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May 18, 2026

The Honorable Mike Day
The Massachusetts State House
24 Beacon St, Room 136
Boston, MA 02133

Representative Day,

I am writing regarding legislative discussions around making the petition initiative process more difficult in Massachusetts. I hope this debate will include a serious discussion of why Massachusetts adopted the initiative and referendum process in the first place, the relative stringency of Massachusetts' petition initiative system compared to those of other states, and the broader constitutional and policy questions now at issue.

Historical Purpose of the Initiative Process

The historical reasoning behind the establishment of the petition initiative process is highly relevant to the current moment. In Massachusetts, the initiative process did not emerge from abstract academic theory or populist fashion. It emerged from a sustained Progressive-era critique of Beacon Hill itself. Beginning in the 1890s, reformers argued openly that the Legislature had become too centralized, too dominated by party machinery, too controlled by legislative committees, and too resistant to broadly supported reforms. They believed major public questions could be stalled indefinitely within legislative structures regardless of public support.

This concern animated a reform movement that lasted more than twenty years. Populists endorsed direct legislation in Massachusetts as early as 1895. Henry Stirling repeatedly introduced initiative and referendum proposals beginning in 1900. Ella O. Marshall helped found the Referendum League in 1905. The Direct Legislation League of Massachusetts then became one of the principal vehicles for advancing constitutional reform leading into the 1917–1918 Constitutional Convention.

These reformers were remarkably explicit about what they were trying to accomplish. They did not seek to abolish representative government, nor did they believe every policy question should be settled through direct democracy. Their argument was narrower, more constitutional, and ultimately more serious: representative government required an external corrective when legislative institutions became insulated from public sentiment or unwilling to act.

That is why Massachusetts adopted a far narrower initiative process than western states such as Oregon or California. Reformers here accepted substantial limitations because they still valued deliberation and constitutional restraint. The final structure included indirect legislative review before ballot access, high signature thresholds, subject-matter exclusions, geographic distribution requirements, and restrictions on constitutional amendments. Massachusetts already operates one of the most procedurally restrictive initiative systems in the United States.

But Progressive reformers accepted those limitations because they believed preserving a meaningful citizen check on legislative inertia was essential. In many respects, the structure they designed reflected distrust not of democracy itself, but of the concentration of political power within Beacon Hill institutions.

Even many opponents of the initiative process implicitly acknowledged the underlying concern. Albert E. Pillsbury, one of the most prominent critics during the Constitutional Convention debates, warned against what he viewed as the dangers of excessive direct democracy. Yet even those debates reflected broad recognition that many citizens no longer trusted legislative institutions alone to resolve major public questions.

Current Proposals to Restrict the Process

That history matters because the Legislature is now considering additional restrictions on a process that is already among the narrowest in the country of the states that have initiative petition processes.

We have heard that Massachusetts is considering a range of changes, including raising signature requirements, tightening single-subject rules, expanding subject-matter exclusions, increasing legislative control before ballot access, imposing additional geographic signature requirements, restricting paid signature gathering, expanding campaign finance and disclosure burdens, and potentially requiring higher vote thresholds for certain ballot questions.

We strongly urge that all such proposals be made public early and debated openly, rather than introduced at the end of the legislative session with limited public scrutiny. Many of these proposals would disproportionately burden ordinary citizens and grassroots organizations while leaving large institutional actors with major financial resources relatively unaffected. The practical effect would likely be to further consolidate political power within institutions that Progressive-era reformers believed already required constitutional counterweights.

Questions of Consistency and Fairness

The current debate also raises obvious questions about consistency. Legislative leaders and allied groups increasingly argue that the initiative process has become dominated by large, well-funded organizations rather than ordinary citizens. Yet some of the most sophisticated users of the ballot initiative process in Massachusetts are already among the Commonwealth's most powerful institutional actors.

The Massachusetts Teachers Association, with roughly 130,000 members and reportedly nearly \$100 million in cash on hand, is unquestionably among the most powerful political organizations in the Commonwealth. Its funds derive from dues collected directly through government payroll systems. The MTA is also widely known among teachers unions nationally for its aggressive and sophisticated use of ballot initiatives and ballot campaigns to shape state policy. Federal labor filings strongly suggest that the MTA is unusually aggressive, even among large teachers unions, in its use of the petition initiative process.

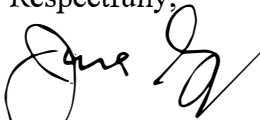
That reality raises an obvious question: are current reform proposals intended to constrain all major institutional actors equally, or will additional restrictions primarily burden newer citizen-led and grassroots efforts that lack comparable financial and organizational infrastructure?

In that spirit, I would respectfully ask three direct questions.

- What is the purpose of curbing the voice of voters through additional restrictions on a process that is already among the narrowest and most procedurally difficult in the country?
- Do you believe the original reasoning of Massachusetts' Progressive-era advocates — as a corrective to legislative malaise and as a safeguard for times when the Legislature became insulated from public sentiment or unwilling to act — no longer applies today? Given the Commonwealth's inability to address skyrocketing housing, healthcare and electricity costs, the state's job losses and outmigration, and the unsustainable growth of the state budget (at two times the rate of household income since 2010), do you believe voters should have fewer avenues to advance reforms?
- Finally, is it your intention to curb the Massachusetts Teachers Association's use of petition initiatives as well? Given its national reputation for using enormous financial resources to shape ballot questions, would your proposals apply equally — or even more strongly — to the MTA?

I would be pleased to discuss this in greater detail and would be grateful for your thoughtful engagement.

Respectfully,



James Stergios