

HOUSE No. 1947

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 29, 1916.

The committee on Election Laws, to whom was referred the petition (accompanied by bill, Senate, No. 128), of Eugene C. Hultman that provision be made for the enrollment of members of political parties participating in primaries, report the accompanying bill.

For the committee,

JOHN M. GIBBS.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Sixteen.

AN ACT

To Prevent the Voters of One Political Party from Voting in
the Primaries of Another Political Party.

*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 one hundred and three of chapter
2 eight hundred and thirty-five of the acts of the year
3 nineteen hundred and thirteen, as amended by section one
4 of chapter seven hundred and ninety of the acts of the
5 year nineteen hundred and fourteen, is hereby further
6 amended by striking out all after the words "which
7 ballots may be used", at the end of the first paragraph,
8 — so as to read as follows: — *Section 103.* Ballots for
9 use at state and presidential primaries shall be prepared
10 and provided, and the number thereof determined, by the
11 secretary of the commonwealth, and no other ballots
12 shall be received or counted: *provided, however,* that if the
13 ballots provided for any polling place are not delivered, or
14 if after delivery they are lost, destroyed or stolen, the
15 city or town clerk or election commissioners shall provide
16 ballots similar as far as possible, which ballots may be
17 used.

1 SECTION 2. Section one hundred and four of said
2 chapter eight hundred and thirty-five, as amended by

3 section two of said chapter seven hundred and ninety, is
4 hereby further amended by striking out the last para-
5 graph, — so as to read as follows: — *Section 104.* The
6 city or town shall provide and the city or town clerk
7 shall prepare ballots to be used in city or town primaries,
8 and no other ballots shall be received or counted. No
9 ballots as herein provided shall be printed in any printing
10 establishment owned or managed by the city of Boston.

1 SECTION 3. Section one hundred and five of said
2 chapter eight hundred and thirty-five, as amended by
3 section three of said chapter seven hundred and ninety,
4 is hereby further amended by inserting the words, “of
5 each party” after the words “exceed one ballot,” in the
6 fourth line thereof, — so as to read as follows: — *Section*
7 *105.* The number of ballots for use at city or town
8 primaries shall be determined by the city clerk in cities,
9 and by the town clerk in towns, and shall not for any
10 ward or town exceed one ballot of each party for each
11 voter therein.

1 SECTION 4. Said chapter eight hundred and thirty-
2 five, as amended by section four of said chapter seven
3 hundred and ninety, is hereby further amended by strik-
4 ing out section one hundred and six, and inserting in
5 place thereof the following: — *Section 106.* Ballots for
6 each party shall be printed on paper of a different color
7 from that on which the ballots for any other party are
8 printed. At least six facsimile copies of the ballot for
9 each party, printed on colored paper, shall be provided
10 for each polling place as specimen ballots.

1 SECTION 5. Section one hundred and seven of said
2 chapter eight hundred and thirty-five, as amended by

3 section five of said chapter seven hundred and ninety, is
4 hereby further amended by striking out, wherever they
5 occur in said section, the words, "official primary ballot",
6 and inserting in place thereof, the words, "official ballot
7 of (here shall follow the party named)", — so as to read
8 as follows: — *Section 107.* At the top of each ballot shall
9 be printed the words "The official ballot of (here shall
10 follow the party name)." On the back and outside of
11 each ballot when folded shall be printed the words
12 "Official ballot of the (here shall be inserted the party
13 name)", followed by the number of the precinct and
14 ward or the name of the town for which the ballot is
15 prepared, the date of the primary and for state or presi-
16 dential primaries a facsimile of the signature of the
17 secretary of the commonwealth and for city or town pri-
18 maries a facsimile of the signature of the city or town
19 clerk. Names of candidates for each elective office shall
20 be arranged alphabetically according to their surnames.

21 Names of candidates for ward or town committees, and
22 for delegates to conventions shall be arranged in groups in
23 such order as may be determined by lot, under the direc-
24 tion of the secretary of the commonwealth, who shall
25 notify each state committee and give a representative of
26 each such committee an opportunity to be present:
27 *provided, however,* that, when necessary, groups may be
28 printed on the ballot in two or more columns.

29 Against the name of a candidate for an elective office,
30 for a ward or town committee or for a member of a state
31 committee shall be printed the street and number, if any,
32 of his residence.

33 Against the name of a candidate for an elective office
34 shall be printed the statement contained in the nomina-
35 tion paper placing him in nomination.

36 No names shall be printed on a ballot other than those

37 presented on nomination papers. Immediately following
38 the names of candidates, blank spaces equal to the
39 number of persons to be chosen shall be provided for the
40 insertion of other names.

41 The number of persons to be voted for for the different
42 offices shall be stated on the ballot.

43 The form of ballots and the arrangement of printed
44 matter thereon shall be in general the same as that of
45 the official state ballots, except as otherwise provided in
46 the sections concerning primaries.

1 SECTION 6. Section one hundred and nine of said chap-
2 ter eight hundred and thirty-five, as amended by section
3 six of said chapter seven hundred and ninety, is hereby
4 further amended by inserting the words "for each party"
5 after the words "six specimen ballots", in the eleventh
6 line, and after the words, "such specimen ballots" in the
7 fourteenth line, so as to read as follows:— *Section 109.*
8 the city or town clerk, or in Boston the election commis-
9 sioners, before the opening of the polls on the day of the
10 primary, shall deliver at the polling place to the warden
11 or, if he is not present, to the clerk or, if both are absent,
12 then to any inspector, ballot boxes, the ballots, specimen
13 ballots, voting lists, suitable blank forms and apparatus
14 for canvassing and counting the ballots and making the
15 returns, a seal of suitable device and a record book for
16 each polling place. The presiding officer at each polling
17 place shall, before the opening of the primary, conspicu-
18 ously post in such polling place at least six specimen
19 ballots for each party, which shall be kept so posted until
20 the polls are closed, except that where voting booths are
21 provided two of such specimen ballots for each party
22 may be posted on such booth.

1 SECTION 7. Section one hundred and ten of said chap-
2 ter eight hundred and thirty-five, as amended by section
3 seven of said chapter seven hundred and ninety, is hereby
4 further amended by striking out the said section and in-
5 serting in place thereof the following:— *Section 110.*
6 When, in a primary, a voter seeks to pass the guard rail,
7 he shall be asked by one of the ballot clerks, with which
8 political party he desires to be enrolled, and the ballot
9 clerk upon reply shall distinctly announce the name of
10 such political party and give him such political party
11 ballot. The voter's selection shall be checked on the
12 voting list used by the ballot clerk and such list shall be
13 returned to the election commissioners in Boston, or to the
14 city clerk in any other city, or to the town clerk in towns,
15 for preservation during the next succeeding three calendar
16 years. Said officers shall upon receiving a written request
17 furnish a certified copy of said list to any ward, town or
18 city committee. The party enrolment of voters on such
19 voting lists, and all subsequent party enrolment of voters,
20 shall be transferred each year to the voting lists used at
21 subsequent primaries, providing the names of such voters
22 have been entered, in Boston, in the annual register pre-
23 pared by the election commissioners from the police lists,
24 and in other cities and in towns, in the annual register
25 prepared from the assessors' lists.

1 SECTION 8. Section one hundred and eleven of said
2 chapter eight hundred and thirty-five, as amended by
3 section eight of said chapter seven hundred and ninety,
4 is hereby further amended by striking out all of said sec-
5 tion and inserting in place thereof the following:— *Sec-*
6 *tion 111.* No voter enrolled at a primary shall be al-
7 lowed to receive the ballot of any political party except
8 that with which he is enrolled, but he may establish,

9 change or cancel his enrolment by appearing in person
10 before the election commissioners in Boston, the city
11 clerk in any other city, or the town clerk in towns, and
12 requesting in writing to have his enrolment changed to
13 another party, or cancelled: by filing with said officers
14 such request in writing acknowledged before a justice of
15 the peace: *provided*, that such change or cancellation shall
16 not take effect until the expiration of thirty days after
17 the voter so appears. No voter enrolled as a member of
18 one political party shall be allowed to receive the ballot
19 of any other political party, upon a claim by him of
20 erroneous enrolment, except upon a certificate of such
21 error from the election commissioners or board of regis-
22 trars, as the case may be, which certificate shall be pre-
23 sented to the presiding officer of the primary and pre-
24 served as part of the records of such primary; but the
25 political party enrolment of a voter shall not preclude him
26 from receiving at a city or town primary the ballot of
27 any municipal party, though in no one primary shall he
28 receive more than one party ballot.

1 SECTION 9. Said chapter eight hundred and thirty-
2 five, as amended by section nine of said chapter seven
3 hundred and ninety, is hereby further amended by strik-
4 ing out section one hundred and twelve, and inserting in
5 place thereof the following: — *Section 112.* In the count-
6 ing of votes when the ballots are removed from the ballot
7 box, they shall first be sorted into piles, one for each
8 party, and each pile shall be counted and sealed sepa-
9 rately. Votes shall be counted only for nominations of
10 the party on whose ballot they appear.

1 SECTION 10. Section one hundred and eighteen of
2 said chapter eight hundred and thirty-five, as amended by

3 section eleven of said chapter seven hundred and ninety,
4 is hereby further amended by inserting in the seventh
5 line after the words, "names of voters", the words:— not
6 enrolled in any other party than that represented by the
7 candidate whose name appears on the nomination
8 paper, — so that said section shall read as follows:—
9 *Section 118.* Every nomination paper shall be submitted
10 on or before five o'clock in the afternoon of the Saturday
11 preceding the day on which it must be filed to the regis-
12 trars of the city or town in which the signers appear to be
13 voters, and in Boston to the election commissioners, who
14 shall forthwith certify thereon the number of signatures
15 which are names of voters not enrolled in any other party
16 than that represented by the candidate whose name
17 appears in the nomination paper both in the city or
18 town and in the district for which the nomination is
19 made. They need not certify a greater number of names
20 than are required to make a nomination, with one fifth
21 of such number added thereto. Names not certified in
22 the first instance shall not thereafter be certified on the
23 same nomination papers. The secretary of the common-
24 wealth shall not be required in any case to receive
25 nomination papers for a candidate after receiving papers
26 containing a sufficient number of certified names to make
27 a nomination, with one fifth of such number added
28 thereto. For the purpose of certifying to the names on
29 primary nomination papers it shall be the duty of the
30 board of registrars of voters, in Boston the election com-
31 missioners to hold meetings on the four Saturdays next
32 preceding the date on which such papers are required to
33 be filed with the secretary of the commonwealth, except
34 that such meetings shall be held on the two Saturdays
35 next preceding the date on which the papers are required
36 to be so filed for primaries before special elections.

37 No person shall be a candidate for nomination for more
38 than one office for which such nominations are made;
39 but this shall not apply to candidates for membership in
40 political committees or delegations to the state conven-
41 tion.

1 SECTION 11. This act shall be submitted to the voters
2 of the commonwealth at the next annual state election,
3 and shall become law upon its acceptance by a majority
4 of the voters voting thereon. The act shall be sub-
5 mitted in the form of the following question, to be placed
6 upon the official ballot: "Shall an act passed by the
7 general court in the year nineteen hundred and sixteen,
8 entitled 'An Act to prevent the voters of one
9 political party from voting in the primaries of
10 another political party,' be accepted?"

YES.	
NO.	

