

HOUSE No. 483

By Mr. Sennott of Cambridge (by request), petition of Edna Lawrence Spencer for legislation to repeal the laws authorizing the election of city and town officers by proportional representation and preferential voting. Election Laws.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Seven.

AN ACT REPEALING THE LAWS AUTHORIZING THE ELECTION OF CERTAIN CITY AND TOWN OFFICERS BY PROPORTIONAL REPRESENTATION AND PREFERENTIAL VOTING.

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. Chapter fifty-four A of the General Laws, rela-
2 tive to the election of certain city and town officers by pro-
3 portional representation and preferential voting, as appear-
4 ing in section one of chapter three hundred and forty-one of
5 the acts of nineteen hundred and thirty-eight, is hereby re-
6 pealed.

1 SECTION 2. Section 1 of chapter 41 of the General Laws,
2 as amended, is hereby further amended by striking out the
3 paragraph added thereto by section 2 of said chapter 341.

1 SECTION 3. Section 11 of said chapter 41, as amended, is
2 hereby further amended by striking out the words inserted
3 therein by section 3 of said chapter 341, — so as to read as
4 follows:— *Section 11.* If there is a failure to elect, or if a
5 vacancy occurs in any town office, other than the offices of
6 selectmen, town clerk, treasurer, collector of taxes or audi-

7 tor, the selectmen shall in writing appoint a person to fill such
8 vacancy. If there is a vacancy in a board consisting of two or
9 more members, the remaining members shall give written
10 notice thereof to the selectmen, who, with the remaining mem-
11 ber or members of such board shall, after one week's notice,
12 fill such vacancy by ballot. A majority of the ballots of the
13 officers entitled to vote shall be necessary to such election.
14 The person so appointed or elected shall perform the duties of
15 the office until the next annual meeting or until another is
16 qualified.

1 SECTION 4. Section 2 of chapter 50 of the General Laws, as
2 amended, is hereby further amended by striking out the sen-
3 tence inserted therein by section 4 of said chapter 341.

1 SECTION 5. Section 7 of chapter 53 of the General Laws,
2 as amended, and as affected by chapter 384 of the acts of 1937,
3 is hereby further amended by striking out the words inserted
4 therein by section 5 of said chapter 341 and by inserting
5 therein the words stricken out therefrom by said section 5, —
6 so as to read as follows: — *Section 7.* Every voter signing a
7 nomination paper shall sign in person, with his name as regis-
8 tered, and shall state his residence on January first preceding,
9 and the place where he is then living, with the street and num-
10 ber, if any; but any voter who is prevented by physical dis-
11 ability from writing or who had the right to vote on May
12 first, eighteen hundred and fifty-seven, may authorize some
13 person to write his name and residence in his presence; and
14 every voter may sign as many nomination papers for each
15 office as there are persons to be elected thereto, and no more.
16 Notwithstanding the foregoing, every voter signing a nomina-
17 tion paper for party primaries shall, in lieu of stating his resi-
18 dence on January first preceding, state his residence on Janu-
19 ary first of the year preceding the year of such primaries.
20 Every nomination paper of a candidate for a state office and,
21 except where otherwise provided by law, of a candidate for a
22 city or town office, shall be submitted, on or before five
23 o'clock in the afternoon of the seventh day preceding the
24 day on which it must be filed, to the registrars of the city or

25 town where the signers appear to be voters. In each case the
26 registrars shall check each name to be certified by them on
27 the nomination paper and shall forthwith certify thereon the
28 number of signatures so checked which are names of voters
29 both in the city or town and in the district for which the nom-
30 ination is made, and only names so checked shall be deemed
31 to be names of qualified voters for the purposes of nomination.
32 The registrars need not certify a greater number of names
33 than are required to make a nomination, increased by one
34 fifth thereof. Names not certified in the first instance shall
35 not thereafter be certified on the same nomination papers.
36 The state secretary shall not be required to receive nomina-
37 tion papers for a candidate after receiving such papers con-
38 taining a sufficient number of certified names to make a
39 nomination, increased by one fifth thereof.

1 SECTION 6. Section 11 of chapter 54 of the General Laws,
2 as amended, is hereby further amended by striking out the
3 words inserted therein by section 6 of said chapter 341, — so
4 as to read as follows:— *Section 11.* The mayor of every
5 city, except where city charters provide otherwise and except
6 as provided in section eleven A, shall annually not earlier than
7 June fifteenth nor later than August fifteenth appoint as elec-
8 tion officers for each voting precinct, one warden, one deputy
9 warden, one clerk, one deputy clerk, four inspectors and four
10 deputy inspectors, who shall, at the time of their appointment,
11 be enrolled voters in the ward of which such precinct forms a
12 part. He may, in like manner, appoint two inspectors and
13 two deputy inspectors in addition, and such additional in-
14 spectors to count and tabulate the votes as he may deem
15 necessary. Every such appointment shall be filed in the office
16 of the city clerk of such city within forty-eight hours after it
17 is made, and shall be acted on by the aldermen not less than
18 three days after the filing of such appointment and on or be-
19 fore September first following. After said September first,
20 the mayor, with the approval of the aldermen, may, from
21 time to time, appoint temporary additional inspectors to
22 count and tabulate the votes. Any appointment made under
23 authority of this section shall be open to public inspection.

1 SECTION 7. The fourth paragraph of section 105 of said
2 chapter 54, as amended, is hereby further amended by strik-
3 ing out the words inserted therein by section 7 of said chapter
4 341, — so as to read as follows:— In towns, the ballot box
5 at any polling place may be opened and ballots taken there-
6 from for counting when all the selectmen and the town clerk,
7 or, where the moderator is in charge of the election, the mod-
8 erator and the town clerk, or all the election officers at the
9 voting precinct shall so order. When the ballots have been
10 thus removed the presiding officer shall select from the elec-
11 tion officers an equal number from each of the two leading
12 political parties, who shall canvass such ballots, in accord-
13 ance with this section; but no announcement of the result of
14 such canvass shall be made by any election officer until the
15 total result of the canvass of ballots has been ascertained.

1 SECTION 8. Chapter 56 of the General Laws is hereby
2 amended by striking out section 22, as appearing in section 8
3 of said chapter 341, and inserting in place thereof the fol-
4 lowing:—

5 *Section 22.* A primary or election officer who wilfully or
6 negligently violates any provision relating to the enclosing in
7 envelopes, sealing, endorsing and delivering or transmitting of
8 ballots and voting lists, after the votes have been counted and
9 recorded, shall be punished by imprisonment for not more
10 than one year.

1 SECTION 9. Section 28 of said chapter 56, as amended, is
2 hereby further amended by striking out the words inserted
3 therein by section 9 of said chapter 341, — so as to read as
4 follows:— *Section 28.* A public officer, primary, caucus or
5 election officer, or officer or member of a political committee
6 or convention, upon whom a duty is imposed by law, who re-
7 fuses or wilfully fails to perform such duty, or who wilfully
8 performs it contrary to law, shall, if no other penalty is specif-
9 ically provided, be punished by a fine of not less than five nor
10 more than one thousand dollars, or by imprisonment for not
11 more than one year, or both.

1 SECTION 10. Section 40 of said chapter 56 as amended, is
2 hereby further amended by striking out the words inserted
3 therein by section 10 of said chapter 341, — so as to read as
4 follows:— *Section 40.* Whoever, at a primary, caucus or
5 election, behaves in a disorderly manner, and, after notice
6 from the presiding officer, persists in such behavior and re-
7 fuses to withdraw from the polling place, shall be punished by
8 imprisonment for not more than one month.

1 SECTION 11. Section 44 of said chapter 56, as amended, is
2 hereby further amended by inserting the words stricken out,
3 and by striking out the words inserted therein by section 11
4 of said chapter 341, — so as to read as follows:— *Section 44.*
5 Whoever interferes or aids or abets any person in interfering
6 with an election commissioner, city or town clerk, or election
7 officer, in the performance of his duties shall be punished by
8 imprisonment for not more than one year.

1 SECTION 12. Section 45 of said chapter 56, as amended, is
2 hereby further amended by striking out the words inserted
3 by section 12 of said chapter 341, — so as to read as follows:—
4 *Section 45.* Whoever wilfully obstructs or interferes with the
5 transmission of ballots or returns to or from a polling place
6 shall be punished by imprisonment for not more than one year.

1 SECTION 13. Any city or town, wherein upon the effective
2 date of this act voting was conducted under the principle
3 known as proportional representation, shall conduct its next
4 city or town election under the system of voting in operation
5 at the time when proportional representation was adopted.

The State of New York

IN SENATE, January 15, 1907.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE, IN ANSWER TO A RESOLUTION PASSED BY THE SENATE, APRIL 11, 1906.

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