

HOUSE No. 153

By Mr. Burke of Boston, petition of James A. Burke for the nomination by preliminary elections of candidates for elective municipal office in the city of Boston and that the mayor of said city be elected for two year terms and be ineligible for election for more than two successive terms. Cities.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Eight.

AN ACT PROVIDING FOR THE NOMINATION BY PRELIMINARY ELECTIONS OF CANDIDATES FOR ELECTIVE MUNICIPAL OFFICE IN THE CITY OF BOSTON, AND PROVIDING THAT THE MAYOR OF SAID CITY SHALL BE ELECTED FOR TWO YEAR TERMS AND SHALL BE INELIGIBLE FOR ELECTION FOR MORE THAN TWO SUCCESSIVE TERMS.

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 486 of the acts of 1909 is
2 hereby amended by inserting after section 52 the
3 following seven new sections: —

4 *Section 52A.* On the seventh Tuesday preceding
5 every municipal election in the city of Boston at
6 which any elective municipal office is to be filled,
7 except as is otherwise provided in section fifty-
8 two G, there shall be held a preliminary election for
9 the purpose of nominating candidates for such office.
10 No special election for any such office shall be held
11 until after the expiration of forty days from the call-

12 ing of a preliminary election, except as is otherwise
13 provided in said section fifty-two G. At every
14 preliminary election the polls shall be opened not
15 earlier than six o'clock in the forenoon and shall be
16 kept open at least ten hours continuously, and the
17 laws relative to city elections in the city of Boston
18 shall apply thereto except as is otherwise specifically
19 provided in this and the six following sections.

20 *Section 52B.* Except as otherwise provided in
21 sections fifty-two A to fifty-two G, inclusive, there
22 shall not be printed on the official ballot to be used
23 at any regular or special election the name of any
24 person as a candidate for any office unless such person
25 has been nominated as such at a preliminary election
26 for nomination, held as provided in said sections.
27 There shall not be printed on the official ballot for
28 use at such preliminary election the name of any
29 candidate for nomination at such preliminary elec-
30 tion, unless he shall have filed, within the time
31 limited by the following section, the statement
32 therein described.

33 *Section 52C.* Any person who is qualified to vote
34 for a candidate for any elective municipal office, and
35 who is a candidate for nomination thereto, shall be
36 entitled to have his name as such candidate printed
37 on the official ballot to be used at a preliminary
38 election; provided, that at or before five o'clock in
39 the afternoon of the sixth Tuesday prior to such
40 election he shall file with the election commissioners
41 a statement in writing of his candidacy, and with it a
42 petition prepared and issued by said election com-
43 missioners, signed in person for the nomination for
44 mayor by at least three thousand registered voters
45 in said city qualified to vote for such candidate at

46 said election, signed in person for the nomination
47 for city councillor by at least three hundred registered
48 voters in the ward, for which nomination is sought,
49 qualified to vote for such candidate at said election,
50 and signed in person for the nomination for school
51 committee by at least two thousand registered
52 voters in said city qualified to vote for such candidate
53 at said election, and that the signatures on the same
54 to the number required to make the nomination are
55 subsequently certified by said election commissioners
56 as hereinafter provided. Said statement and peti-
57 tion shall be in substantially the following form: —

58 STATEMENT OF CANDIDATE.

59 I, (), on oath declare that I reside
60 at (number if any) on (name of street) in the city of
61 Boston; that I am a voter therein, qualified to vote
62 for a candidate for the hereinafter mentioned office;
63 that I am a candidate for the office of (name of office)
64 for (state the term) to be voted for at the preliminary
65 election to be held on Tuesday, the
66 day of , nineteen hundred and
67 , and I request that my name be printed
68 as such candidate on the official ballot for use at said
69 preliminary election.

70 (Signed)

71 Commonwealth of Massachusetts, Suffolk, ss.

72 Subscribed and sworn to on this

73 day of nineteen hundred and

74 Before me,

75 (Signed)

76 *Justice of the Peace*

77 *or (Notary Public).*

78 PETITION ACCOMPANYING STATEMENT OF CANDIDATE.

79 Whereas (name of candidate) is a candidate for
 80 nomination for the office of (state the office) for (state
 81 the term), we the undersigned, voters of the city of
 82 Boston, duly qualified to vote for a candidate for said
 83 office, do hereby request that the name of said (name
 84 of candidate) as a candidate for nomination for said
 85 office be printed on the official ballot to be used at
 86 the preliminary election to be held on the
 87 Tuesday of _____, nineteen hundred
 88 and _____.

89 We further state that we believe him to be of good
 90 moral character and qualified to perform the duties
 91 of the office.

NAME OF VOTER.	Street and Number (if any).

92 No acceptance by a candidate for nomination
 93 named in the said petition shall be necessary to its
 94 validity or its filing, and the petition, which may be
 95 on one or more papers, need not be sworn to. Sec-
 96 tions fifty-four to fifty-six, inclusive, shall apply to
 97 such petitions except that not more than three hun-
 98 dred such petitions shall be issued to any candidate
 99 for mayor, not more than two hundred shall be
 100 issued to any candidate for the school committee,
 101 and not more than ten to any candidate for city
 102 councillor, and except that all periods of time set
 103 forth therein shall for the purposes (of this sentence)
 104 hereof be computed from the preliminary election
 105 instead of from the city election.

106 *Section 52D.* On the first day, other than Sunday
107 or a legal holiday, following the expiration of the time
108 for filling vacancies, the election commissioners shall
109 post in a conspicuous place in the city hall the names
110 and residences of the candidates for nomination who
111 have duly qualified as candidates for nomination, as
112 they are to appear on the official ballots to be used
113 at the preliminary election, except as to the order of
114 the names, and shall cause the ballots which contain
115 said names, in their order as drawn by the election
116 commissioners, and no others, with a designation of
117 residence, and of the office and term of service, to be
118 printed, and the ballots so printed shall be official and
119 no others shall be used at the preliminary election.
120 In drawings for position on the ballot the candidates
121 shall have an opportunity to be present in person or
122 by one representative. The ballot shall be headed
123 as follows: —

124 OFFICIAL PRELIMINARY BALLOT.

125 Candidates for nomination for the offices of ()
126 in the city of Boston, at a preliminary election to
127 be held on the day of in
128 the year nineteen hundred and .

129 (The heading shall be varied in accordance
130 with the offices for which nominations are to be
131 made.)

132 *Section 52E.* The election officers shall, imme-
133 diately upon the closing of the polls at preliminary
134 elections, count the ballots and ascertain the number
135 of votes cast in the several voting places for each
136 candidate, and forthwith make return thereof upon
137 blanks to be furnished, as in biennial elections, to the

138 election commissioners who shall canvass said returns
139 and shall forthwith determine the result thereof,
140 publish the same in one or more newspapers published
141 in the city, and post the same in a conspicuous place
142 in the city hall.

143 *Section 52F.* If any person receives at a prelimi-
144 nary election a majority of all the votes cast for the
145 office for nomination to which he was a candidate, he
146 shall be deemed and declared elected thereto, pro-
147 vided that at said election at least eighty per cent of
148 the total registered vote of the city shall be cast;
149 otherwise the two persons receiving at a preliminary
150 election the highest number of votes for nomination
151 for an office shall be the sole candidates for that office
152 whose names may be printed on the official ballot to
153 be used at the regular or special election at which
154 such office is to be filled, and no acceptance of a nomi-
155 nation at a preliminary election shall be necessary
156 to its validity.

157 If two or more persons are to be elected to the same
158 office at such regular or special election the several
159 persons in number equal to twice the number so to
160 be elected receiving at such preliminary election the
161 highest number of votes for nomination for that
162 office, or all such persons, if less than twice the num-
163 ber of those so to be elected, shall be the sole candi-
164 dates for that office whose names may be printed on
165 the official ballot.

166 If the preliminary election results in a tie vote
167 among candidates for nomination receiving the
168 lowest number of votes, which, but for said tie vote,
169 would entitle a person receiving the same to have his
170 name printed upon the official ballot for the election,
171 all candidates participating in said tie vote shall have

172 their names printed upon the official ballot, although
173 in consequence there be printed thereon candidates
174 to a number exceeding twice the number to be elected.
175 *Section 52G.* If at the expiration of the time for
176 filing statements of candidates to be voted for at any
177 preliminary election not more than twice as many
178 such statements have been filed with the election
179 commissioners for an office as are to be elected to said
180 office, the candidates whose statements have thus
181 been filed shall be deemed to have been nominated to
182 said office and their names shall be printed on the
183 official ballot to be used at such regular or special
184 election, and the election commissioners shall not
185 print said names upon the ballot to be used at said
186 preliminary election, and no other nomination to said
187 office shall be made. If it shall appear that no names
188 are to be printed upon the official ballot to be used at
189 any preliminary election, no preliminary election
190 shall be held, or, if no candidate is to be voted on at
191 any such election in any ward, no preliminary elec-
192 tion shall be held in such ward.

1 SECTION 2. Sections 53 and 54 of said chapter
2 486, as amended, are hereby repealed.

1 SECTION 3. Section 58 of said chapter 486, as
2 amended by section 18 of chapter 479 of the acts of
3 1924, is hereby further amended by inserting after
4 the word "any" in the second line the word: — pre-
5 liminary, — so as to read as follows: — *Section 58.*
6 No ballot used at any preliminary, biennial or special
7 municipal election shall have printed thereon any
8 party or political designation or mark, and there shall
9 not be appended to the name of any candidate any

10 such party or political designation or mark, or any-
11 thing showing how he was nominated or indicating
12 his views or opinions.

1 SECTION 4. Section 59 of said chapter 486, as
2 amended by section 19 of said chapter 479, is hereby
3 further amended by inserting after the word "at"
4 in the second line the word:— preliminary, — so as
5 to read as follows:— *Section 59.* On ballots to be
6 used at preliminary, biennial or special municipal
7 elections blank spaces shall be left at the end of each
8 list of candidates for the different offices, equal to the
9 number to be elected thereto, in which the voter may
10 insert the name of any person not printed on the
11 ballot for whom he desires to vote for such office.

1 SECTION 5. Said chapter 486 is hereby further
2 amended by striking out section 45, as amended by
3 section 1 of chapter 300 of the acts of 1938, and
4 inserting in place thereof the following:—
5 *Section 45.* Beginning with the biennial municipal
6 election in the year nineteen hundred and forty-nine,
7 the mayor of the city of Boston shall be elected at
8 large to hold office for the term of two years from the
9 first Monday in January following his election and
10 until his successor is chosen and qualified and shall
11 not be eligible for election for more than two suc-
12 cessive terms.

1 SECTION 6. Upon petition of not less than ten
2 per cent of the registered voters of said city, duly
3 certified by the election commissioners, and filed
4 with the state secretary not less than sixty days
5 before the election, this act shall be submitted for ac-

6 ceptance to the voters of said city at the state elec-
7 tion in the year nineteen hundred and forty-eight
8 in the form of the following question, which shall be
9 placed upon the official ballot to be used in said city
10 at said election: "Shall an act passed by the general
11 court in the year nineteen hundred and forty-eight
12 entitled 'An Act providing for the nomination by
13 preliminary elections of candidates for elective mu-
14 nicipal office in the city of Boston, and providing
15 that the mayor of said city shall be elected for two
16 year terms and shall be ineligible for election for
17 more than two successive terms', be accepted?" If
18 a majority of the voters in said city voting thereon
19 vote in the affirmative, this act shall take effect for
20 the nomination and election of mayor and city coun-
21 cillors beginning with the year nineteen hundred and
22 forty-nine, otherwise it shall have no effect.

