

SENATE No. 9

To accompany the petition of Charles H. Pearson that provision be made for the nomination by conventions of all candidates of political parties to be voted for at State elections and the election of State committees of each political party.

The Commonwealth of Massachusetts.

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

AN ACT

To provide for the Nomination by Conventions of Candidates of Political Parties to be voted for at State Elections, and the Election of State Committees of Each 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. Chapter fifty-three of the Gen-
2 eral Laws is hereby amended by striking out
3 section two and inserting in place thereof the
4 following: *Section 2.* Except for nominating
5 candidates for municipal offices where city or
6 town charters or by-laws otherwise provide,
7 and except presidential electors, the nomination
8 of candidates of political parties for all elective
9 offices, and the election of members of the state

10 committee of political parties, from each sena-
11 torial district, shall be made by a convention of
12 delegates, or their alternates, duly elected as
13 such, at a primary or caucus duly called and
14 held for that purpose. All nominations and
15 elections in primaries and caucuses shall be by
16 direct plurality vote. No candidate shall be
17 nominated, or political committee or convention
18 delegate, or alternate delegate, elected, in any
19 other manner than is herein provided. The sec-
20 retary of the commonwealth is hereby empow-
21 ered and shall prescribe the rules and regulations
22 for calling, holding and conducting of all such
23 conventions, not otherwise herein provided for.

1 SECTION 2. Said chapter fifty-three is hereby
2 further amended by striking out sections forty-
3 one to fifty-four, inclusive, providing for state
4 primaries, and inserting in place thereof the fol-
5 lowing: *Section 41.* A political party shall,
6 upon the call of its state committee, but not
7 later than two weeks prior to the biennial state
8 election, hold a state convention for the purpose
9 of nominating candidates for all offices to be
10 filled by all the voters of the commonwealth,
11 adopting a platform, electing such number of
12 members at large of the state committee as
13 may be fixed by it, and for such other purposes
14 consistent with law as the state committee or
15 the convention may determine. Such conven-
16 tion shall consist of the delegates duly elected
17 thereto, or their alternates, the members of the

18 state committee, and the United States senators
19 and congressmen from Massachusetts who are
20 members of the party. The presiding officer and
21 the secretary of the convention shall, as to all
22 candidates nominated, sign a certificate of nom-
23 ination, and shall make oath to the truth thereof.
24 Such certificate shall, in addition to the names
25 of the candidates, specify as to each (1) his
26 place of residence; (2) the office for which he is
27 nominated; (3) the party which he represents.
28 It shall also state what provision, if any, was
29 made by the convention for filling vacancies
30 caused by the death, withdrawal or ineligibility
31 of candidates. The certificate shall be filed
32 with the secretary of the commonwealth on or
33 before the seventh Monday preceding the day
34 of election, and the names of the nominees,
35 together with their places of residence, the
36 offices for which they have been respectively
37 nominated and the party which they represent,
38 shall be placed upon the ballot to be used at the
39 state election.

40 *Section 42.* A convention of delegates of a
41 political party held in accordance with the pro-
42 visions of this chapter for a district or county
43 may make one nomination for each office to be
44 filled at an election therein, and shall be entitled
45 to have the names of its candidates placed upon
46 the official ballot upon filing a certificate of
47 nomination as provided in this chapter. The
48 convention of a senatorial district shall, from
49 the voters of its party in such district, elect the

50 number of members of its state committee to
51 which such district is entitled.

52 *Section 43.* No convention to nominate candi-
53 dates for any state office shall be called for or
54 held on a date earlier than four days after the
55 holding of the caucuses for the choice of dele-
56 gates thereto, and all such conventions shall be
57 called for and held on a date not later than forty-
58 eight hours prior to the hour for filing certificates
59 of nomination. No representative convention
60 shall be called for or held on a date earlier than
61 seven days after the date designated for holding
62 caucuses by the state committee of the political
63 party whose representative convention is to be
64 held.

65 *Section 44.* At a political convention not held
66 for the nomination of candidates for any offices
67 to be filled by all the voters of the common-
68 wealth, by vote of one fourth of the delegates
69 present the nomination of any candidate shall
70 be made by roll call in the following manner:
71 the secretary of the convention shall call the
72 roll of the towns and cities in alphabetical order
73 or of wards in a city in numerical order, and
74 each delegate shall, as his name is called, state
75 in the hearing of the convention the name of
76 the candidate for whom he desires to vote, and
77 the person receiving a majority of votes on such
78 roll call shall be the candidate of the convention.

79 *Section 48.* Every certificate of nomination
80 shall state such facts as are required by section
81 forty-one, and shall be signed by the presiding

82 officer and by the secretary of the convention or
83 caucus, who shall add to their signatures their
84 residences, and shall make oath to the truth
85 thereof. The secretary of the convention or
86 caucus shall within the seventy-two hours suc-
87 ceeding five o'clock in the afternoon of the
88 day upon which the convention or caucus was
89 held and within the time specified, file such cer-
90 tificate as hereinafter provided.

91 *Section 46.* Each town, ward of a city and
92 district, entitled to delegates to any convention
93 of political parties, in electing delegates to any
94 such convention shall, at the same time and in
95 the same manner, elect a like number of al-
96 ternate delegates, and no person shall partici-
97 pate in any such convention by voting therein
98 unless he has been duly elected as a delegate,
99 or in case of his absence, or his failure to vote, his
100 duly elected alternate delegate, thereto and has
101 his credentials to that effect.

102 *Section 47.* No person except a duly elected
103 delegate, or, in case of his absence, or failure to
104 vote therein, his duly elected alternate, shall be
105 entitled to vote in any convention. Any person
106 violating the provisions of this section shall be
107 punished by a fine of not more than five hundred
108 dollars or by imprisonment for not more than
109 ninety days or by both such fine and imprison-
110 ment.

1 SECTION 3. In the event of any delegate, for
2 any reason, being absent from any convention,

3 or his failure to vote therein, the vacancy so
4 caused may be filled by an alternate delegate
5 from the same district, ward or town, if present
6 with his credentials.

1 SECTION 4. All acts and parts of acts and
2 amendments thereto, heretofore enacted, which
3 are inconsistent with this act, are hereby re-
4 pealed.

1 SECTION 5. This act shall take effect upon
2 its passage.

STATE OF NEW YORK

IN SENATE

January 10, 1906

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE

IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE

ON JANUARY 10, 1906

ALBANY: JAMES BROWN PUBLISHER, 1906.

