if not more, pressing than in the case of *H.5004 — An Act to Improve Access to Public Records* and *H.5010 — An Act to Reform and Regulate Legislative Stipends*. While those measures may impact the operations of the legislature if they prevail in the initiative petition process and are approved in a future election, the provisions of Chapter 250 of the Acts of 2024 have been already enacted by a 72% vote in the 2024 election, and the duties it creates exist today.

Given the simultaneous importance of respecting the will of the electorate, and of the Senate acting in a lawful manner consistent with the provisions of our state's constitution, we seek the same action relative to Section 12 of Chapter 11 of the General Laws as has been taken regarding *H.5004 — An Act to Improve Access to Public Records* and *H.5010 — An Act to Reform and Regulate Legislative Stipends*, and that any remaining questions regarding the constitutionality and enforceability of Section 12 of Chapter 11 of the General Laws, and the degree to which compliance is required, be sent to the court as soon as possible. Taking this action is critical to the integrity of our state government, and to the public trust.

Accordingly, the Caucus respectfully requests that the Senate consider and authorize a separate order requesting an advisory opinion on the constitutionality, scope, and enforceability of the 2024 audit statute as applied to the General Court. A timely advisory opinion will remove the present uncertainty, preserve the Senate's institutional integrity, and enable the Senate to discharge its constitutional responsibilities with legal clarity.

We appreciate your consideration of this request and remain available to assist with this matter.

Sincerely,



Bruce Tarr
State Senator



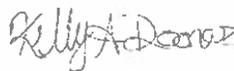
Ryan Fattman
State Senator



Patrick O'Connor
State Senator



Peter Durant
State Senator



Kelly Dooner
State Senator