No.25A_____

In the

# Supreme Court of the United States

MICHAEL C. WALSH

*Applicant,*

v.

MASSACHUSETTS STATE BALLOT LAW COMMISSION, SECRETARY WILLIAM GALVIN, AND ADAM ROOF.

*Respondents*.

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**On Emergency Application to the Supreme Judicial Court of Suffolk County**

## EMERGENCY APPLICATION FOR STAY

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## PARTIES TO THE PROCEEDING

The Applicant is Michael C. Walsh. Applicant is the Petitioner before the Supreme Judicial Court for Suffolk County.

Respondents Adam Roof, Secretary William F. Galvin, and the Massachusetts State Ballot Law Commission are Respondents before the Supreme Judicial Court for Suffolk County.

Before, at the State Ballot Law Commission, Adam Roof was the Objector and the Respondent was Michael C. Walsh. [1]

## PROCEEDINGS BELOW

- *Roof v. Walsh*, State Ballot Law Commission Docket no. 26-04 (6/3/2026)
- *Walsh v. State Ballot Law Commission, et al*, SJ-2026-0255 (6/18/2026 Supreme Judicial Court for Suffolk County.)

[1] The Appendix is consecutively paginated with this filing. Citations will be in the form of (p23).

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## DECISIONS BELOW

Applicant seeks an immediate stay of the June 26, 2026 decision of the Massachusetts State Ballot Law Commission, (p23-41) and of the proceedings before the Massachusetts Supreme Judicial Court of Suffolk County which linger on. (p20,21-22). The Decision of the Massachusetts State Ballot Law Commission is reproduced below. (p23-41). The docket of the Massachusetts Supreme Judicial Court for Suffolk County and its order giving an extension of time are also attached. (p20,21-22).

## JURISDICTION

The Supreme Court of the United States has statutory jurisdiction to review final decision of a state's highest court, where a question is present of Federal law or under the Constitution. 28 U.S.C. §1257(a). This Court also has broad authority for extraordinary occasions under the All Writs Act. 28 U.S.C. §1651(a). This Court's case law on applications for extraordinary relief, indicate that when serious First Amendment harms are present, and the State Courts do not provide timely relief, the case may be treated as a final judgment. This point is argued below

## STATEMENT OF THE CASE

This application arises from a cross-party objection to the nomination of the Applicant to run for Attorney General in Massachusetts as a Republican, by the Executive Director of the Massachusetts Democratic Party. (p24,52-54). Pursuant to the rule of the State Republican party, the Applicant sought and received the unanimous endorsement of the State GOP convention on April 25, 2026, in Worcester, Massachusetts. After filng more than the necessary 10,000 signatures to qualify for the ballot, the Applicant's nomination

papers were challenged alleging that the signatures were forged or fraudulent. (p52-55). The Objection was brought by Mr. Adam Roof, the Executive Director of the State Democratic Party, on June 3, 2026. (p52-55). The Massachusetts Democratic Party simultaneously issued a press release decrying Applicant and another Republican candidate for allegedly filing forged signatures.

The Objection was brought to the Massachusetts State Ballot Law Commission, constituted under G. L. c. 55B s. 1. The Commission consists of 5 gubernatorial appointees and is chaired by a retired judge, but all members are removable at will by the Governor. Id.

The Applicant moved to dismiss the objection for lack of standing on June 10, 2026. (p47-1). Walsh's motion cited (p46) to Madden v. Secretary of the Commonwealth, 153 N.E.2d 321; 337 Mass. 758, 759 (1958) ("But there has been no case holding that a member of one political party has standing to enforce our election statutes in such a way as to challenge the action of members of another political party in making a party nomination."). Walsh also argued that the state law, G. L. c. 55B, which allows any voter to challenge a nomination, still excluded Mr. Roof since as a registered Democrat he cannot vote in the Republican Primary election on September 1. (p48-49). Walsh also argued that any construction of G. L. c. 55B which allowed a challenge to one party's nomination by another political party would violate the constitutional freedom of association under the First Amendment of the Constitution of the United States, citing to cases also advanced here. (p49). That motion was summarily denied, without explanation, by the Hon. Ernest Saranson (ret.) the Chairman of the Massachusetts State Ballot Law Commission. (p42). Applicant

preserved the objection despite being put to trial before the Commission, which took evidence.

On June 18, 2026, the Applicant filed a petition for extraordinary relief, seeking prohibition, certiorari, mandamus, and declaratory relief. (p21,56-67). At the same time an emergency motion for judgment or in the alternative temporary relief was filed. (p21,68-89). The jurisdictional issue presented here (standing) was presented amongst other jurisdictional issues. (p75-79). The case was docketed in the Supreme Judicial Court for Suffolk County (the Single Justice) as SJ-2026-0255. (p21). Over objection, the Commission proceeded to the merits. First hearing motions on June 16, scheduling on June 22, and testimony on June 23, before finally ruling in an omnibus decision on Friday June 26, 2026. (p25,23). A copy of the decision is appended. (p23-41).

In the meantime, the Single Justice apparently sought responses to the petition, for Friday June 26th. (p21,92). Respondent Roof responded with a short 2 page response notably not addressing any of the merits and lacking any serious citation to law or cases. (p90-91). On the afternoon of Friday June 26th, Attorney Michelle Tassinari, counsel for the State's Election Division under Respondent Secretary Galvin, wrote a two page letter. (p92-93). Atty Tassinari argued for an extension until July 2nd to respond. Id. She put forth two notable contentions, firstly that as the Applicant was a candidate for Attorney General, that office was conflicted out requiring the appointment of special counsel. Id. Secondly she argued that because of regular avenues of appeal, under G. L. c. 55B, the extraordinary petition to the Single Justice would be moot by then. Id. The Secretary and Commission openly admitted to intending to wait out the extraordinary petition, despite the compressed

schedule of ballot access litigation. Id. On Monday, June 29th, the Single Justice granted the extension to July 2, but noted that no further extensions would be granted. (p21).

## REASONS FOR GRANTING THE APPLICATION

### I. The Court has jurisdiction to grant relief where State apparatus inflicts irremediable harms

Exercises of jurisdiction by this Court, especially by a Single Justice thereof, are extraordinary. The Court takes a "pragmatic" approach to when the decision of a state court is final for purposes of this Court's jurisdiction. Barr v. General Council of United Methodist Church, 439 U.S. 1369, 1371-1372 (1978) (Rehnquist, J. in chambers) (noting that a personal jurisdiction ruling in California, requiring a litigant to forfeit the merits of the claim to preserve the jurisdictional objection, would be suitably final for purposes of Supreme Court Jurisdiction). Intervention in state court proceedings is only granted on a showing of compelling necessity. Id.

Justice Marshall, in chambers, noted that the special status of the First Amendment may require relief. He noted that where state courts cannot or will not provide timely and effective relief before penalties are applied, the Supreme Court of the United States may be justified in acting:

> However, this Court has shown a special solicitude for applicants who seek stays of actions threatening a significant impairment of First Amendment interests. The inability of an applicant to obtain timely substantive review by state courts of a serious First Amendment issue, prior to incurring substantial coercive penalties, may justify a determination that the applicant has satisfied the jurisdictional requirements of 28

> U.S.C. § 2101(f). Even though this application does not involve a direct prior restraint.

New York Times Co. v. Jascalevich, 439 U.S. 1331, 1333-1334 (1978) (Marshall, J. in chambers). Justice Marshall also noted that Justice White had, for similar reasons, reached the merits of the stay application in the same case. New York Times Co. v. Jascalevich, 439 U.S. 1317 (1978) (White, J. in chambers). Justice Marshall also noted an earlier in chambers opinion from Justice Blackmun:

> When a reasonable time in which to review the restraint has passed, as here, we may properly regard the state court as having finally decided that the restraint should remain in effect during the period of delay. I therefore conclude that I have jurisdiction to act upon that state-court decision

Nebraska Press Association v. Stuart, 423 U.S. 1327, 1330 (1975) (Blackmun, J. in chambers). Sounding a similar theme to Justice Marshall, Justice Blackmun noted that First Amendment freedoms are particularly precious and that each day passing is an irreparable harm. Id., at 1329.

## II. The State Republican Party has First Amendment Associational Freedoms to control its nomination process, without state-sponsored interference by the opposing party.

The Massachusetts Ballot Objection Law, G. L. c. 55B §5, cannot constitutionally be applied, in this case, and interpreted to allow an officer of the Democratic Party to challenge Republican Nomination process. (p54,25).

### a. The State's Cross-Party Objection Regime Severely Burdens the Republican Party's First Amendment Right To Choose Its Own Nominee

The application presents a straightforward First Amendment injury. The Massachusetts State Ballot Law Commission has permitted officers of the Democratic Party to invoke a ballot-objection statute to displace, delay, or cloud the Republican Party's chosen nomination. (p25,54). That is not ordinary ballot administration. It is state-enabled rival-party interference in the core associational function of a political party—selecting the standard-bearer through whom the party speaks to voters. (p25,54).

The Constitution protects "the freedom to join together in furtherance of common political beliefs," and that protection is at its zenith when a political party determines the identity of its nominee. In Democratic Party of United States v. Wisconsin ex rel. La Follette, 450 U.S. 107 (1981), this Court held that a State may not override a national party's rules governing participation in the selection of delegates. "The right to associate with the political party of one's choice is an integral part of this basic constitutional freedom." Kusper v. Pontikes, 414 U.S. 51, 57 (1973).

The right to associate also necessarily includes the right not to associate. Hurley v. Irish Gay and Lesbian Association, 515 U.S. 557 (1995) (it would violate right to associate to use public accommodation statute to force a parade permit applicant to include groups of whom it disapproves to march, as a condition of the permit). Dilution of a political party's message and control of its own affairs is a real fear. LaFollette, 450 U.S. at 116-117. The freedom to associate "for the common advancement of political beliefs...necessarily presupposes the freedom to identify the people who constitute the association, and to limit the association to those people only." LaFollette, 450 U.S. at 122 (cleaned up).

Here the State Ballot Law Commissions decision stands contrary to the well known freedom of a party to control its own nomination process. "On several occasions this Court has recognized that the inclusion of person unaffiliated with a political party may seriously distort its collective decisions—and that political parties may accordingly protect themselves 'from intrusion by those with adverse political principles.'" LaFollette, 450 U.S. at 122, *quoting* Ray v. Blair, 343 U.S. 214, 221-222 (1952).

In Republican Party of State of Conn. v. Tashjian, 770 F.2d 265 (2d Cir. 1985), aff'd, 479 U.S. 208 (1986), the courts recognized that a State burdens associational rights when it prevents a party from structuring participation in its own nomination process. This Court wrote "The Party's determination of the boundaries of its own association, and of the structure which best allows it to pursue its political goals, is protected by the Constitution." Id. 479 U.S. at 224. Highlighting this important freedom, the Tashijian court emphasized that nominee selection is when the constitutional protection is at its zenith, "the crucial juncture at which the appeal to common principles may be translated into concerted action, and hence to political power in the community." 479 U.S. at 216. *See Also* id. at 235-236 (Scalia, J. dissenting) ("The ability of the members of the Republican Party to select their own candidate — unquestionably implicates an associational freedom").

And in California Democratic Party v. Jones, 530 U.S. 567 (2000), this Court invalidated a system that forced parties to allow outsiders to participate in choosing their nominees, because compelled association in the nomination process changes the party's message and candidate selection. "What we have not held, however, is that the processes by which political parties select their nominees are...wholly public affairs that States may

freely regulate. To the contrary, we have continually stressed that when States regulate parties' internal processes they must act within limits imposed by the Constitution." Id. At 573. The Jones court could not have been more explicit:

> In no area is the political association's right to exclude more important than in the process of selecting its nominee. That process often determines the party's positions on the most significant public policy issues of the day, and even when those positions are predetermined it is the nominee who becomes the party's ambassador to the general electorate in winning it over to the party's views.

Id. At 575.

Those principles control here. A rival party's officers have no associational stake in the Republican Party's nomination. Their asserted interest is not to participate in Republican association, but to defeat or destabilize it. By interpreting the objection statute to confer standing on Democratic Party officers to challenge a Republican nomination, the State Ballot Law Commission transformed a ballot-integrity mechanism into a weapon for partisan intrusion. (p25). That construction burdens the Republican Party in precisely the way the First Amendment forbids: it subjects the party's internal choice of nominee to adversarial control by political opponents. (p54).

Moreover, the other political party took wicked advantage. Through discovery and testimony, they mined into how the Republican Party keeps its internal voter data. (p31). Mr. Roof's attorney took testimony from the Mass. GOP political director, Mr. Aidan Carey. Id. Mr. Roof also attacked Republican officials, with state compelled process. Mr. Roof even recruited testimony from a disappointed and unsuccessful Republican candidate, both against her rival for office and against others. (p32-34). Evidently "the prospect of having a party's nominee determined by adherents of an opposing party is far from remote—indeed,

it is a clear and present danger." Jones, "But a single election in which the party nominee is selected by nonparty members could be enough to destroy the party." Jones, at 579.

This is not a case about neutral enforcement of mechanical ballot rules by election officials. Nor is it a case brought by Republican voters, Republican candidates, or Republican party members claiming that the party violated its own rules. (p54). The objector is an officer of the opposing party. Id. His claimed standing rests only on competitive political injury—the desire to alter the lineup facing their party in the election. That interest is constitutionally insufficient to justify state-facilitated interference with the Republican Party's associational autonomy.

**b. The State Cannot Justify Rival-Party Standing as a Neutral Election Regulation**

States have authority to regulate elections, but that authority is not a license to restructure political association. Under the Anderson-Burdick framework, courts weigh the character and magnitude of the burden against the State's asserted interests. See Anderson v. Celebrezze, 460 U.S. 780 (1983); Burdick v. Takushi, 504 U.S. 428 (1992). When the burden falls on a party's selection of its nominee, this Court's party-association cases require especially careful scrutiny.

Massachusetts may claim an interest in orderly ballots and lawful nominations. But that interest is fully served by election officials, affected candidates, voters with a legally cognizable stake, and members of the party whose nomination is at issue. It does not require granting officers of the opposing party a roving commission to police Republican nominations. (p54,25). A State may enforce neutral ballot qualifications, it may not deputize

partisan rivals to intrude into the opposing party's nomination process where the legislature has not clearly required that result and the Constitution counsels against it. (p25,54,43-44).

The Commission's contrary interpretation is especially untenable because any ambiguity in a ballot-objection statute must be resolved to avoid serious constitutional doubt. (p25,44). If the statute can be read to limit objections to persons with a genuine stake in the nomination or ballot papers—rather than rival-party officers seeking tactical advantage—then that narrower construction is required. (p43-44). The State's broader construction imposes a severe associational burden without a necessary, narrowly tailored justification. (p25).

Nor does Madden v. Secretary of the Commonwealth, 337 Mass. 758, 153 N.E.2d 321 (Mass. 1958), support the decision below. Madden merely assumed, without deciding, that a cross-party candidate could challenge another party's nomination procedures. In doing so, it expressly said that **no case had ever allowed such**. There is no compelling state interest capable of overriding federal First Amendment rights. Treating that assumption as a rule of cross-party standing magnifies the constitutional problem: it allows political adversaries to entangle the State in deciding whether a party's internal nomination will be permitted to proceed.

**c. The Delay Below Independently Warrants Emergency Relief**

The constitutional injury is compounded by timing. Ballot disputes are uniquely time-sensitive. Once ballots are printed, mailed, or relied upon by voters, the injury to associational rights cannot be fully repaired. Delay also operates as a merits determination: every day the rival-party objection remains unresolved or effective, the Republican Party's

nominee is forced to campaign under a cloud, the party's message is diluted, and voters are deprived of certainty about the party's chosen representative.

This Court has repeatedly recognized that late judicial intervention in election rules can produce voter confusion and administrative disruption. See Purcell v. Gonzalez, 549 U.S. 1 (2006). That principle supports relief here, not denial. The disruption is not caused by the Republican Party seeking emergency review; it is caused by the State's decision to entertain an objection by officers of the opposing party and by the ensuing delay in resolving that intrusion. Emergency relief would restore the status quo that the Constitution protects: the Republican Party's ability to associate around and present its own nominee without rival-party interference.

With a state primary election date of September 1, 2026, in Massachusetts, this problem is urgent. The State Court's granting of a delay to the State Ballot Law Commission, with the express intention of running out the clock is offensive. (p20,21,92-93). The problem is also urgent. The federal laws dealing with absentee voting by military members and overseas citizens, the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) and the Military and Overseas Voter Empowerment Act (MOVE) of 2009, require that ballots be mailed out 45 days in advance of the election. It is possible to get a waiver of the 45 day deadline, and Massachusetts has in the past, but it is unclear if such a waiver will be granted this year, or has even been sought. Absent a waiver, the ballots must be mailed out by July 18, 2026. They must also be printed before then.

The traditional stay factors also favor relief. See Nken v. Holder, 556 U.S. 418 (2009). Applicants are likely to succeed because the State has burdened core First Amendment

associational rights without a sufficient justification. The injury is irreparable because compelled interference with political association and loss of ballot certainty cannot be remedied after the election. "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." Elrod v. Burns , 427 U.S. 347, 373 (196) (plurality opinion). The balance of equities favors the party whose nomination has been challenged by political opponents, not the opponents seeking tactical leverage. And the public interest is served by elections in which parties—not rival party officers acting through state process—choose their nominees.

**d. This Court Should Enjoin Enforcement of the Commission's Cross-Party Standing Ruling and Require the Nomination To Proceed Without Rival-Party Objection**

The question is not whether Massachusetts may maintain orderly ballot procedures. It may. The question is whether Massachusetts may interpret those procedures to let officers of the Democratic Party challenge the Republican Party's nomination and thereby insert partisan opponents into the party's core associational decision. The First Amendment answers no.

This Court should grant emergency relief, stay the effect of the Commission's ruling and any state-court judgment allowing the cross-party objection to proceed, and direct that the Republican nomination be treated as valid unless challenged by a party with constitutionally adequate standing and a legally cognizable stake in the Republican nomination itself.

**Conclusion**

Applicant respectfully requests that the Justice of this Court enter an immediate stay of the ruling of the State Ballot Law Commission and any other State proceeding which allows cross-party ballot objections, pending a certiorari petition to be filed urgently with this Court, within one week.

Dated: June 30,2026

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# APPENDIX

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Order of the Massachusetts Supreme Judicial Court for Suffolk County

06/29/2026 #8 ORDER ALLOWING REQUEST FOR EXTENSION TO RESPOND: "This matter came before the Court (Wolohojian, J.) on the petitioner's "Emergency Petition for Relief under G.L. c. 211, § 3, and in the Nature of Prohibition, Certiorari, and Mandamus, and for Declaratory Relief," and "Emergency Motion for Immediate Judgment or, in the alternative, Temporary Relief," filed on June 18, 2026. The Court requested that the respondents file an expedited response to the petitioner's papers by Friday, June 26, 2026.

The respondent Adam Roof filed a response letter on June 26th, requesting dismissal of the petitioner's papers. The respondents, the State Ballot Law Commission and William Galvin, in his official capacity as the Secretary of the Commonwealth, jointly filed a letter on June 26th, requesting an extension to July 2, 2026, to file its response. Upon consideration of the parties' papers filed to date in this matter, it is ORDERED that the extension request of the State Ballot Law Commission and William Galvin, in his official capacity as the Secretary of the Commonwealth, is ALLOWED. The Court advises that no further extensions should be anticipated." (Wolohojian, J.)