

HOUSE No. 5404

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES

REPORT
of the
SPECIAL JOINT
COMMITTEE
on
INITIATIVE PETITIONS
on the
INITIATIVE PETITION
of
DANIELLE SUSAN ALLEN
AND OTHERS
FOR THE PASSAGE OF AN ACT
TO IMPLEMENT ALL-PARTY
STATE PRIMARIES
(see House, No. 5003)

May 4, 2026.

MAJORITY REPORT.

A majority of the Special Joint Committee on Initiative Petitions

Article 48 of the Amendments to the Constitution of the Commonwealth allows voters to propose laws or constitutional amendments through initiative petitions, commonly called ballot questions. After gathering the required signatures and submitting certified signatures to the Secretary of the Commonwealth, a petition is formally presented to the Legislature for consideration. It is then referred to a committee, in this case, the Special Joint Committee on Initiative Petitions.

Under Article 48, the committee must report to the Legislature on each petition before the first Wednesday in May. Unlike the standard legislative process, the Legislature may only approve or reject an initiative petition as submitted, without making changes.

The Committee held a hearing on Initiative Petition 25-12, House 5003, *Initiative Petition for a Law to Implement to All-Party State Primaries*, on March 31, 2026. The Special Joint Committee on Initiative Petitions held public hearings throughout March 2026 to gather testimony and inform its review. The Committee considered input from subject matter experts, proponents and opponents of the Petition, as well as members of the public. The full hearing record and supporting documentation is available to the public at malegislature.gov/Events/Hearings/Detail/5632.

On May 4, 2026, a majority of the Special Joint Committee on Initiative Petitions (“the Committee”) voted to recommend that the General Court **take no action** on Initiative Petition 25-12, House No. 5003, *Initiative Petition for a Law to Implement to All-Party State Primaries* (“the Petition”).

In reaching this determination, the Committee conducted a comprehensive review of the proposed measure, including a detailed analysis of its language, structure, and intended effect. The Committee evaluated testimony and supporting evidence presented during the public hearing, as well as additional written submissions from election officials, policy experts, advocacy organizations, and members of the public. This testimony raised administrative and fiscal implications of implementing the proposal at both the state and municipal levels, as well as concerns that all-party primaries may result in vote splitting, reduced party accountability, voter confusion, and strategic voting, often disadvantaging less-funded candidates and producing unpredictable or unrepresentative outcomes.

The Petition would reform the Commonwealth’s method for selecting candidates for a general election by removing partisan primaries and instead transitioning to an “all-party” state primary. Under this proposed system, which is also called a “top-two” primary in other jurisdictions that implement a similar structure, candidates for elected office run in a primary election against all of the other candidates for that office, and the candidates who receive the first and second highest number of votes in the primary election are the only candidates to advance to the general election.

The system of a partisan primary election administered by the Commonwealth was implemented in 1911, establishing direct voter nomination of candidates for state offices. This law changed the practice at the time, when each party controlled the method of nominating candidates to represent

their party in the general election. The proposed Petition would remove the ability for voters to choose their candidate of choice to represent their preferred party in a general election and would instead ask voters in a primary election to vote for one candidate for that office among all candidates regardless of party affiliation.

The Petition proposes a new system to address the loss of a partisan primary election, whereby candidates for office would be allowed to display their party affiliation on both the primary and general election ballot based on their voter registration, as well as a newly created endorsement by a party or a political designation that also can be listed on the ballot.

The proponents testified that this new endorsement would afford political parties and political designations the ability to have a demonstrative say in the preferred candidates of their party. However, it is important to note that this method does not currently exist for either of the two largest parties by registration in the Commonwealth, the Democratic and Republican parties. Currently, these parties use a convention to formally endorse candidates in statewide elected office, but the party's endorsement does not currently appear as a notation on the ballot in a partisan primary election. As there is no current method or infrastructure for either of the two largest parties to endorse candidates below statewide office, this Petition leaves an open question as to how that would operate and how the endorsement of a party could be secured, as well as the possibility that parties could use an unfair or private process to determine a method for endorsement that could have a major impact on an election, which would be contrary to the 1911 primary election reforms and the stated goals of the proponents.

The proponents posture that this Petition would increase voter participation and increase the number of elected officials from third parties or who are independent from a party. The available evidence does not indicate either of these claims to be accurate. In a study of the impacts of California switching to a “top-two” primary system, evidence shows that turnout in the primary election increased, but conversely, participation in the general election decreased, when comparing both to the previous partisan primary process. In other words, this process had the additional negative effect of decreasing voter participation in general elections in California. Further, a review of the makeup of California and Washington’s state legislatures demonstrate that there are zero members of a third party or who are independent of a party serving as active members, which is less than the current makeup of the Legislature in Massachusetts, which does not use a “top-two” primary system. The proponents stated that Alaska has legislators who are independent of a party, but Alaska uses a “top-four” primary system that is coupled with ranked choice voting for the general election, a total system that combined is vastly different from what the Petition proposes. As written, the implementation of this Petition can lead to general elections where two candidates from just one major party are the only candidates for a voter to choose from, such as two Republican candidates or two Democratic candidates. This has occurred in California, and has been stated as a contributing factor towards the decrease in turnout in general elections.

It is important to note that Article 48 of the Amendments to the Massachusetts Constitution, which governs the initiative petition process, requires the Attorney General to provide initial certification of initiative petitions that meet the specific and limited requirements listed in Article 48. In making a decision on whether to initially certify an initiative petition, the Attorney General does not evaluate a petition’s broader constitutionality; her certification decision is limited only to the

narrow criteria listed in Article 48. Thus, this Petition has been certified by the Attorney General under Article 48, but it has not been evaluated by her or the courts for its constitutionality at this time.

For these reasons, a majority of the Committee recommends that the General Court **take no action** on Initiative Petition 25-12, House 5003, *Initiative Petition for a Law to Implement to All-Party State Primaries*.

Senators.

Cindy F. Friedman
Brendan P. Crighton
Paul R. Feeney

Representatives.

Alice Hanlon Peisch
Kate Hogan
Frank A. Moran
Michael S. Day
David T. Vieira