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Gun Law Opponents Say Volunteers Got 90,000 Signatures

Repeal Supporters Hint At Challenge To Healey's Emergency Preamble

Chris Lisinski

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Toby Leary, a co-owner of Cape Gun Works in Hyannis and chair of The Civil Rights Coalition, speaks on Oct. 8, 2024 about an effort to put a gun law repeal question on the 2026 ballot.

Chris Lisinski/SHNS

STATE HOUSE, BOSTON, OCT. 8, 2024.....Gun owners outraged by a sweeping new firearms law are ready to move to the next phase of their repeal campaign, and a leader of the effort suggested Bay Staters should expect "lots of legal action" in the next few weeks.

Lobbing criticism at the Legislature and Gov. Maura Healey, who last week prevented the law from being temporarily suspended until voters get the final say in two years, organizers of the referendum said they have collected more than enough signatures to secure a spot on the 2026 ballot.

Toby Leary, who leads the opposition group The Civil Rights Coalition, said the campaign is in the process of submitting more than 90,000 voter signatures for review -- well above the 37,287 required to put a repeal question before voters. Leary said the group did not use paid signature-gatherers and relied entirely on volunteers.

"We've got a lot of work ahead of us. We've got legal action that will be coming, and we've got a long way to go. I believe this will be a two-year civics lesson for the people of Massachusetts when they see what their politicians have done," Leary said at a press conference outside the State House. "It's our turn to remind them you need to comply with your oath of office. Let's make the oath of office great again."

The referendum is one part of an effort to challenge the new law alongside at least two -- and possibly more to come -- lawsuits.

Leary slammed Healey's move last week to attach an emergency preamble to the law, which effectively guaranteed the measure will take effect right away and cannot be suspended until voters render their verdict on the 2026 repeal effort.

"This emergency preamble that was signed was done so in an effort to suppress a right that is enshrined in our Bill of Rights," he said. "That should never be allowed. It should never be able to stand."

If Healey had not taken that step, most of the law would have taken effect later in October, but opponents also could have paused implementation until the referendum election by filing at least 49,716 signatures.

However, under the state Constitution, any law to which a governor issues an emergency preamble cannot be suspended by a referendum campaign.

Leary argued that the repeal campaign spurred Healey into additional action, an idea she disputed last week.

"This is about ensuring that we're ready to go in terms of implementation. The system is there. It's a democracy. You can go to your Legislature and you can advocate for policy and advocate for laws, and that's the way the system works," Healey, who initially signed the law without an emergency preamble, said on Wednesday.

Leary hinted opponents are weighing legal options to challenge her maneuver.

"We don't want to tip our hand exactly as to what we're doing, but yes, we are exploring all options. I do believe the governor acted outside of the constitutional provisions," he said. "No doubt, under Article 48, there's a provision there for a governor to sign an emergency preamble. However, the way in which it was done for purely political purposes to suppress a right, I believe the courts would look very unfavorably on."

The wide-ranging law combines new licensing and training requirements, expansion of the state's "red flag" law, tighter restrictions on untraceable "ghost guns," updated definitions for assault weapons, and a ban on carrying firearms in some public places.

"Every resident of Massachusetts has the right to live free from the threat and trauma of gun violence. This new law will save lives and create safer communities for all of us," the Mass. Coalition to Prevent Gun Violence said Tuesday while reupping attention on its summary of the bill.

Firearms owners allege many of the reforms are unconstitutional, and Leary said he views the law as "moving the goalpost to total disarmament."

Gun owners have filed two lawsuits so far challenging the constitutionality of new training requirements and the updated assault weapons definitions, and Gun Owners Action League Executive Director Jim Wallace said he expects additional cases will soon emerge.

While those arguments play out in court, Leary's group will begin its work to convince voters to repeal the law.

The coalition has raised more than \$100,000 so far, he said, though it has not yet reported any fundraising to state campaign finance regulators. Leary said the top donation came from Smith & Wesson, which moved its headquarters from Springfield to Maryville, Tennessee last year while describing a "changing business climate for firearms manufacturing in Massachusetts."

"This is just getting started. There's so many people, whether it be through a lack of media coverage or whether it be people just busy with their lives, that don't even realize what's happened. I know gun owners that still come into our shop every day and say, 'Wait, what happened?'" Leary, who co-owns Cape Gun Works in Hyannis, said. "People are still waking up to this. We need two years to alert people that, hey, your rights have been violated."

The campaign faces an Oct. 9 deadline to file signatures with local elections officials for review. Signatures must then be filed with Secretary of State William Galvin's office by Oct. 23, where they will be vetted and tallied by county because no more than 25 percent of the total can come from a single county.

A Galvin spokesperson said Tuesday the review process is unlikely to begin until after the Nov. 5 election.

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