

# SENATE . . . . No. 460

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Moved by Mr. Bliss as a substitute for the House report of the committee on Election Laws, reference to the next annual session, on the petition (accompanied by bill, Senate, No. 64) of Charles H. Pearson that provision be made for the nomination by conventions of candidates to be voted for at state elections.

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## The Commonwealth of Massachusetts.

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

### AN ACT

To provide for the Nomination by Conventions of Candidates of Political Parties for the Office of State Secretary, State Treasurer, State Auditor and Attorney-General.

*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 General  
2 Laws is hereby amended by striking out section  
3 two and inserting in place thereof the follow-  
4 ing: — *Section 2.* Except in the case of municipal  
5 nominations where city or town charters other-  
6 wise provide, and in case of candidates for the  
7 office of state secretary, state treasurer, state  
8 auditor and attorney-general, candidates of po-  
9 litical parties for all elective offices, except

10 presidential elector, shall be nominated, and  
11 delegates to conventions shall be elected, in  
12 primaries or caucuses, and the nomination of  
13 any party other than a political party, in any  
14 district containing more than one ward or town,  
15 shall be made by a convention of delegates  
16 chosen by caucuses held under section one  
17 hundred and seventeen in the wards and towns  
18 of the district for which the nomination is to  
19 be made. All nominations and elections in  
20 primaries and caucuses shall be by direct plu-  
21 rality vote. No candidate shall be nominated,  
22 or political committee or convention delegate  
23 elected, in any other manner than is herein  
24 provided.

1 SECTION 2. Said chapter fifty-three is hereby  
2 further amended by inserting after section forty,  
3 under the heading "Provisions applying to the  
4 Nomination of Candidates for Certain State Of-  
5 fices," the following new sections: — *Section 40A.*  
6 A political party shall, upon the call of its state  
7 committee, but not later than two weeks prior to  
8 the biennial state election, hold a state conven-  
9 tion for the purpose of nominating candidates for  
10 the office of state secretary, state treasurer, state  
11 auditor and attorney-general, adopting a plat-  
12 form, electing such number of members at large  
13 of the state committee as may be fixed by it, and  
14 for such other purposes consistent with law as the  
15 state committee or the convention may deter-  
16 mine. Such convention shall consist of the dele-

17 gates duly elected thereto, or their alternates, the  
18 members of the state committee, and the United  
19 States senators from Massachusetts who are  
20 members of the party. No person except a duly  
21 elected delegate, or, in case of his inability to at-  
22 tend, his duly elected alternate, shall be entitled  
23 to vote in such convention for the nomination of  
24 candidates for office. Any person except a duly  
25 elected delegate or his alternate voting or at-  
26 tempting to vote in such convention for the nom-  
27 ination of a candidate for office shall be punished  
28 by a fine of not more than one thousand dollars  
29 or by imprisonment for not more than one year.

30 The presiding officer and the secretary of the  
31 convention shall, as to all candidates nominated,  
32 sign a certificate of nomination, and shall make  
33 oath to the truth thereof. Such certificate shall,  
34 in addition to the names of the candidates,  
35 specify as to each (1) his place of residence;  
36 (2) the office for which he is nominated; (3) the  
37 party which he represents. It shall also state  
38 what provision, if any, was made by the conven-  
39 tion for filling vacancies caused by the death,  
40 withdrawal or ineligibility of candidates. The  
41 certificate shall be filed with the secretary of the  
42 commonwealth on or before the seventh Monday  
43 preceding the day of election, and the names of  
44 the nominees, together with their places of resi-  
45 dence, the offices for which they have been  
46 respectively nominated and the party which  
47 they represent, shall, in accordance with the  
48 provisions of sections forty to forty-seven, in-

49 clusive, of chapter fifty-four of the General Laws,  
50 be placed upon the ballot to be used at the state  
51 election.

52 *Section 40B.* No convention to nominate can-  
53 didates for a state office under section forty A  
54 shall be called for or held on a date earlier than  
55 four days after the holding of the caucuses for  
56 the choice of delegates thereto, and all such con-  
57 ventions shall be called for and held on a date  
58 not later than forty-eight hours prior to the hour  
59 for filing certificates of nomination.

60 *Section 40C.* Every certificate of nomination  
61 of a candidate nominated under section forty A  
62 shall state such facts as are required by said sec-  
63 tion forty A, and shall be signed by the presiding  
64 officer and by the secretary of the convention,  
65 who shall add to their signatures their residences,  
66 and shall make oath to the truth thereof. The  
67 secretary of the convention shall within the sev-  
68 enty-two hours succeeding five o'clock in the  
69 afternoon of the day upon which the convention  
70 or caucus was held and within the time specified,  
71 file such certificate as hereinafter provided.

72 *Section 40D.* Each town, ward of a city and  
73 district, entitled to delegates to a convention of  
74 political parties held under section forty A, in  
75 electing delegates to any such convention shall,  
76 at the same time and in the same manner, elect  
77 a like number of alternate delegates, and no  
78 person shall participate in any such convention  
79 by voting therein unless he has been duly elected  
80 as a delegate or as an alternate delegate  
81 thereto and has his credentials to that effect.

82 *Section 40E.* Any person violating the provi-  
83 sions of the preceding section shall be punished  
84 by a fine of not more than five hundred dollars  
85 or by imprisonment for not more than ninety  
86 days or by both such fine and imprisonment.

1 SECTION 3. Section forty-one of said chapter  
2 fifty-three is hereby amended by inserting before  
3 the word "primaries", in the first line, the words:  
4 — Except as provided in section forty A, — so  
5 as to read as follows:— *Section 41.* Except as  
6 provided in section forty A, primaries shall be  
7 held for the nomination of candidates of political  
8 parties for all offices to be filled at a state elec-  
9 tion, except presidential elector, and for the  
10 election of district members of state committees,  
11 members of ward and town committees, and  
12 delegates to state conventions of political parties.  
13 Sections forty-two to fifty-four, inclusive, shall  
14 apply to such primaries.

