

SENATE No. 3104

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

RESOLUTIONS RESPONDING TO THE SUPREME JUDICIAL COURT’S ORDER OF
MAY 7, 2026, AND ENHANCING GOVERNMENT TRANSPARENCY.

1 WHEREAS, AS ELECTED MEMBERS OF THE MASSACHUSETTS GENERAL
2 COURT, SENATORS BEAR A RESPONSIBILITY TO UPHOLD THE CONSTITUTION
3 AND PRESERVE THE INDEPENDENCE OF THE GENERAL COURT AS A COEQUAL
4 BRANCH OF GOVERNMENT; AND

5 WHEREAS, THE SENATE RECOGNIZES THE IMPORTANCE OF MAINTAINING
6 PUBLIC CONFIDENCE IN THE INTEGRITY AND ACCOUNTABILITY OF STATE
7 GOVERNMENT; AND

8 WHEREAS, THE SENATE IS COMMITTED TO INFORMING THE PUBLIC AND
9 CONSTITUENTS OF THE WORK IT DOES ON THE PEOPLE’S BEHALF; AND

10 WHEREAS, SINCE MARCH 2023 AND CONTINUING THROUGH JANUARY 3,
11 2025, WHEN CHAPTER 250 OF THE ACTS OF 2024 CAME INTO EFFECT AFTER THE
12 VOTERS’ APPROVAL OF QUESTION 1, THE OFFICE OF THE STATE AUDITOR
13 ISSUED LETTERS, STATEMENTS AND COMMUNICATIONS EXPRESSING ITS

14 INTENTION TO CONDUCT A “PERFORMANCE AUDIT” OF THE GENERAL COURT;
15 AND

16 WHEREAS, ON JANUARY 6, 2025, THE OFFICE OF THE STATE AUDITOR SENT
17 THE SENATE REQUESTS FOR DOCUMENTS RELATED TO ITS PROPOSED
18 PERFORMANCE AUDIT; AND

19 WHEREAS, MEMBERS OF THE SENATE HAVE SOUGHT CLARIFYING
20 INFORMATION FROM THE OFFICE OF THE STATE AUDITOR CONCERNING THE
21 PROPOSED PERFORMANCE AUDIT AND DOCUMENT REQUESTS AND HAVE
22 CONVEYED THE SENATE’S CONCERNS REGARDING THE AUDIT’S
23 CONSTITUTIONALITY, SCOPE, ADHERENCE TO GENERALLY ACCEPTED
24 GOVERNMENT AUDITING STANDARDS AND THE AUDITOR’S APPARENT
25 CONFLICT OF INTEREST; AND

26 WHEREAS, ON FEBRUARY 10, 2026, THE STATE AUDITOR BROUGHT SUIT
27 WITHOUT THE ATTORNEY GENERAL’S AUTHORIZATION AGAINST THE
28 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
29 AND THE CLERKS OF BOTH LEGISLATIVE BODIES; AND

30 WHEREAS, AT ORAL ARGUMENT BEFORE THE SUPREME JUDICIAL COURT
31 ON MAY 6, 2026, COUNSEL FOR THE STATE AUDITOR AGREED THAT THE
32 AUDITOR’S LITIGATION RELATED ONLY TO THE LEGISLATURE’S ALLEGED
33 FAILURE TO PRODUCE DOCUMENTS RESPONSIVE TO THE 4 SPECIFIC REQUESTS
34 IN THE OFFICE OF THE STATE AUDITOR’S LETTER OF JANUARY 6, 2025; AND

35 WHEREAS, ON MAY 7, 2026, THE SUPREME JUDICIAL COURT ISSUED AN
36 ORDER CONCLUDING THE AUDITOR’S LITIGATION IS “NOW LIMITED” TO THE 4
37 REQUESTS MADE ON JANUARY 6, 2025; AND

38 WHEREAS, THE SENATE, INFORMED BY THE RECENT CLARIFICATION OF
39 SCOPE, SEEKS TO RESPOND RESPONSIBLY AND TRANSPARENTLY; NOW
40 THEREFORE BE IT

41 RESOLVED, THAT THE SENATE IS GRATEFUL THAT THE MAY 7, 2026,
42 ORDER BY THE SUPREME JUDICIAL COURT BROUGHT CLARITY TO THE STATE
43 AUDITOR’S REQUESTS RELATED TO THE PROPOSED PERFORMANCE AUDIT; AND
44 BE IT FURTHER

45 RESOLVED, THAT THE SENATE, SEEKING IN GOOD FAITH TO PROVIDE
46 ADDITIONAL TRANSPARENCY, WILL PROVIDE PROMPTLY TO THE OFFICE OF THE
47 STATE AUDITOR ALL RECORDS RESPONSIVE TO ITS LETTER OF JANUARY 6, 2025,
48 AS CLARIFIED BY THE SUPREME JUDICIAL COURT’S ORDER OF MAY 7, 2026,
49 WHICH SPECIFIES (A) “[T]HE OFFICIAL BUDGETS FOR THE SENATE FOR FISCAL
50 YEARS 2021, 2022, 2023 AND 2024”, (B) “[C]OPIES OF OFFICIAL AUDITS OF THE
51 SENATE FOR FISCAL YEARS 2021, 2022, 2023 AND 2024”, (C) “[A] LISTING OF ALL
52 TRANSACTIONS RELATED TO THE SENATE’S BALANCE FORWARD LINE ITEM FOR
53 FISCAL YEARS 2021, 2022, 2023 AND 2024” AND (D) “[A] LISTING OF ALL
54 MONETARY SETTLEMENT AGREEMENTS ENTERED INTO BY THE SENATE WITH
55 ANY CURRENT OR FORMER EMPLOYEES OR MEMBERS OF THE SENATE DURING
56 FISCAL YEARS 2021, 2022, 2023 AND 2024”; AND BE IT FURTHER

57 RESOLVED, THAT THE SENATE, IN PROVIDING SAID RECORDS, DOES SO
58 VOLUNTARILY BUT DOES NOT CONCEDE THAT IT MAY BE AUDITED PURSUANT
59 TO SECTION 12 OF CHAPTER 11 OF THE GENERAL LAWS WITHOUT VIOLATING
60 THE CONSTITUTION OF THE COMMONWEALTH; AND BE IT FURTHER

61 RESOLVED, THAT THE SENATE RESERVES ALL ITS RIGHTS TO OBJECT TO
62 ANY SUCH AUDIT, PRESENT OR FUTURE, AND ON ANY GROUNDS, INCLUDING,
63 BUT NOT LIMITED TO, THAT CHAPTER 250 OF THE ACTS OF 2024 VIOLATES THE
64 SENATE'S CONSTITUTIONAL RULEMAKING AUTHORITY, SEPARATION OF
65 POWERS, LEGISLATIVE IMMUNITY AND PRIVILEGE AND THE LEGAL
66 PRESUMPTION THAT STATUTES OPERATE PROSPECTIVELY AND CANNOT BE
67 APPLIED RETROACTIVELY IN THE ABSENCE OF CLEAR LEGISLATIVE INTENT;
68 AND BE IT FURTHER

69 RESOLVED, THAT A COPY OF THESE RESOLUTIONS BE TRANSMITTED
70 FORTHWITH BY THE CLERK OF THE SENATE TO THE JUSTICES OF THE SUPREME
71 JUDICIAL COURT, THE ATTORNEY GENERAL AND THE STATE AUDITOR.

SUBMITTED BY:

SENATOR FEENEY

COSPONSORS:

SENATOR FRIEDMAN

SENATOR ELDRIDGE