

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

STATE BALLOT LAW COMMISSION
Docket No. 26-01

THOMAS R. KILEY,
Objector

v.

ANGIE AN-CHI TSO, et. al.,
Respondents

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DECISION

For the reasons stated in the attached Statement of Reasons, the Objection of Thomas R. Kiley is OVERRULED on the merits and the Secretary shall transmit the initiative petition entitled “An Act to Restore Sensible Marijuana Policy” to the House Clerk as required by the Constitution.

STATE BALLOT LAW COMMISSION

The Office of the Commission is:

State Ballot Law Commission
c/o Elections Division
Office of the State Secretary
One Ashburton Place, Room 1705
Boston, Massachusetts 02108

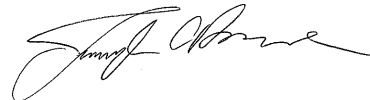
617-727-2828



Hon. Ernest L. Sarason, Jr. (Ret.), Chair



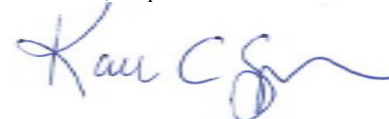
Joseph Eisenstadt, Esq.



Joseph Boncore, Esq.



Jed Nosal, Esq.



Kaitlyn Sprague, Esq.

Dated: January 22, 2026

IMPORTANT:

Judicial review of this decision may be sought by civil action under G. L. c. 30A, § 14, within 5 days after receipt of this notice.

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STATEMENT OF REASONS

I. INTRODUCTION

An initiative petition entitled “An Act to Restore Sensible Marijuana Policy” was timely filed with the Secretary of the Commonwealth containing 79,420 signatures, of which 78,301 were allowed.² Pursuant to Amendment Article 48, Part 5, § 1, the petition needed 74,574 signatures in order for the Secretary to forward the petition to the Clerk of the House of Representatives. On January 2, 2026, an Objection was filed before the State Ballot Law Commission (hereinafter “Commission”) by Thomas R. Kiley (hereinafter “Objector”) challenging the signatures on the initiative petition naming Angie An-Chi Tso, et. al., (hereinafter “Respondents”) being the first ten signers of said petition as Respondents. The Objection alleged signatures on the petition were fraudulently obtained. To be successful in this challenge, the Objector must invalidate 3,727 signatures.

The State Ballot Law Commission (Commission) has jurisdiction to determine whether, as a result of fraudulent or forged signatures, an initiative petition has been signed by the required number of registered voters to be transmitted to the General Court. G. L. c. 55B, § 4 (2024 ed.).

¹ Brian Coffey Bilowz, Victoria A. Cudmore, Caroline Stewart Cunningham, Nassir Ghaemi, John Harrison Knowles, Brian Peter Latina, Dave H. Lunger, Kathleen Lynch and Jeffrey A. Morgan

² The remainder of the signatures were disallowed for either being contained on petitions that were not exact copies or on pages that were not certified.

II. PRELIMINARY PROCEDURAL MATTERS

A. Objector's List of Signatures

On January 8, 2026, the Objector filed a List of Signatures, presumably to comply with the Commission's regulations, 950 C.M.R. § 59.04(1)(f), which states in pertinent part:

“[N]ot later than the third weekday before the date of the hearing contained in the Secretary's notice, the objector shall file and cause to be delivered to the respondent a list of all signatures on the respondent's nomination paper or petition which are drawn in question by the objection, showing the page and line where each is located, and the reason why each is alleged to be improper.”

The Objector's List challenged “all signatures appearing on petition pages number 1 through 4000” and further stated “[e]very signature on these pages was provided by a circulator who misled the signers of the petition blanks concerning the substance of the law proposed by the Respondents.”

B. Respondent's Answer and Motion for Summary Decision

On January 12, 2026, the Respondent filed an Answer and Motion for Summary Decision. In the Answer, the Respondent denies the allegations in the Objection that signatures were fraudulently obtained and the petition circulators misled voters with respect to what they were signing. In the Motion for Summary Decision, the Respondent argues that the Objection is too vague and the List of Signatures is not sufficient to comply with the Commission's regulation as it simply identifies thousands of petitions with a general claim, only supported by three affidavits, from persons the Respondent alleges are conflicted. Respondent argues that the Objector's filings conclusively establish that they simply cannot meet their burden to invalidate any signatures.

C. Objector's Opposition to Respondent's Motion for Summary Decision

At the Pre-Hearing Conference held on January 12, 2026, the Objector requested an

opportunity to respond to the Respondent's Motion for Summary Decision. After consultation with the Objector, the Commission agreed that he could submit an Opposition by 5 p.m. on January 13, 2026 and gave the Respondent a deadline of 5 p.m. on January 14, 2026 to file any reply. On January 13, 2026, the Objector asked the Commission for additional time to submit his filing, which the Respondent took no position on. The Commission allowed the extension but only until 11:59 p.m. on January 13, 2026. The Commission also extended the Respondent's deadline to reply to be 11 a.m. on Thursday, January 15, 2026.

The Objector filed his Opposition at 9:30 p.m. on January 13, 2026. In his Opposition, the Objector clearly states that he does "not intend to present evidence dealing separately with 3,727 individuals, and do not think it necessary to conduct an evidentiary hearing at this point in time, notwithstanding the time constraints applicable to most Objections filed with the Commission." Instead, the Objector uses his Opposition to transform his original Objection from alleging that signatures appearing on the petition were placed thereon by fraud within the meaning of General Laws chapter 55B, section 10, which requires the Commission to render a decision within 21 days after the deadline to file an objection, to a broader challenge to the process which he now argues the Commission has "an independent duty to investigate" that has no deadline.

Objector argues that the Commission should deny the Motion for Summary Decision without scheduling an evidentiary hearing and instead requests that the Commission conduct its own further investigation into the alleged misleading practices, which Objector argues is within the Commission's "broad investigative powers" under General Laws chapter 55B, section 4.

D. Objector's Offer of Proof

On January 13, 2026, the Objector filed an Offer of Proof, which included the following exhibits:

- Exhibit 1-1: Citizen Complaints to Secretary of State's Office³
- Exhibit 1-2: Reports to Committee Formed to Protect Cannabis Regulation⁴
- Exhibit 1-3: Testimony of Thomas R. Kiley
- Exhibit 1-4: Polling Data

E. Respondent's Reply to Objector's Opposition to Respondent's Motion for Summary Decision

On January 14, 2026, the Respondent filed a Reply in Support of Motion for Summary Decision in which he noted the Objector's "concessions" that he is unable to meet his burden. The Respondent argues that the Commission is bound by the statutory deadlines and has no authority to conduct an investigation into the petitioning process outside of the timeframe set forth in the laws.

III. PRE-HEARING CONFERENCE

On Monday, January 12, 2026, at 11:00 a.m. a duly noticed Pre-Hearing Conference was held in the 17th Floor Conference Room at One Ashburton Place, Boston Massachusetts. Counsel for both the Objectors and Respondent appeared.

The Conference was held for the purpose of ascertaining the type of evidence the Objector intended to present. The Objector stated that his case would be limited to the testimony of two or three witnesses: himself, Brian Muldoon and perhaps the Objector's daughter in law, who was a signatory on the petition.

Prior to the Conference, the Respondent filed an Answer and Motion for Summary Decision. The Objector asked for an opportunity to respond to the Motion, which the Commission allowed in addition to allowing the Respondent to file a reply. The Commission stayed the hearing scheduled for January 13, 2026, pending the receipt of the filings, setting

³ Objector's Offer of Proof listed these as Exhibit 1-1, but they were found in the attachment labeled Exhibit 1-2.

⁴ Objector's Offer of Proof listed these as Exhibit 1-2, but they were found in the attachment labeled Exhibit 1-1.

aside January 16, 2026 if necessary for an evidentiary hearing.

On January 15, 2026, both parties agreed that an evidentiary hearing was not necessary and therefore the hearing was cancelled.

The Commission took no action on the Respondent's Motion for Summary Decision.

IV. FINDINGS OF FACT

The Commission finds the following facts:

1. The Respondents were required to submit 74,574 certified signatures in order for the Secretary to transmit their petition to the General Court.⁵
2. The Respondents filed 79,420 certified signatures on December 3, 2025, of which 78,301 were allowed; 558 certified signatures were disqualified for not being exact copies and/or containing extraneous marks and 561 could not be counted because they failed to include the signatures of at least three local election officials as required by law.
3. The Objector must succeed on his Objections to at least 3,727 signatures to prevail in this action.
4. The Objector's List of Signatures listed numbers of pages from Essex, Norfolk and Plymouth Counties only.
5. The Objector notified the Commission, in writing, that he did not intend to present evidence dealing separately with the 3,727 challenged signatures and did not think it necessary to conduct an evidentiary hearing at this point in time notwithstanding the time constraints applicable to most objections filed with the Commission.

6. Both the Objector and Respondent agreed that no evidentiary hearing was necessary.

V. ISSUES OF LAW AND CONCLUSIONS

A. Evidentiary Standard Used by the Commission

⁵ The number of certified signatures required is determined in Amend. Art. 48, Initiative Pt. 5, § 1.

The Commission's findings are based on substantial evidence, which is defined as "such evidence as a reasonable mind might accept as adequate to support a conclusion." G. L. c. 30A, § 1(6) (2012 ed.); Capezzuto v. State Ballot Law Commission, 407 Mass. 949, 952 (1990); Hershkoff v. Registrars of Voters of Worcester, 366 Mass. 570, 574 (1974); Labor Relations Commission v. University Hospital, Inc., 359 Mass. 516, 521; (1971); Almeida Bus Lines, Inc. v. Department of Public Utilities, 348 Mass. 331, 341 (1965).

The Commission's regulations, 950 C.M.R. § 59.05(1)(g), provide standards for witnesses and evidence presented as part of the adjudicatory hearing process. Specifically, the Commission requires that a witness's testimony be under oath. 950 C.M.R. § 59.05(1)(g)(1). The regulations state that "[e]vidence may be admitted and given probative effect only if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs." 950 C.M.R. § 59.05(1)(g)(2)(a). Further, under 950 C.M.R. § 59.05(1)(g)(2)(c), the Commission will not admit into evidence affidavits bearing directly on an ultimate fact in dispute, such as a voter's affidavit that the voter did or did not actually sign a nomination paper or petition, except upon motion for good cause shown.

B. Objector's Burden of Proof

In proceedings before the Commission, the objector has the burden of going forward. Hamill v. Sawyer, SBLC 90-14 (June 27, 1990). The objector must meet his burden of proof by proving his allegations by a preponderance of the evidence. DeJong v. Owens, SBLC 90-10 (June 22, 1990).

The Objector alleges that the signatures on certain identified petitions were obtained by the Respondent's signature gatherers by misleading the voter as to the content of the petition they were signing thereby obtaining the signature through fraud.

In the instant case, in order for the Objector to prevail, he must successfully challenge, based on substantial evidence, at least 3,727 certified signatures in order to meet his burden.

VI. THE OBJECTOR'S ORIGINAL "*FILED*" OBJECTION IS WITHIN THE JURISDICTION OF THE COMMISSION

As noted earlier, the Commission has jurisdiction to determine whether, because of fraudulent or forged signatures, an initiative petition has been signed by the required number of registered voters to be transmitted to the General Court. G. L. c. 55B, § 4 (2024 ed.). The objector must meet his burden of proof by proving his allegations by a preponderance of the evidence acceptable to the Commission.

In order to prevail in this case based upon the original filed Objection, the Objector must introduce evidence acceptable to the Commission, which is consistent with its regulations and past decisions. Therefore, the Objector must prove, by acceptable evidence, that 3,727 certified signatures were obtained by signature gatherers who misled voters into signing the petition thereby obtaining the signatures fraudulently in violation of G. L. c. 55B, § 4.

A review of past decisions of the Commission demonstrates that a significant number of objections filed with the Commission relate to signatures challenged on nomination papers or initiative petitions. Indeed, the Commission has a long history in deciding such cases including the evidentiary standards accepted in proving such cases. The Commission's past decisions and its regulations require, except in exceptional circumstances, live testimony and certified documentation relating directly to the issue before the Commission. The Commission does not accept affidavits bearing directly on an ultimate fact.

Consequently, in order to prevail in the instant challenge, and by way as an example, testimony from 3,727 voters as to what misrepresentations were made to them and the circumstances in which they were made would be necessary to present to the Commission.

However, the Objector made clear that he did not intend to present evidence dealing separately with 3,727 signatures individually, notwithstanding the standard of proof for such cases before the Commission. Instead, during the Pre-Hearing Conference, the Objector stated that if an evidentiary hearing were held, he intended to call only two or three witnesses. Of those, the witness that the Objector was unsure would be called was the only one whose name was confirmed as signing the petition.

Further, the Objector presented an Offer of Proof setting out the evidence he intended to introduce to prove his case by a preponderance of the evidence. This evidence consisted of:

- Citizen Complaints to Secretary of State's Office: This consisted of thirty-one (31) emails received by the Secretary's Office that the Objector obtained through a public records request. The Objector does not argue that any of the persons who submitted a complaint was confirmed as a signer on the petition. A review of those emails shows that not all were from persons who allegedly were misled into signing the petition and instead were writing generally about the process.
- Reports to Committee Formed to Protect Cannabis Regulation: These thirty-two (32) "reports" appear to be information collected from a "form submission" from persons who describe their experience with signing the petition, all of which are dated between January 8, 2026 and January 12, 2026. The Objector does not argue that any of the persons who submitted a report was confirmed as a signer on the petition.
- Testimony of Thomas R. Kiley
- Polling Data: This included the script used when contacting persons whose names were certified as signing the petition.

The Commission finds that this submission is not material and directly relating to the issue before the Commission: whether the signatures of voters were obtained fraudulently through

misleading information. As such, the Commission would find these inadmissible.

VII. SUBSEQUENT FILINGS OF THE OBJECTOR CLAIM THAT THE COMMISSION'S AUTHORITY TO INVESTIGATE UNDER GENERAL LAWS CHAPTER 55B IS ESSENTIALLY PLENARY

In his Opposition, the Objector offers a new and novel approach for the Commission's consideration. The original Objection alleged that signatures appearing on the petition were placed thereon by fraud within the meaning of General Laws chapter 55B, section 10, which requires the Commission to render a decision within 21 days after the deadline to file an objection. In his Opposition, the Objector instead advances a broader challenge to the process, which he now argues the Commission has "an independent duty to investigate" that has no deadline, yet still acknowledges such investigation requires an evidentiary hearing process by this Commission. The Commission disagrees.

The Commission's authority and jurisdiction are set out in chapter 55B of the General Laws. While some provisions of chapter 55B, when read independently, may appear to give the Commission plenary power to hear all election matters relating to signatures on initiative petitions, a complete reading of chapter 55B shows otherwise.⁶ The pertinent sections of chapter 55B, most particularly sections 4 and 5, do not stand alone, but instead must be read together with the entire statute as a whole in order to determine their meaning, applicability and internal consistency. Telestsky v. Wight, 395 Mass. 868, 873 (1985); Chafee, et. al. v. State Ballot Law Comm'n., Supreme Judicial Ct., No. SJ-2024-0032 (Suffolk County Jan. 29, 2024).

The power of the Commission to "investigate" is not infinite, but rather is qualified by other provisions of chapter 55B. Section 4 of chapter 55B states in part, "[t]he commission may

⁶ The Objector's only cited authority for the premise that the Commission has broad investigative power, Morrissey v. State Ballot Law Comm'n., 312 Mass. 121 (1942), was based on the Commission's jurisdiction set forth in General Laws chapter 53, section 22A. Since that time, the laws relative to the Commission were amended and set forth in General Laws chapter 55B, which specifically require investigation only upon objections made.

investigate upon objection made in accordance with the provisions of this chapter the legality, validity, completeness and accuracy of all nomination papers and actions required by law to give candidates access to a state ballot or to place an initiative or referendum on a state ballot.... *The commission shall establish rules of procedure* in conformance with the provisions of chapter thirty A *governing the conduct of hearings and investigations.*” (emphasis supplied).

As such, all matters before the Commission, including its duty to investigate, are governed by Rules of Procedure, which establish, *inter alia*, evidentiary standards, time lines for filings and time lines for issuing decisions.

By his own admission, the Objector “acknowledges that the evidence submitted to date does not yet establish a sufficient number of invalid signatures to disqualify (the Petitions).” Even the Objector’s Offer of Proof falls far short of establishing that he could produce adequate evidence to support his claims.

The Objector’s call that the unsupported allegations contained in the Objection “raise serious questions about the Petition’s integrity that warrant further scrutiny from the Commission itself” rings hollow given that absolutely no admissible evidence has been presented or offered supporting the allegations made.

VIII. CONCLUSION

For the reasons stated herein, the Objection is OVERRULED on the merits.