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OPINION

A Massachusetts Ballot Dirty Trick

Democrats commit a drafting ‘error’ that kills a tax-cut initiative

By The Editorial Board

When you can’t win on the merits, try a technicality. That’s the eyebrow-raising tale in Massachusetts, where a state court in June struck down a tax-cut ballot measure on grounds it provided an inaccurate summary. The catch? The summary was written by a Democrat, and it may not have been an accident.

The ballot measure from Boston-based Mass Opportunity Alliance, a coalition of pro-growth business groups, proposed to lower the state’s 5% income-tax rate to 4% by 2029. (The state’s 4% surtax on income over \$1 million was unaffected.) The new rate would have applied to income such as wages, as well as long-term capital gains that are taxed like income in Massachusetts.

Simple enough. The question easily collected the more than 75,000 signatures to get on the ballot, and a 2026 Boston Globe/Suffolk University poll showed some 66% of voters supported the income-tax cut.

Under the state’s procedures, a group of voters (called “petitioners”) drafts the text of a proposed ballot measure and submits it to the state Attorney General. The AG then writes a

summary used to gather signatures and, if successful, appear on the ballot. The summary is supposed to be fair and neutral regarding the measure’s substance.

That should be straightforward. But when the proponents of the ballot measure submitted their text to Attorney General Andrea Joy Campbell, her office changed the wording in a way that made it convoluted and inaccurate. The summary she prepared told voters that the change wouldn’t lower the rate on capital gains. That’s not accurate, and the court ruled to invalidate the measure.

“The summary’s contrary statement is not a minor imprecision,” the Massachusetts Supreme Judicial Court wrote. “It is significantly misleading and likely to influence voters.”

All of this might be chalked up to bureaucratic bungling, if not for suspicious details. After the summary text was finalized, eight voters aligned with Raise Up Massachusetts, a progressive coalition that supports tax increases, challenged the ballot measure in court. Curiously, none of the measure’s opponents publicly objected to the AG’s wording before it was finalized.

AG Campbell knew that the tax measure enraged the Democrats. Gov. Maura Healey called the measure “very, very harmful” and said that if it were approved, “you’re going to see 65% of all funding for education go away” and the budget for cities and towns would be “significantly reduced.”

The Attorney General’s office says the summary it drafted accurately described what the ballot question would do without describing “ancillary effects caused by existing law.” But if the wording was problematic, it could have been corrected for the November ballot. That option got no support from the AG.

Democrats couldn’t be happier with what their own “error” wrought. Massachusetts Senate President Karen Spilka says she is “ecstatic.” Not so elated are voters who saw their right to direct democracy subverted by a dirty trick.