

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT FOR SUFFOLK COUNTY

FRANKLIN WENDELL HOBBS, ELENI)
KALFUS, DEANZA COOK, ALAN)
TANNER, KADEEM FOREMAN, and)
JUSTIN RODRIGUEZ,)
Petitioners,) Civil Action No. _____
v.)
WILLIAM FRANCIS GALVIN, Secretary of)
the Commonwealth, in his official capacity,)
Respondent.)

COMPLAINT FOR RELIEF IN THE NATURE OF MANDAMUS

Nature of the Action

1. This is a complaint under G.L. c. 56, § 59 and G.L. c. 249, § 5 seeking relief in the nature of mandamus ordering the Secretary of the Commonwealth to issue long overdue reports on jail-based voting mandated by the 2022 VOTES Act. The VOTES Act was carefully designed to expand access to the ballot for voters throughout Massachusetts, including eligible voters incarcerated in correctional facilities. A key provision of the VOTES Act calls for the Secretary to issue public reports after each statewide election detailing how many eligible incarcerated voters are in the Commonwealth, how many requested vote-by-mail or absentee ballots, and whether they were actually able to vote. For Petitioners and others like them who seek to protect the franchise for incarcerated individuals, these legislatively mandated reports are a critical way to monitor the state of jail-based voting access and to hold public officials accountable.

2. Since the enactment of the VOTES Act, two statewide elections have occurred. The Secretary has failed to file the mandated reports for either election, despite acknowledging this duty. With a third statewide election approaching later this year, Petitioners ask this Court to swiftly intervene and order the Secretary to comply with his statutory duty.

Parties

3. Petitioner Franklin Wendell Hobbs is a Massachusetts resident who is registered and qualified to vote in the Commonwealth. Hobbs is the Founder and Executive Director of Healing Our Land, Inc. (“HOLI”). HOLI is part of Empowering Descendant Communities to Unlock Democracy (“EDC”), which is a joint initiative of HOLI; the Mindich Program for Engaged Scholarship at Harvard College; the African American Coalition Committee; and the Democracy Behind Bars Coalition. EDC addresses systemic inequities affecting incarcerated individuals through civic engagement. With EDC and HOLI, Hobbs advocates for improved voter access for incarcerated individuals. He supports and helps lead regular civic leadership classes called “Reflection Circles for Reimagining Democracy,” offered both virtually and in-person to incarcerated individuals at the Suffolk County House of Corrections and Nashua Street Jail. Hobbs, a Pastor, is also a volunteer chaplain at Suffolk County House of Corrections and Nashua Street Jail, as well as an Associate Pastor for Global Ministries Christian Church. He is the Assistant Station Manager for Boston Praise Radio & TV Network, which hosts a broadcast by HOLI that reaches audiences both inside prison and out on issues of civic engagement and political participation.

4. Petitioner eleni kalfus is a Massachusetts resident who is registered and qualified to vote in the Commonwealth. kalfus leads EDC’s voting team that helps people who are incarcerated at the Suffolk County House of Corrections and Nashua Street Jail register to vote

and apply for absentee ballots, and encourages them to vote in local, state, and federal elections. In 2025, EDC registered over one hundred eligible incarcerated individuals in these two jails; in 2024, the number was over 300. EDC also delivers completed applications to the appropriate state agencies and tracks their receipt. kalfus works with a team of volunteers who visit the jails numerous times each week to build relationships with incarcerated individuals and support their participation in the democratic process.

5. Petitioner DeAnza Cook is a former Massachusetts resident and current Ohio resident. She is an assistant professor of American History and Leadership at The Ohio State University. Cook serves on the Board of Directors for HOLI. Through HOLI and EDC, Cook teaches the “Reflection Circles for Reimagining Democracy” classes both virtually and in-person to incarcerated individuals at the Suffolk County House of Corrections and Nashua Street Jail. In these classes, students discuss political challenges and explore possibilities for building a more inclusive democracy. Through this work, Cook and EDC empower incarcerated individuals to lead advocacy and education efforts on the inside. Cook travels to Massachusetts often to visit her students in the jails and provide assistance with voter registration and ballot applications.

6. Petitioner Alan Tanner is a Massachusetts resident who is registered and qualified to vote in the Commonwealth. He is the Administrative Coordinator for HOLI and involved with EDC. Tanner is also a minister and the Chairman of Social Concerns at a church located in Dorchester Center, Massachusetts. He was formerly a community organizer focusing on issues of voter engagement, re-entry policy, and support for returning citizens. Tanner has also testified before the state legislature on various matters re-entry matters, and has served as an organizing member of the Greater Boston Re-Entry Task Force.

7. Petitioner Kadeem Foreman is a Massachusetts resident who is qualified to vote in the Commonwealth. Foreman is an advocate working with currently and formerly incarcerated people to advance higher education in prison and civic engagement. He was recently released from incarceration at MCI-Norfolk in Massachusetts. While incarcerated, Foreman served as an elected Unit Representative, facilitating dialogue across diverse groups and advancing educational and cultural programming through the African American Coalition Committee. He completed his Bachelor's Degree in Interdisciplinary Studies through the Boston University Prison Education Program, where he graduated with Honors. Foreman intends to continue his advocacy by supporting incarcerated voters' access to registration, absentee ballots, and full democratic participation.

8. Petitioner Justin "Rico" Rodriguez is a Massachusetts resident who is qualified to vote in the Commonwealth. Rodriguez was recently released from MCI-Norfolk, where he led and facilitated discussions with both incarcerated and non-incarcerated people about civil rights, social justice, law, politics, and more. He has been especially engaged on issues of voter disenfranchisement, including testifying twice in front of the Massachusetts Legislature regarding structural racism and ending felony disenfranchisement in the state. Following his release, Rodriguez plans to continue fighting for ballot access and advocating for his community.

9. Respondent William Francis Galvin is the Secretary of the Commonwealth of Massachusetts. As Secretary, he is generally responsible for overseeing elections in Massachusetts and, under the provisions of G.L. c. 54, § 25C(g), he is specifically required to submit to the Legislature's Joint Committee on Election Laws a report containing specified information about voting in correctional facilities throughout the state not later than six months following each statewide election. He is being sued in his official capacity.

Jurisdiction and Venue

10. This Court has subject matter jurisdiction under G.L. c. 56, § 59 to enforce the provisions of G.L. c. 54, § 25C and “may award relief formerly available in equity or by mandamus.” This Court also has subject matter jurisdiction under G.L. c. 249, § 5. This action satisfies the requirements for relief in the nature of mandamus because the petitioners seek an order compelling the Secretary to comply with the unambiguous mandate of G.L. c. 54, § 25C(g).

11. This Court has statewide personal jurisdiction and the Secretary can be sued in Suffolk County.

Facts

12. At any given time, there are as many as 9,000 people across Massachusetts who—though incarcerated—retain the right to vote. Pre-trial detainees, those serving sentences for misdemeanors, and civilly-committed individuals are all legally eligible to vote in the Commonwealth. Nearly all of these eligible voters are in county correctional facilities, and some remain detained over the course of multiple statewide elections.

13. Voting access for all eligible voters, including incarcerated people, is essential for a healthy, inclusive democracy. Voting helps incarcerated individuals maintain a meaningful connection to their communities, supports successful re-entry by fostering responsibility and belonging, and provides incarcerated people a real voice to effectuate change and drive positive policies in their communities.

14. In 2022, the Massachusetts Legislature passed the VOTES Act, which expanded voting access in a number of ways, such as extending the voter registration deadline, expanding early voting, and offering no-excuse absentee voting. St. 2022, c. 92, “An Act Fostering Voter Opportunities, Trust, Equity and Security” (the “VOTES Act”). The VOTES Act also included

reforms to enhance the ability of eligible voters who are incarcerated in the Commonwealth to exercise their right to vote. These provisions, codified as G.L. c. 54, § 25C, are the focus of this complaint.

15. In passing the VOTES Act, the Legislature sought to address many obstacles to jail-based voting by imposing obligations on both the Secretary and the officers in charge of covered correctional facilities, which include prisons, houses of corrections, jails and Department of Youth Services (DYS) facilities. G. L. c. 54, § 25C(a). For example, the Secretary is required to create and distribute educational and informational materials, voter registration forms, and ballot applications to covered facilities. G. L. c. 54, § 25C(d). The officers in charge of these facilities must, among other obligations: provide materials about voting rights, including displaying posters and packets provided by the Secretary; assist eligible incarcerated individuals in registering to vote and applying for ballots; facilitate the completion and mailing of completed ballots; and track voters' complaints related to voting or registration and the outcome of those complaints, as well as data on the number of individuals who sought to vote. G. L. c. 54, §§ 25C(b), (c), (e). Local election officials also have obligations under the Act to "post on the city or town's website and report to the state secretary any measures undertaken to facilitate voting for eligible incarcerated voters" not later than thirty days before any municipal, state, or presidential election. G. L. c. 54, § 25C(h).

16. To allow the Legislature, the state, and the public to monitor how the Act's jail-based voting reforms are working in practice, and to hold public officials accountable on an ongoing basis, the Act also established detailed procedures for monitoring and reporting. Officers in charge of covered facilities are required to file a report with the Secretary about the steps they have taken to comply with their statutory obligations at least two weeks before each statewide

election. G.L. c. 54, § 25C(c)(ii). After the voter registration deadline and not later than election day, the officers in charge of covered facilities—except DYS facilities—must also file a report with the Secretary providing detailed data about eligible incarcerated voters. G.L. c. 54, § 25C(f)(1).

17. The Act then mandates in clear and unambiguous terms that the Secretary

shall submit a report to the joint committee on election laws not later than 6 months following each applicable statewide election, including anonymized, aggregated data on the number of: (i) eligible incarcerated voters at the time of the election in each municipality; and (ii) incarcerated voters who requested an early voting by mail or absent voting ballot and the outcome of that request in each municipality, including the reasons for rejection, if applicable.

G. L. c. 54, § 25C(g) (emphasis added). “The submitted report shall be a public record . . .” *Id.*

18. The Secretary’s reporting obligation under § 25C(g) is triggered by an “applicable statewide election.” This is defined as “a presidential or regular state primary or biennial state election or a primary or election held pursuant to section 140 to fill a vacancy for senator in congress.” G. L. c. 54, § 25C(a).

19. There have been two applicable statewide elections since the VOTES Act was enacted, but the Secretary has never issued any reports mandated by § 25C(g). There was a statewide election on September 3, 2024; pursuant to the Act, the Secretary was required to submit a report to the Legislature on that election by March 3, 2025. He failed to do so. Subsequently, on November 5, 2024, there was another statewide election; a report on that election was due to be submitted by May 5, 2025. The Secretary failed to file that report as well.

20. Upon information and belief, some if not all of the local election officials and officers in charge of covered facilities have transmitted the required information to the Secretary.

21. Petitioners and others involved with EDC have asked the Secretary to issue these reports on numerous occasions. The Secretary acknowledged that the reports have not been

prepared nor submitted to the Legislature. The Secretary has failed to respond to other communications from Petitioners.

22. The public has a right to the required reports on jail-based voting, and the Secretary has a statutory mandate to provide them on a strict timetable. The required data are crucial for the Joint Committee on Election Laws, the Secretary, sheriffs and election officials, community groups such as EDC, other advocates for voting rights, incarcerated individuals, and members of the general public to assess jail voting access in Massachusetts, evaluate progress on the VOTES Act's implementation and efficacy, and hold public officials accountable. These reports are critical to determining whether every eligible incarcerated voter who seeks to do so has been able to gain access to the ballot box—a right they are entitled to exercise.

23. The next applicable statewide election will be held on September 1, 2026. Without the legislatively-mandated reports, Petitioners are hampered in their ability to assess full compliance with the law and, if necessary, advocate for changes at certain facilities or at the state level to ensure that no interested, eligible incarcerated voter is shut out from the next election. If these reports reveal that eligible incarcerated voters were unable to exercise their right to vote, the Secretary and the officers in charge of correctional facilities will need time to intensify and adjust their efforts to achieve compliance with the VOTES Act before the upcoming election. Speedy completion of the statutorily-mandated reports is essential to allow all interested parties a reasonable opportunity to ensure that every eligible incarcerated voter can exercise their right to vote in the next election.

24. This Court should order the Secretary to comply with his statutory duty under Section 25C(g) of the VOTES Act.

Requested Relief

Petitioners respectfully request that this Court:

- A. Issue a short order of notice for the Secretary to show cause why the requested relief should not be granted;
- B. Order the Secretary to comply with G. L. c. 54, § 25C(g) by immediately taking all necessary steps to compile the required anonymized, aggregated data and submit the statutorily-mandated reports to the Legislature within thirty days with respect to both the September 3, 2024 and November 5, 2024 statewide elections;
- C. If, when the Secretary submits the required reports to the Legislature, any of the data mandated to be reported under G. L. c. 54, § 25C(g) is missing or incomplete, order the Secretary to (a) report to the Court what data is missing and why, as well as what steps have been and will be taken to gather and compile the missing data; (b) immediately take all necessary steps to secure the missing data; and (c) submit revised reports to the Legislature with updated data within sixty days;
- D. Order the Secretary to file status updates with this Court monthly until March 1, 2027 in order to allow the Court to monitor the Secretary's compliance with the VOTES Act and this Court's orders; and

E. Order any other relief this Court deems appropriate.

By their attorneys,

/s/ Brooke Simone

Brooke Simone
Oren Sellstrom
bsimone@lawyersforcivilrights.org
Lawyers for Civil Rights
61 Batterymarch Street, 5th Floor
Boston, Massachusetts 02210
(617) 482-1145

/s/ Samantha Perlman

Samantha Perlman
Alice Huling*
Kate Uyeda*
kuyeda@campaignlegalcenter.org
Campaign Legal Center
1101 14th Street NW, Suite 400
Washington, DC 20005
(202) 266-5150

*pro hac vice forthcoming

/s/ Scott P. Lewis

Scott P. Lewis
slewis@andersonkreiger.com
ANDERSON & KREIGER LLP
50 Milk, 21st Floor
Boston, Massachusetts 02109
(617) 621-6560

/s/ John Reinstein

John Reinstein
jcreinstein@gmail.com
Law Offices of John C. Reinstein
51 Abbottsford Road
Brookline, Massachusetts 02446
(617) 515-7986

February 3, 2026

Certificate of Service

I hereby certify that I have on this day served the foregoing Complaint for Relief in the Nature of Mandamus upon the Respondent, William Francis Galvin, Secretary of State, by sending it to the following persons at the following addresses by email:

Rebecca S. Murray
General Counsel
Office of the Secretary of State
Rebecca.Murray@sec.state.ma.us

Michelle Tassinari
Director and Legal Counsel, Elections Division
Office of the Secretary of State
Michelle.Tassinari@sec.state.ma.us

I also certify that I have on this day served the foregoing Complaint for Relief in the Nature of Mandamus upon the Attorney General by sending it by email to:

Anne Sterman
Chief, Government Bureau
Assistant Attorney General
Office of the Attorney General
Anne.Sterman@mass.gov

/s/ Scott P. Lewis
Scott P. Lewis

February 3, 2026