

To accompany the petition of Steven T. Byington that provision be made for direct voting for candidates for President and Vice President of the United States. Election Laws.

The Commonwealth of Massachusetts

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

An Act to establish Direct Voting for Candidates for President and Vice President of the United States.

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. In any year in which candidates
2 for presidential electors are to be elected, nom-
3 inations of candidates for president and vice
4 president of the United States shall be received.
5 President and vice president of the United
6 States, as well as presidential electors, shall be
7 deemed to be state officers within the meaning
8 of the laws relating to primaries, caucuses and
9 elections, and all provisions made by those laws
10 for state officers shall apply to the president
11 and vice president of the United States except
12 as provided in this act.

1 SECTION 2. Nominations of candidates for
2 the offices of president and vice president may
3 be made on behalf of any political party by the
4 national convention of that party, and the cer-

5 tificate of nomination shall be filed by the chair-
6 man and secretary of the state committee of
7 that party, who shall make oath that the candi-
8 dates they name have been duly nominated by
9 the national convention of that party.

1 SECTION 3. Nominations of candidates for
2 the offices of president and vice president may
3 be made by nomination papers under the same
4 conditions as nominations of candidates for
5 other state offices. Nomination papers for the
6 offices of president and vice president shall con-
7 tain also the names and residences, with street
8 and number thereof if any, of not less than
9 twenty persons to act as state committee on be-
10 half of the candidates nominated. The com-
11 mittee so named shall, within fifteen days after
12 the filing of the nomination papers in which
13 they are named, organize in the manner pre-
14 scribed by law for the state committee of a
15 political party, and shall have all powers and
16 responsibilities belonging to the state com-
17 mittee of a political party until the presidential
18 electors chosen in that year shall have cast their
19 votes for president and vice president of the
20 United States. Nomination papers for the of-
21 fices of president and vice president shall be
22 void if the candidates named for both offices
23 are residents of Massachusetts.

1 SECTION 4. Candidates for the offices of
2 president and vice president shall not be re-

3 quired to file an acceptance of their nom-
4 ination.

1 SECTION 5. Certificates of nomination, or
2 nomination papers, may include together with
3 the names of candidates for president and vice
4 president of the United States the nomination
5 of candidates for the office of presidential elec-
6 tors, with the expectation that these candidates
7 are to vote for those candidates for president
8 and vice president of the United States on
9 whose behalf they are named. If presidential
10 electors are not nominated on the certificate of
11 nomination or on the nomination papers, the
12 state committee representing candidates for
13 president and vice president shall nominate
14 candidates for the office of presidential electors
15 to vote for those candidates for president and
16 vice president, and shall file the certificate of
17 the nomination of such candidates on or before
18 the second Thursday preceding the day of the
19 election.

1 SECTION 6. If two or more sets of candidates
2 are nominated for electors to vote for the same
3 candidates for president and vice president, the
4 secretary of the commonwealth shall notify the
5 candidate for president of these nominations
6 and shall request him to state by which electors
7 he desires to be represented; and those among
8 the candidates nominated to whose nomination
9 he shall assent shall be deemed to be the lawful

10 candidates for electors on his behalf and on be-
11 half of the candidate for vice president on
12 whose behalf they were nominated. If the sec-
13 retary of the commonwealth shall not receive a
14 reply from the candidate for president before
15 the Tuesday immediately preceding the elec-
16 tion, he shall declare to be lawfully nominated
17 those candidates whose certificate of nomina-
18 tion or nomination papers were filed first. If
19 on the Tuesday immediately preceding the elec-
20 tion the candidate for president shall have as-
21 sented to more or fewer than the lawful number
22 of candidates for elector, the secretary of the
23 commonwealth shall make the lawful number
24 exact by omitting from the list assented to, if
25 too numerous, the last name or names found on
26 that list; or, if the list is too short, by adding to
27 it the necessary number of such names as stood
28 highest on that one of the certificates of nom-
29 ination or nomination papers in question which
30 was filed first.

1 SECTION 7. The names of candidates for
2 president and vice president of the United
3 States, with the name of the state in which each
4 resides and the party or political designation
5 or designations of each, shall be printed upon
6 the ballots, a sufficient square in which each
7 voter may designate his choice by a cross (X)
8 being left at the right of the name and designa-
9 tion of each candidate. The names of candi-
10 dates for presidential electors shall not be

11 printed upon the ballots, but the secretary of
12 the commonwealth shall, at least five days be-
13 fore the election, transmit to the registrars, in
14 Boston to the election commissioners, printed
15 lists of the names, residences and designations
16 of such candidates, arranged in groups as pre-
17 sented in the several certificates of nomination
18 or nomination papers. The registrars or elec-
19 tion commissioners shall, upon the receipt
20 thereof, conspicuously post in not less than
21 three public places in each voting precinct or
22 town the lists aforesaid for such precinct or
23 town.

1 SECTION 8. The voter, in preparing his bal-
2 lot, shall make a cross (X) in the square at the
3 right of the name of the candidate for whom he
4 intends to vote for president; and likewise for
5 vice president.

1 SECTION 9. The copies of the records of
2 votes for president and vice president shall, in
3 any event, within ten days after they have been
4 transmitted to the secretary of the common-
5 wealth be opened and examined by the governor
6 and council, who shall thereafter declare, by
7 proclamation printed in at least one newspaper
8 in each county, the names of the persons who
9 have received at least one fifth of the entire
10 number of votes cast for the office of president,
11 and the number of votes received by each such
12 person; and likewise for the office of vice presi-

13 dent. Those persons who were nominated as
14 electors to represent the candidates who have
15 received the highest number of votes so ascer-
16 tained for president and vice president respec-
17 tively, unless notice of a contest has been re-
18 ceived by the governor, shall, at the expiration of
19 fourteen days from the date of such proclama-
20 tion, be deemed to be elected; and the governor
21 shall thereupon issue a certificate of election to
22 every such person. If no electors were nom-
23 inated to represent these candidates for presi-
24 dent and vice president, the governor shall
25 within thirty days from the date of such procla-
26 mation appoint to the office of presidential elec-
27 tors the necessary number of citizens eminent
28 for probity and intelligence who shall under-
29 take to cast their votes for these candidates.
30 If the candidate who receives the highest num-
31 ber of votes for president is a resident of Mas-
32 sachusetts, all votes cast for any resident of
33 Massachusetts as vice president shall be treated
34 as void in determining the election of candi-
35 dates for presidential elector.

1 SECTION 10. The state committee represent-
2 ing any candidates for president and vice presi-
3 dent who appear, by the proclamation of the
4 governor, to have received not less than one
5 fifth of the entire number of votes cast for their
6 respective offices, may, if the election is con-
7 tested, apply by petition to the supreme ju-
8 dicial court for the county of Suffolk, for a

9 declaration of the election of the candidates for
10 presidential elector nominated on behalf of
11 such candidates for president and vice presi-
12 dent. The ground for the contest shall be filed
13 within seven days after the date of such procla-
14 mation and shall not thereafter be amended.
15 Before any proceedings thereon, the petitioners
16 shall recognize to the commonwealth, in such
17 sum and with such sureties as the court shall
18 order, to pay all costs incurred in the prosecu-
19 tion of their petition if they shall not prevail.
20 If the petitioners prevail, the cost shall be paid
21 by the commonwealth. The case shall be heard
22 as is provided in sections three hundred and
23 sixteen and three hundred and seventeen of
24 chapter eight hundred and thirty-five of the
25 acts of the year nineteen hundred and thirteen;
26 but the state committee representing those can-
27 didates for president and vice president who
28 appear by the proclamation of the governor to
29 have received the highest number of votes for
30 their respective offices shall appear as contest-
31 ant of the petition.

1 SECTION 11. In any election for presidential
2 electors, the provisions of sections three hun-
3 dred and forty-seven, three hundred and forty-
4 eight, and three hundred and forty-nine of
5 chapter eight hundred and thirty-five of the
6 acts of the year nineteen hundred and thirteen
7 shall apply to all payments, expenditures,
8 promises or liabilities made or incurred in Mas-

9 sachusetts, or in order to influence the vote of
10 the commonwealth of Massachusetts or of the
11 United States in general or of any group of
12 states of which Massachusetts forms a part, or
13 for advertising in any publication whose cir-
14 culation in Massachusetts is more than one hun-
15 dred copies of any issue; and under sections
16 three hundred and sixty and three hundred and
17 sixty-two of the said chapter eight hundred and
18 thirty-five the state committee representing any
19 candidates for president and vice president
20 shall file statements not only on its own behalf
21 but also on behalf of its candidates for presi-
22 dent and vice president and of the national com-
23 mittee, if any such exist, representing the same
24 candidates, or if the state committee be unable
25 to file a satisfactory statement on behalf of any
26 of these persons it shall file a statement setting
27 forth specifically the causes which make it un-
28 able to do so; and if a candidate for president
29 or vice president on whose behalf presidential
30 electors have been elected shall be accused of
31 any violation of the law relating to corrupt
32 practices in connection with the election at
33 which those electors were elected, the state com-
34 mittee representing such candidate shall be
35 made defendant in a prosecution for the pur-
36 pose of determining his guilt, the hearing of
37 the case being in no event less than seven days
38 after the committee shall have been summoned
39 to answer, and if he be convicted of the offense
40 charged against him, the offices of those electors

41 shall thereby be vacated and a new election shall
42 be held for the purpose of filling the same, in
43 which election those nominations shall be valid
44 which were made for the election in which those
45 electors were chosen, except the nomination of
46 the candidate convicted of corrupt practices.

