

## **Massachusetts Politics in 2024-25: Irrelevant Republicans, Pragmatic Voters, and Constitutional Vandalism from the State House & the White House**

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The statewide results of the 2024 presidential contest between Donald Trump and Kamala Harris confirmed the Bay State's distaste for culture war politics, but closer examination suggested the potential for MAGA-style mobilization even in the bright blue Bay State.

Ballot measures provide a unique opportunity to assess present political dynamics in Massachusetts. A venue for policy contestation that legislative leaders want to avoid, ballot initiative campaigns and results provide valuable information about the electorate's appetite for political change (Duquette & Cunningham 2022). In 2024, voters were asked to enact measures dealing with legislative transparency, public education, labor-management issues, and the legalization of "natural psychedelic substances."

The passage of Question One, which gave the state auditor the statutory authority to audit the state legislature, amounted to the planting of a constitutional time bomb set to blow up the oldest written constitution in the world today. The use of this ballot initiative to advance a progressive reform agenda represents a significant escalation in the ongoing battle between progressive activists, long marginalized on Beacon Hill, and the state legislature, long tightly controlled by top leaders who are exceptionally good at protecting their members from serious electoral challenge. Having elected a reform-minded progressive state auditor in 2022, however, the marginalized outsiders now have an outsider on the inside. State Auditor Diana DiZoglio has made her assault on the legislature's opacity her principal mission as state auditor. Unable to convince the state legislature or the state attorney general that she already had the statutory authority to audit the legislature, DiZoglio took her case to the ballot box in 2024 and won... sort of.

Finally, with Massachusetts squarely in the Trump Administration's crosshairs, Attorney General Andrea Campbell has emerged as the Bay State's point person in the fight against the president's lawlessness, much like her predecessor, Maura Healy, had been during the first Trump term. The Bay State's congressional delegation finds itself in a tricky position since Trump's 2024 White House win, trapped between institutional weakness in Washington and strong base voter demands for effective resistance to Donald Trump's second term attacks on the Commonwealth and the country.

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### **2024 Elections in the Bay State Reinforce Democratic Dominance**

*While Massachusetts remains a solidly Democratic state, Trump carried 87 of the state's 351 cities and towns — including 33 that had supported President Biden in 2020. It's even more than*

*the 58 cities and towns Trump won during his first 2016 run. While nearly every county this year showed gains in Republican support, Trump's strongest showings were in the more rural parts of the state, including Hampden, Worcester and Bristol counties (Dicosta-Klipa & Madden 2024).*

Donald Trump over-performed in the Bay State on Election Day 2024. He lost to Joe Biden in 2020 by 33.5 percentage points. Harris' 2024 margin of victory in the Commonwealth was only 23.8 points. Though Trump's gains with minority and rural voters suggest some potentially fertile ground in the Commonwealth for culture war political appeals, he did not have meaningful electoral coattails in the Bay State and issue polling of Massachusetts residents in the run up to Election Day 2024 did not reveal meaningful rightward movement by the Bay State's voters on policy issues (Suffolk Univ./Boston Globe Poll 2024). All nine Democratic U.S. House members were re-elected, and Senator Elizabeth Warren easily dispatched another MassGOP sacrificial lamb on Election Day. In state legislative elections Bay State Republicans were only able to gain one seat. "Taunton City Councilor Kelly Dooner flipped a state Senate district that retiring Democrat Sen. Marc Pacheco had represented since 1989 (Lannan 2024)."

With Democratic supermajorities in both chambers of the General Court essentially unscathed by Republican challengers in the 2024 elections, clues to understanding the present political moment in the Commonwealth came from the five ballot initiatives on the 2024 statewide ballot. In 2024 and 2025 (so far) the threat to Democratic legislative leaders' dominance on Beacon Hill has not come from Republicans. It has come from progressive activists and the Democratic State Auditor.

#### **Four out of Five 2024 Ballot Initiatives Reflect MA Voters' Pragmatism, not Partisanship**

One reason why the Bay State has exceptionally uncompetitive state legislative elections is the habit of legislative leaders allowing the most politically dangerous issues (i.e. issues not resolvable via behind closed-door compromises between contending interest groups), to be settled at the ballot box instead of the normal legislative process. All 5 questions on the 2024 ballot spared incumbent legislators from having to choose sides on controversial issues that might divide their constituents and give aid and comfort to potential electoral challengers. All 5 questions were brought to the ballot by progressive activists. Three passed and two failed.

The passage of Question 2, shepherded to the ballot by the state's teachers union, eliminated the standardized test that has been a public high school graduation requirement in Massachusetts for more than three decades. The Massachusetts Teachers Association has successfully flexed its political muscles quite a bit in recent years. In 2016, the MTA defeated the effort to expand charter schools in the Commonwealth at the ballot box, and in 2022 the teachers union was instrumental in securing the passage of the Fairshare Amendment. The revenue generated from this "millionaire's tax" must be spent on education or transportation. The elimination of the MCAS test as a graduation requirement in 2024 is a clear indication of the Bay State voters' continued strong support for public education as well as their trust in the state's schoolteachers on education issues.

The passage of Question 3 on the 2024 ballot reflects Massachusetts voters' support for workers' rights and collective bargaining. This initiative allows transportation network drivers to unionize and bargain collectively. It passed despite a June 2024 settlement between Massachusetts Attorney General Andrea Campbell and the transportation network companies *Uber* and *Lyft* in which the companies agreed not to sponsor a ballot measure in 2024 that would have made drivers independent contractors in exchange for guaranteeing a minimum wage and benefits for their drivers. Opponents of the measure focused their campaign on the generosity of the settlement, arguing that unionization was unnecessary, an argument that was never likely to resonate in union-friendly Massachusetts.

Bay State voters registered their liberal preferences at the 2024 ballot box when it comes to public education policy and labor rights with the easy passage of Questions 2 & 3. The defeats of questions 4 & 5, however, tell a different story, revealing a more socially and economically conservative streak among Massachusetts voters. Despite being sold as a way to help military veterans suffering from post-traumatic stress disorder (PTSD), voters rejected Question 4, which would have legalized "natural psychedelic substances" and created a license commission to regulate them. Question 5, defeated by 28 points on Election Day, would have increased the minimum wage for tipped workers in the state. Voters were more concerned with the potential for layoffs and high restaurant prices when they voted on Question 5. The Massachusetts Restaurant Association effectively argued that the measure would not only cause layoffs and higher menu prices, it would also end up reducing the total compensation of restaurant workers who depend on tips. Media coverage of this issue frequently highlighted opposition from restaurant workers themselves. Public opinion polls before the election telegraphed the measure's fate. In a Suffolk University/Boston Globe poll conducted in early October, survey respondents opposed Question 5 by a margin of 52% to 40% (Suffolk Univ/Boston Globe Poll 2024).

The mixed ideological message sent by Massachusetts voters on these four ballot measures in 2024 was not at all surprising. Despite its reputation as a bright blue and politically progressive state, average Bay State voters have consistently revealed themselves to be more pragmatic than ideologically motivated at the ballot box (Duquette 2024). For example, the fact that voters have sided with the Massachusetts Teachers Association consistently in recent years does not mean that the MTA can do no wrong. Charter school advocates, who are reliant on dark money contributions from rightwing billionaires, have suffered at the ballot box for maligning public school teachers and the pedagogical deficiencies and inequities of the MCAS exam as a graduation requirement, which they staunchly defended, have long been criticized by educational experts (Cunningham 2021). But when teachers are mobilizing to advocate for better pay and benefits that would require local property tax hikes, Bay State voters' pocketbooks become considerably more politically salient. After the easy passage of Question 2 on the 2024 ballot there has been speculation that the MTA might spend some of their political capital and go to the ballot in 2026 or 2028 to ask voters to legalize public school teacher strikes, a measure not likely to be as well received as they might hope (Dumcius 2025).

## **Question 1 Escalated the Legal & Political Standoff Between Beacon Hill & the State Auditor**

The story of Question 1 on the 2024 Massachusetts state ballot is still playing out, but the dangerous implications of its passage are already clear (Duquette 2024a). At the behest of State Auditor Diana DiZoglio and a strange bedfellows coalition of progressive and conservative special interest groups, Just under 72% of the state's voters gave the state auditor's office the statutory authority to perform comprehensive performance audits of the state legislature. The story of how this clearly unconstitutional statutory change was enacted helps illustrate present political dynamics in the Bay State.

Though polls have shown for decades that average voters in Massachusetts have higher opinions of their elected leaders and representatives at the state house than voters in most other states, the campaign to subject the legislature to direct oversight by the state auditor successfully mined the cynicism of average voters and the interests of activists from across the ideological spectrum who share the frustration of being shut out of most policy debates at the state house. To some degree political journalists and media outlets that cover state house politics were also incentivized to support (effectively and/or explicitly) this ballot measure despite the fact that it unambiguously defies the legislative supremacy and separation of powers principles encoded in the Massachusetts Constitution.

The campaigning and media coverage of Question 1 was almost entirely one-sided. For the first time in recent memory, a ballot initiative had no organized opposition. There was no committee created to fight its passage. The secretary of state's office found itself in a bind when preparing the "Information for Voters" booklet which always contains statements by proponent and opponent organizers about each ballot measure (MA Secretary of State 2024). A representative of the "Committee for a Transparent Democracy" provided the "yes" argument for the booklet, but there was no organized effort to oppose Question 1 so the secretary of state had to find someone willing to write the "no" argument for the voter information booklet. Contacted by the secretary of state's office, that someone was me. The entirety of the opposition to this blatantly unconstitutional ballot initiative turned out to be a handful of political science and constitutional law professors who wrote a few op-eds, did some media interviews, and accepted invitations to speak with interested civic groups. For their part, when the measure was approved for the 2024 ballot, the targets of this unconstitutional political assault -the leaders of the state legislature- made it clear that they would not campaign against it. So, with no organized opposition and \$100,000 of her own money, State Auditor Diana DiZoglio cobbled together a coalition of activists from both sides of the ideological spectrum and spent many months crisscrossing the Commonwealth campaigning against what she described as a publicly unaccountable and essentially corrupt state legislature.

The absence of organized opposition and the many over-simplifications, misinterpretations, and factual inaccuracies that littered Auditor DiZoglio's stump speeches about Question 1 on the campaign trail, taken together suggest strongly that the nearly 72% of voters who approved

Question 1 represent something less than the “overwhelming popular mandate” mantle that the State Auditor has consistently bestowed on herself and her cause (Duquette 2024b and La Raja 2024).

While neither the media nor the voters paid much attention to the experts on the constitutionality of the legislative audit ballot initiative, legislative leaders certainly did. Knowing that a one-sided campaign about a complicated legal issue was very unlikely to produce intense and lasting public support, legislative leaders allowed DiZoglio to campaign against a straw man, rather than risking the possibility that a substantive public debate might give aid and comfort to either the auditor’s broader argument about the legislature’s lack of public accountability or her long term political prospects. Whether she is motivated more by ideological passion or political ambition remains unclear, but that State Auditor Diana DiZoglio has made opposition to politics-as-usual on Beacon Hill her calling card is not in doubt.

Auditor DiZoglio and leaders from the right and left wing groups who campaigned with her for passage of Question 1 began mounting a full court press in the press just days after Election Day. DiZoglio demanded immediate legislative compliance with her audit authority, apparently either unaware or unconcerned with the fact that statutes passed by ballot initiative do not take effect for 30 days. When the 30 day mark arrived, DiZoglio held a press conference and again demanded immediate legislative compliance with her audit authority. This time she added threats to sue the legislature if it continued to delay (Micek 2024).

DiZoglio’s threats to sue, however, were not accompanied by appropriate legal action. The Auditor spent months publicly asking the attorney general to file a lawsuit but she never provided the attorney general with the information necessary to proceed, preferring instead to chastise Attorney General Andrea Campbell in the media for failing to enforce the law (Wintersmith 2025). In February, publicly frustrated by what she claimed was the attorney general’s refusal to take the case, DiZoglio announced that her office was preparing a writ of mandamus in order to compel Campbell to proceed with her threatened lawsuit, but the writ was never filed (Reilly 2025).

Auditor DiZoglio’s threats to sue appear (so far at least) to be a bluff. It appears that despite her spirited claims to the contrary, DiZoglio understands that judicial review of her voter-enacted legislative audit authority would not go her way. It seems clear now that in the months after the 2024 election she hoped to use the court of public opinion to compel legislative compliance with her authority. Her interest group allies too threatened to sue, but also never pulled the trigger (Drysdale 2024). The *Boston Globe* editorial board, which had endorsed the passage of Question 1, tried to do its part to advance the auditor’s bluff insisting -against all evidence- that the “public isn’t going to have much tolerance for needless delays or for tinkering with a law that passed overwhelmingly at the ballot box — especially by a Legislature with a 47 percent disapproval rating (compared to 42 percent approval)” (Boston Globe Editors).

Why did DiZoglio's gambit come up short? Why hasn't the public insisted on legislative compliance with the auditor's newly enacted statutory authority? The activists (left and right) and newspaper editors who saw Question 1 as a potent weapon against an institution that has made their jobs more difficult for decades either misunderstood the pragmatism of the Massachusetts electorate or they had much more limited goals all along. I expect it was actually a bit of both.

While DiZoglio and company were trying to stoke public outrage at Beacon Hill leaders for continuing to rebuff her audit authority, those leaders were proceeding just as we would expect from professional politicians. Having left proponents on the stage alone during the campaign for Question 1, legislative leaders greeted its passage with circumspection. Always careful to respect "the will of the people" the senate president and speaker of the house carefully qualified their public statements about the matter insisting that they would do their due diligence in determining how to comply with the new law without surrendering their constitutional independence.

Having always contended that the auditor's motives were personal and political, the legislature first passed a new rule granting Auditor DiZoglio the authority to choose an outside auditor to perform a financial audit of the legislature. The measure was characterized by legislative leaders as a way to prevent the "politicization of an audit" (Christantiello 2024). Meanwhile, a Senate subcommittee was established to determine how the legislature should deal with the implementation of the voter-passed statutory change. The Senate Subcommittee on Chapter 250 of the Acts of 2024 held a very illuminating hearing on April 2, 2025, at which a wide range of relevant experts testified that the authority granted in Question 1 by the voters violates core principles and provisions of the Massachusetts Constitution (MA Senate Subcommittee 2025). This expert testimony demonstrated clearly the superior legal leverage of legislative leaders to friends and foes alike.

Progressive activist and attorney Jeanne Kempthorne's testimony in favor of Question 1 at the April 2<sup>nd</sup> hearing was the most coherent and comprehensive legal argument for the legislative audit statute to date, but it relied on strained logic as well as historical inaccuracies related to the 19<sup>th</sup> century constitutional amendment that made the state auditor an elected constitutional officer. Auditor DiZoglio's refusal to testify at this hearing along with her vocal and aggressive attacks on the committee and its work were consistent with her efforts to demonize any and all public officials who were not enthusiastically supporting her efforts without ever providing credible expert endorsement of her position on the matter (Monsell 2025). In a similar hearing conducted by the Special Joint Committee on Ballot Initiatives on March 26, 2024, the auditor did testify but her testimony, like her campaign for question 1's passage and implementation, was heavy on passionate political rhetoric but devoid of credible legal argument (MA Special Joint Committee 2024).

By the summer of 2025 Auditor DiZoglio's threats to take the legislature to court and the harsh anti-Beacon Hill rhetoric that often accompanied them began to diminish. A productive legislative session that ended with the passage of legislative rules reforms designed to increase

inter-chamber cooperation and transparency in the legislative process, as well as the passage of an FY2026 state budget before the July 1<sup>st</sup> deadline, seem to have overshadowed the constitutional showdown between the legislature and the state auditor. The progressive groups who campaigned alongside the auditor for legislative audit authority began taking a victory lap, informing their membership that the campaign for legislative transparency had produced meaningful victories. Self-congratulations for having exerted enough pressure on Beacon Hill pols to extract meaningful reforms gradually displaced the harsh and accusatory rhetoric surrounding the legislative audit issue. Essentially -as I write this in late July 2025- progressive activists appear to have decided to “take the win” rather than to press their weak constitutional hand with respect to legislative audits.

All along there were political activists, right and left, as well as many journalists and media outlets who were partial to Auditor DiZogio’s legal and political hail Mary pass, despite its obvious constitutional defects. There was a consistent sense among Question 1 proponents, as well as some journalists and newspaper editorial boards, that the constitutional defects of Question 1 were “no big deal” because if they were a problem then the Supreme Judicial Court would simply strike down the measure or fix it. For example, after hearing my explanation of the constitutional problems and potentially destabilizing effects of passing Question 1, the chairman of the *Boston Globe* Editorial Board literally said, “okay, but what’s the real harm here?” This casual approach to the maintenance of constitutional integrity in the Commonwealth is hardly a discordant note in the era of Trumpism and the diminishment of the rule of law by all three branches of the federal government in Washington, D.C. at present, but thanks to the exceptional persistence and respect for legislative supremacy and the separation of powers in the Commonwealth, the state auditor’s unprecedented and constitutionally reckless power grab appears to have come up short. But because the law remains on the books, unchecked as yet by legislative repeal or judicial review, in a sort of political limbo with neither side seeing a tactical advantage in moving forward toward legal closure, this clear affront to core constitutional principles may in effect be subtly encouraging activists to put short term tactical political advantages above the constitutional integrity of the state’s government going forward. Beacon Hill pols too, might be learning the wrong lessons from the legislature’s clever and seemingly effective approach to the protection and preservation of their incumbencies. If the legislature is not willing to clearly and explicitly defend legislative supremacy and the separation of powers, then the executive overreach and dumbing down of public debate now on full display in American national politics might have its foot in the door of Massachusetts politics.

If the legislature does not take a strong constitutional stand by repealing Question 1, then judicial review is the only clear way to disarm the constitutional time bomb activated by the passage of Question 1. Unfortunately, the path to judicial review by the state’s Supreme Judicial Court remains unclear as I write this.

**Massachusetts versus Trump II: This Time it’s ... Worse.**

The return of Donald Trump to the White House in 2024 has resulted in an impossible to miss case study on the consequences of allowing legislative preeminence and the separation of powers to erode. While both began to erode in Washington long ago, but for the state auditor's crusade for legislative audit authority, these core principles of American constitutional law have gone virtually unchallenged in the Commonwealth for centuries. And, because Massachusetts is the brightest of blue when it comes to sending elected representatives to Beacon Hill and Capitol Hill, President Trump has made the Commonwealth a prime target in his war on America's constitutional democracy.

In Trump's first term, State Attorney General Maura Healy was the Bay State's point person in this fight, using a litigation strategy effectively to minimize the negative impacts of Trump's first presidential term on Massachusetts. Current state attorney general, Andrea Campbell, however, has a much more challenging adversary in the second term Trump Administration. The fire hose of lawless executive orders in the first six months of Trump's second term quickly made it clear to Campbell that a more measured wait and see approach, which both she and, now Governor Maura Healey, appeared to signal in their early reactions to Trump's 2024 re-election, would not be an option this time around (Beland 2025 and Garrity 2025). This was not because Trump's habit of failing to follow through on his promises and threats had changed, but rather because this time Trump has the benefit of right wing extremists' efforts between his defeat in 2020 and re-election in 2024 to devise legal justifications designed to survive judicial scrutiny by conservative federal judges and the six conservative justices on the Supreme Court (Zwarenstein 2024).

Attorney General Campbell has taken every opportunity to join her fellow Democratic state attorneys general in a self-consciously collective defense of the rule of law against the Trump Administration. On June 23, 2025, Campbell testified on behalf of her fellow Democratic state attorneys general at a hearing in Washington conducted by the Democratic members of the U.S. House and Senate judiciary committees where she made clear her commitment to the national effort to fight back against the Trump Administration's illegal actions and executive overreach (Micek 2025).

The Bay State's 9 U.S. House members and 2 U.S. Senators have been very focal critics of the Trump Administration but they are trapped between their weak institutional hand as members of the congressional minority and increasingly loud calls for Democrats in Washington to "stand up" to Trump. The aforementioned hearing at which Attorney General Campbell testified reflects this difficult position. It was a "shadow" hearing, not a formal hearing of the house or senate judiciary committees, both of which are controlled by Republicans.

While the energy of the attorney general has been focused on the legal battle, the governor and the state's congressional delegation were focused during the spring of 2025 on opposing what became known as Trump's "big, beautiful bill," a budget reconciliation measure into which Washington Republicans poured every Trump policy priority they could get past the senate parliamentarian and the precious few Republican legislators who might balk at the many extreme

components of the bill. The Democrats' efforts came up short and the "big, beautiful bill" was signed into law with much fanfare by the president on the 4<sup>th</sup> of July. As of this writing, Massachusetts Democrats in Washington have turned their attention to the 2026 midterms. With Senator Warren's re-election in 2024, only Senator Markey, who turns 80 in 2026, appears vulnerable to a Democratic primary challenge. None of the members of the state's Washington delegation, however, appear vulnerable to a Republican general election challenger.

## CONCLUSION

Despite Donald Trump's over-performance on Election Day in Massachusetts, there are no meaningful signs of life for Republicans in the Bay State in 2025 to date. Democratic super-majorities on Beacon Hill and diminished Republican electoral prospects at every level in the Commonwealth remain.

The mixed results on ballot questions 2 through 5 in 2024 showed only that Massachusetts voters expect the delivery of high quality public education and public health policies as well as protection of both worker's rights and their own pocketbooks. Neither the defeat of legalized natural psychedelic substances (i.e. Question 4) nor the rejection of a minimum wage for tipped workers (i.e. Question 5) suggest there is hope for MAGA-friendly politics or politicians in the Commonwealth. Neither of these defeated measures came up short because of the efforts of conservative culture warriors or the employment of culture war rhetoric. Pragmatism, not partisanship or ideological commitment, continues to be the principle motivation of average Bay State voters.

On Beacon Hill the 2024-25 legislative session, despite what looked to many like a strong electoral rebuke of the legislature's lack of public accountability with the passage of Question 1, has been a reminder that professional politicians correct course (Nteta and Rhodes 2024). They don't double down on emotionally or ideologically charged positions. The first year of Maura Healy's governorship was a rocky one for a state legislature under constant assault by progressive reformers and facing resurgent conflict between house and senate leaders. The 2024-25 legislative session, which saw the surprising delivery of an on time FY 2026 state budget and meaningful legislative reforms that have satisfied many progressive activists, as well as impactful legislation on economic development and housing affordability, seems to have quieted the constitutional standoff between Beacon Hill and the state auditor. The accomplishments and accommodations of the 2024-25 legislative session signal legislative leaders' determination to manage contending political interests in the Commonwealth while ensuring that they remain in the driver's seat at the state house, but they also may signal an insufficient appetite on Beacon Hill for cleaning up the "constitutional vandalism" affected by the passage of Question 1 (Duquette and Friedman 2025).

Donald Trump's 2024 election put bright blue Massachusetts in the crosshairs of a now more well prepared and well protected right wing extremist administration and political movement that is threatening the liberal policy accomplishments of the past 80 years by packing the federal

judiciary with right wing extremists and devising legal arguments and interpretations that will ultimately only pass muster if their court packing is extremely successful. Like her predecessor in the Massachusetts attorney general's office, Andrea Campbell is the Commonwealth's point person in the fight to defend the Bay State against the Trump Administration. Campbell, facing a more powerful Trump White House than Attorney General Maura Healey grappled with during Trump's first term, has become a leader of Democratic AGs from across the country who have combined forces to defeat Trump in courts of law and the court of public opinion.

The state's 9 Democratic U.S. representatives and 2 Democratic U.S. senators spent the first six months of Trump's presidency responding as forcefully as they could to each new Trump legal or political atrocity, while working with their colleagues to blunt or defeat Trump's policy ambitions on Capitol Hill. Without the resources or prerogatives of a congressional majority party, the Massachusetts delegation found themselves in early 2025 trapped between institutional powerlessness and the passionate anger of liberal constituencies demanding effective resistance from Democrats on Capitol Hill regardless of their minority status in congress.

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