

# SENATE . . . . No. 176

---

---

To accompany the petition of Alvin E. Bliss that candidates for elective municipal office in cities governed by standard forms of charter shall be nominated in primary elections. Cities.

---

---

## The Commonwealth of Massachusetts.

---

In the Year One Thousand Nine Hundred and Twenty-Two.

---

### AN ACT

To provide for the Nomination by Preliminary Elections of Candidates for Elective Municipal Office in Cities governed under a Standard Form of City Charter.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section sixteen of chapter forty-  
2 three of the General Laws is hereby repealed.

1 SECTION 2. Chapter forty-three of the Gen-  
2 eral Laws is hereby amended by inserting after  
3 section forty-five the following new sections:—

4 *Section 45A.* On the third Tuesday preced-  
5 ing every annual election and special election at  
6 which any office mentioned in this act is to be  
7 filled, except as is otherwise provided, there

8 shall be held a preliminary election for the pur-  
9 pose of nominating candidates therefor. At  
10 every annual, preliminary and special election  
11 the polls shall be open during such hours, in ac-  
12 cordance with the laws of the commonwealth,  
13 as the city council may prescribe. No vote of  
14 the city council changing such hours shall take  
15 effect unless accepted by a majority of the voters  
16 of said city voting therein at a regular state  
17 election, and the secretary of the commonwealth,  
18 upon the receipt at least thirty days before such  
19 an election of a copy of the vote of the city  
20 council proposing such a change, certified by the  
21 city clerk, shall cause the question of its accept-  
22 ance to be placed upon the ballot to be used in  
23 said city at such election.

24 *Section 45B.* Except as is otherwise provided  
25 herein, there shall not be printed on the official  
26 ballot to be used at any annual or special elec-  
27 tion the name of any person as a candidate for  
28 any office unless such person has been nominated  
29 as such at a preliminary election for nomination,  
30 held as provided herein. There shall not be  
31 printed on the official ballot for use at such pre-  
32 liminary election the name of any candidate for  
33 nomination at such preliminary election, unless  
34 he shall have filed, within the time limited by  
35 section eight, the statement therein described.

36 *Section 45C.* Any person who is qualified to  
37 vote for a candidate for any elective municipal  
38 office, and who is a candidate for nomination  
39 thereto, shall be entitled to have his name as

40 such candidate printed on the official ballot to  
41 be used at a preliminary election; provided,  
42 that at least ten days prior to such preliminary  
43 election he shall file with the city clerk a state-  
44 ment in writing of his candidacy, and with it the  
45 petition of at least fifty voters, qualified to vote  
46 for a candidate for the said office. Said state-  
47 ment and petition shall be in substantially the  
48 following form: —

49 STATEMENT OF CANDIDATE.

50 I ( ), on oath declare that I reside  
51 at (number if any) on (name of street) in the city  
52 of ; that I am a voter therein, quali-  
53 fied to vote for a candidate for the hereinafter  
54 mentioned office; that I am a candidate for the  
55 office of (name of office) for (state the term) to  
56 be voted for at the preliminary election to be  
57 held on Tuesday, the day of  
58 , nineteen hundred and ,  
59 and I request that my name be printed as such  
60 candidate on the official ballot for use at said  
61 preliminary election.

62 (Signed)

63 Commonwealth of Massachusetts, ss.

64 Subscribed and sworn to on this  
65 day of , nineteen hundred and  
66 before me,

67 (Signed)

68 Justice of the Peace,  
69 or (Notary Public).

70 PETITION ACCOMPANYING STATEMENT OF CANDI-  
71 DATE.

72 Whereas (name of candidate) is a candidate  
73 for nomination for the office of (state the office)  
74 for (state the term), we the undersigned, voters  
75 of the city of , duly qualified to vote  
76 for a candidate for said office, do hereby request  
77 that the name of said (name of candidate) as a  
78 candidate for nomination for said office be  
79 printed on the official ballot to be used at the  
80 preliminary election to be held on the  
81 Tuesday of , nineteen hundred and  
82

83 We further state that we believe him to be of  
84 good moral character and qualified to perform  
85 the duties of the office.

86 No acceptance by a candidate for nomination  
87 named in the said petition shall be necessary to  
88 its validity or its filing, and the petition, which  
89 may be on one or more papers, need not be  
90 sworn to.

91 *Section 45D.* On the first day, other than  
92 Sunday or a legal holiday, following the expira-  
93 tion of the time for filing the above described  
94 statement and petition, the city clerk shall post  
95 in a conspicuous place in the city hall the names  
96 and residences of the candidates for nomination  
97 who have duly qualified as candidates for nomi-  
98 nation, as they are to appear on the official bal-  
99 lots to be used at the preliminary election, except  
100 as to the order of the names, and shall cause the

101 ballots which shall contain said names, in their  
102 order as drawn by the clerk, and no others, with  
103 a designation of residence, and of the office and  
104 term of service, to be printed, and the ballots so  
105 printed shall be official and no others shall be  
106 used at the preliminary election. In drawings  
107 for position on the ballot the candidates shall  
108 have an opportunity to be present in person or  
109 by one representative. Blank spaces shall be  
110 left at the end of each list of candidates for nom-  
111 ination for the different offices equal to the num-  
112 ber to be nominated therefor, in which the voter  
113 may insert the name of any person not printed  
114 on the ballot for whom he desires to vote for  
115 nomination for such office. There shall be  
116 printed on such ballots such directions as will  
117 aid the voter, as, for example: "vote for one",  
118 "vote for two", and the like, and the ballots  
119 shall be headed as follows: —

120                   OFFICIAL PRELIMINARY BALLOT.

121   Candidates for nomination for the offices of  
122 (                   ) in the city of                   . At  
123 a preliminary election to be held on the  
124 day of                   in the year nineteen hundred  
125 and                   .

126   (The heading shall be varied in accordance  
127 with the offices for which nominations are to be  
128 made.)

129   There shall also be a special ballot printed for  
130 the use of women qualified to vote for members of  
131 the school committee, and headed as follows: —

132 *Section 45E.* No ballot used at any prelim-  
133 inary, special or annual election shall have  
134 printed thereon, or appended to the name of any  
135 candidate, any party or other political designa-  
136 tion or mark, or anything showing how any  
137 candidate was nominated, or indicating his  
138 views or opinions.

139 *Section 45F.* The election officers shall, im-  
140 mediately upon the closing of the polls at pre-  
141 liminary elections, count the ballots and ascer-  
142 tain the number of votes cast in the several  
143 voting places for each candidate, and forthwith  
144 make return thereof upon blanks to be furnished,  
145 as in annual elections, to the city clerk who shall  
146 canvass said returns and shall forthwith deter-  
147 mine the result thereof, publish the same in one  
148 or more newspapers published in the city, and  
149 post the same in a conspicuous place in the city  
150 hall.

151 *Section 45G.* The two persons receiving at a  
152 preliminary election the highest number of votes  
153 for nomination for an office shall be the sole  
154 candidates for that office whose names may be  
155 printed on the official ballot to be used at the  
156 annual or special election at which such office is  
157 to be filled, and no acceptance of a nomination  
158 at a preliminary election shall be necessary to  
159 its validity.

160 If two or more persons are to be elected to the  
161 same office at such annual or special election the  
162 several persons in number equal to twice the  
163 number so to be elected receiving at such prelim-

164 inary election the highest number of votes for  
165 nomination for that office, or all such persons, if  
166 less than twice the number of those so to be  
167 elected, shall be the sole candidates for that office  
168 whose names may be printed on the official ballot.

169 If the preliminary election results in a tie vote  
170 among candidates for nomination receiving the  
171 lowest number of votes, which, but for said tie  
172 vote, would entitle a person receiving the same  
173 to have his name printed upon the official ballot  
174 for the election, all candidates participating in  
175 said tie vote shall have their names printed upon  
176 the official ballot, although in consequence there  
177 be printed thereon candidates to a number ex-  
178 ceeding twice the number to be elected.

179 *Section 45H.* If at the expiration of the time  
180 for filing statements of candidates to be voted  
181 for at any preliminary election not more than  
182 twice as many such statements have been filed  
183 with the city clerk for the office of mayor, coun-  
184 cillor at large, or school committee as are to be  
185 elected to said offices respectively, the candidates  
186 whose statements have thus been filed shall be  
187 deemed to have been nominated to said offices  
188 respectively, and their names shall be used at  
189 such annual or special election, and the city clerk  
190 shall not print said names upon the ballot to be  
191 used at said preliminary election, and no other  
192 nomination to said offices shall be made. And  
193 if in any ward, at the expiration of the time for  
194 filing statements of candidates to be voted for  
195 at any preliminary election, not more than twice

196 as many such statements have been filed with  
197 the city clerk for the office of councillor from  
198 such ward as are to be elected, the candidates  
199 whose statements have thus been filed shall be  
200 deemed to have been nominated, and their names  
201 shall be printed on the official ballot to be used  
202 at such annual or special election, and the city  
203 clerk shall not print said names upon the ballot  
204 to be used at said preliminary election, and no  
205 other nominations to said offices shall be made.  
206 And if it shall appear that no names are to be  
207 printed upon the official ballot to be used at any  
208 preliminary election in any ward or wards of the  
209 city, no preliminary election shall be held in any  
210 such ward or wards.