

Massachusetts Supreme Court Grants Injunction In Newborns Ballot Question Case

Matt Murphy

State House News Service

The Supreme Judicial Court intervened on Thursday to allow supporters of a ballot question seeking to guarantee newborns access to life-saving medical care to begin collecting signatures in spite of Attorney General Maura Healey's decision last week not to certify the initiative petition.

Justice Dalila Wendlandt granted the Massachusetts Newborn Protection Coalition a preliminary injunction, directing Healey to publish a summary of the petition and Secretary of State William Galvin to release the blank petition signature forms while the legal challenge proceeds in the court. The ruling will allow proponents, led by Bernadette Lyons, to begin collecting the more than 80,200 voter signatures required by Nov. 17 to advance to the next stage in the process of qualifying for the 2022 ballot.

Wendlandt's decision stated that the decision to grant the injunction was made in agreement with all parties and without making a determination on the likelihood of the plaintiffs' success. Lyons, the wife of MassGOP Chairwoman Jim Lyons and chair of the Massachusetts Newborn Protection Coalition, celebrated the victory.

"There's nothing at all ambiguous about a law guaranteeing newborns access to medical care, and we're glad the state Supreme Judicial Court agreed to grant us a preliminary injunction so we can move forward," Lyons said. "Now the hard work begins, and the people behind this initiative petition are eager to get started."

Healey's office last week declined to certify the initiative petition, concluding it was not in "proper form for submission to the people" because "its provisions are so ambiguous that it is impossible to determine, or inform potential voters of, the proposed law's meaning and effect." The one-sentence petition, which was filed in response an expansion of state abortion access laws in 2020, states that "if a child is born alive, all reasonable steps, in keeping with good medical practice shall be taken to preserve the life of the child born alive." Healey's office said the question failed to define "'a child born alive" or what is required to 'preserve the life of a child born alive,' nor does it specify what 'reasonable steps' must be taken or who 'shall' take them."