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OPENING BRIEF FILED BY PLAINTIFFS CHALLENGING GRADUATED INCOME SURTAX INITIATIVE PETITION

Today, the five Massachusetts plaintiffs challenging the proposed graduated income surtax initiative petition that was previously certified for the 2018 Massachusetts ballot filed their [opening brief](#) with the Massachusetts Supreme Judicial Court. The brief unveils for the first time the full measure of their arguments against the constitutionality of the initiative petition. In their brief, the plaintiffs – represented by attorney Kevin Martin of Goodwin Procter – assert that the proposal is unconstitutional and outline in detail the three critical ways in which it violates the requirements and restrictions of Article 48 of the Massachusetts Constitution, which specifies the limits of the initiative petition process.

First, the initiative petition improperly combines three unrelated subjects by establishing a graduated income tax, and mandating that the money raised be spent only on education and transportation. Second, it improperly allocates funding by requiring that all revenue raised by the new tax be spent “only” on education and transportation. Finally, it improperly attempts to set taxes in the Constitution, outside of the Legislature’s control.

According to plaintiff Christopher Anderson, President of the Massachusetts High Technology Council, Inc. (MHTC), the plaintiffs look forward to the SJC’s thoughtful consideration of these critical arguments, and continuing the conversation when oral arguments occur in February.

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