

Moved by Mr. Haigis as a substitute for the Senate Report of the committee on Election Laws, "reference to the next annual session", on the petition of Frank H. Foss, chairman of the Republican State Committee, and another.

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**The Commonwealth of Massachusetts**

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

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An Act to provide for the Nomination by State Conventions of Candidates for Certain State Offices to be filled by All the Voters of the Commonwealth.

*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 two of chapter fifty-three  
2 of the General Laws is hereby amended by in-  
3 serting after the word "elector" in the third line  
4 the words:—, state secretary, attorney general,  
5 state treasurer and state auditor,—and by in-  
6 serting after the word "candidate" in the eleventh  
7 line the words:—, except as aforesaid,— so as to  
8 read as follows:— *Section 2.* Except in the case  
9 of municipal nominations where city or town  
10 charters otherwise provide, candidates of political  
11 parties for all elective offices, except presidential  
12 elector, state secretary, attorney general, state  
13 treasurer and state auditor, shall be nominated,  
14 and members of political committees and dele-

15 gates to conventions shall be elected, in primaries  
16 or caucuses, and the nomination of any party  
17 other than a political party, in any district con-  
18 taining more than one ward or town, shall be  
19 made by a convention of delegates chosen by  
20 caucuses held under section one hundred and  
21 seventeen in the wards and towns of the district  
22 for which the nomination is to be made. All  
23 nominations and elections in primaries and cau-  
24 cuses shall be by direct plurality vote. No can-  
25 didate, except as aforesaid, shall be nominated,  
26 or political committee or convention delegate  
27 elected, in any other manner than is herein  
28 provided.

1 SECTION 2. The first paragraph of section ten  
2 of said chapter fifty-three, as amended by chapter  
3 three hundred and eighty-seven of the acts of  
4 nineteen hundred and twenty-one, is hereby fur-  
5 ther amended by inserting after the word "elec-  
6 tors" in the third and in the fifth lines, in each  
7 instance, the words: —, state secretary, attorney  
8 general, state treasurer and state auditor,—so  
9 that said first paragraph will read as follows:—  
10 Certificates of nomination of candidates for offices  
11 to be filled by all the voters of the common-  
12 wealth, except for presidential electors, state  
13 secretary, attorney general, state treasurer and  
14 state auditor, shall be filed on or before the  
15 seventh Monday, and of all other candidates for  
16 offices to be filled at a state election, including  
17 presidential electors, state secretary, attorney gen-

18 eral, state treasurer and state auditor, on or be-  
19 fore the fifth Thursday, and nomination papers  
20 of all candidates for offices to be filled at a state  
21 election, on or before the ninth Monday, preceding  
22 the day of the election; but if there is a special  
23 election to fill any state office, certificates of  
24 nomination shall be filed on or before the twelfth  
25 day, and nomination papers on or before the  
26 eleventh day, preceding the day of such election.

1 SECTION 3. Section forty-one of said chapter  
2 fifty-three, is hereby amended by inserting after  
3 the word "elector", in the third line, the words:  
4 —, state secretary, attorney general, state treas-  
5 urer and state auditor, — so as to read as follows:  
6 — *Section 41.* Primaries shall be held for the  
7 nomination of candidates of political parties for  
8 all offices to be filled at a state election, except  
9 presidential elector, state secretary, attorney  
10 general, state treasurer and state auditor, and for  
11 the election of district members of state commit-  
12 tees, members of ward and town committees,  
13 and delegates to state conventions of political  
14 parties. Sections forty-two to fifty-four, inclu-  
15 sive, shall apply to such primaries.

1 SECTION 4. Section fifty-four of said chapter  
2 fifty-three is hereby amended by striking out, in  
3 the first line, the word "may" and inserting in  
4 place thereof the word:— shall, — and by in-  
5 serting after the word "electors", in the fifth line,  
6 the words:—, a state secretary, an attorney

7 general, a state treasurer and a state auditor, —  
8 so as to read as follows: — *Section 54.* A politi-  
9 cal party shall, upon the call of its state com-  
10 mittee, but not earlier than one week nor later  
11 than two weeks after the holding of the primaries,  
12 hold a state convention for the purpose of adopt-  
13 ing a platform, electing such number of members  
14 at large of the state committee as may be fixed  
15 by it, nominating presidential electors, a state  
16 secretary, an attorney general, a state treasurer  
17 and a state auditor, and for such other purposes  
18 consistent with law as the state committee or the  
19 convention may determine. Such convention  
20 shall consist of the delegates elected at the state  
21 primary, the members of the state committee,  
22 the United States senators from Massachusetts  
23 who are members of the party, the nominees of  
24 the party for all offices to be filled at the state  
25 election, and in years in which no elections are  
26 held for such offices, the incumbents of those  
27 offices who are members of the party.

1 SECTION 5. Section fifty-three of chapter fifty-  
2 three of the General Laws, is hereby amended by  
3 striking out, in line 9, the words “or a place un-  
4 filled in a delegation, or a vacancy occasioned by  
5 inability or neglect of a delegate elected to attend  
6 a convention”, and in line 14, the words “except  
7 that, if only one delegate or two delegates were  
8 to be elected, the delegate or remaining delegate,  
9 as the case may be, shall fill the vacancy and  
10 notify the secretary of the convention of that

11 action.” — and in line 20, the words “delegation,  
12 or of a”,— so as to read: — In case of a tie vote  
13 where the number of persons receiving equal votes  
14 exceeds the number of nominations available,  
15 there shall be deemed to be a vacancy. If the  
16 tie is between candidates for an office to be filled  
17 by all the voters of the commonwealth, the  
18 vacancy shall be filled by the state committee.  
19 If the tie is between candidates for nomination  
20 for any other office, the vacancy shall be filled  
21 by the members of the ward and town committees  
22 in the district for which the nomination is to be  
23 made. If there is a tie vote for delegates to a  
24 convention, such vacancy shall be filled only by  
25 vote of the remaining members of the delegation  
26 at a meeting called therefor. Such meeting shall  
27 choose a chairman and secretary, and the secre-  
28 tary shall notify the secretary of the convention  
29 of the action taken relative to the vacancy.

30 If there is a tie for members of a ward or town  
31 committee, the members elected shall fill the  
32 vacancy.

33 If a majority of a ward or town committee is  
34 not elected, the vacancy shall be filled by the  
35 persons elected to the ward or town committee.

36 All vacancies caused by ties shall be filled only  
37 by the choice of one of the candidates receiving  
38 the tie vote.





