

HOUSE No. 97

The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY,
BOSTON, December 1, 1926.

To the Honorable Senate and the House of Representatives.

GENTLEMEN:— In compliance with General Laws, chapter 30, section 33, as amended by section 2, chapter 24, Acts of 1922, and section 43, chapter 362, Acts of 1923, I have the honor to submit herewith such portions of my annual reports (Pub. Docs. Nos. 43 and 46) as embody recommendations for legislation, accompanied by drafts of bills to cover said recommendations.

Very truly yours,

FREDERIC W. COOK,
Secretary.

RECOMMENDATIONS.

ELECTIONS.

1. I renew the recommendation made by my predecessor, Hon. Albert P. Langtry, in the years 1914 and 1915, "that an incumbent of a State office may have his name printed upon the primary ballot as a candidate for such office of the party which he represents upon a request in writing filed with the State Secretary on or before the last hour for filing primary nomination papers."

2. In this and in previous years there have been many cases before the State Ballot Law Commission where signatures on primary and election nomination papers would clearly indicate that their genuineness was subject to doubt. I therefore recommend that each nomination paper shall contain a certificate signed by some qualified voter of the Commonwealth that all the signatures thereon were made by the persons whose names they purport to be, except as otherwise provided by law.

3. Chapter 96, Acts of 1926, fixes the date of the State primary as the seventh (instead of the eighth) Tuesday preceding State elections without providing for objections to, withdrawals of, or the filling of vacancies in nominations made at such primaries. In the nominations made at the State primaries September 14, 1926, it became necessary to assume responsibility of supplying omitted dates as consistent as possible with the provisions of law when said primaries were held on the eighth Tuesday preceding the State election. I therefore recommend the passage of legislation to supply these omissions.

4. In view of the difficulties frequently arising from the redistricting of representative districts under the provisions of Article XXI of the Constitution, I recommend an amendment to the Constitution to provide that the apportionment of representative districts as provided for under said article of the Constitution shall not take effect until January first of the second year following the assignment by the General

Court, and that no court procedure in connection with said assignment shall begin later than one year after the time of the assignment.

5. The law now requires a candidate nominated by more than one party . . . etc., within the seventy-two hours next succeeding five o'clock in the afternoon of the last day fixed for the filing of nomination papers, to file a writing directing in what order the several nominations . . . etc., shall be added to his name upon the official ballot. This provision is unworkable as applied to the new State primary date, which in the current year occurred on September 14. In the current year the last day for filing nomination papers for the State election was September 7; three days later (September 10) was four days before the State primary at which a candidate might have received the nomination of more than one party. I therefore recommend an amendment to said section 41 to provide that the last day fixed for filing nomination papers shall read the last day fixed for filing certificates of nomination.

6. Section 3 of chapter 53 of the General Laws provides that a person whose name is not printed on a State primary ballot as a candidate for an office, but who receives sufficient votes to nominate him therefor, shall file a written acceptance of the nomination in the office of the State Secretary before the last hour for filing nominations by nomination paper or otherwise. For the purpose of uniformity, I suggest that the words "nominations by nomination paper or otherwise" be stricken out, and the words "certificates of nomination" inserted in place thereof.

7. Section 16 of chapter 55 of the General Laws relates to statements of political expenses of candidates, and requires a candidate within seven days after the last day for filing nominations to file a statement of expenses, etc. Again, for the purpose of uniformity, I suggest that the word "nominations" be stricken out, and the words "certificates of nomination" inserted in place thereof.

COMMISSIONS.

8. The sixty-ninth article of amendment to the Constitution was adopted by the Legislatures of the political years 1921 and 1923 and was approved by the people at the State election November 4, 1924, in which it provides that upon the change of name of any woman, who has been appointed and qualified as a notary public, she shall re-register under her new name with the State Secretary and pay such fee therefor as shall be established by the General Court. No fee having been established by the General Court for such service I recommend the passage of a law which will fix such fee at one dollar.

9. It has come to the attention of this office that a person who makes oath to a deed, a will or other form of instrument to be filed in a probate court sometimes performs the act before a notary public, justice of the peace or special commissioner whose commission has expired and thus the question arises as to the validity of the instrument. I, therefore, recommend legislation that will protect the interests of the person making such oath although the date of commission of the magistrate may have expired.

CORPORATIONS.

10. Representations have been made to this office calling attention to the use of a corporation name in the conduct of a business or otherwise when the concern is not a corporation, and as harm results from such use I recommend that a law be enacted to forbid the assuming or use of the word "company", "corporation", "incorporated" or "limited" or any word, or any abbreviated form of any word, which indicates that said name is that of a corporation.

DIVISION OF VITAL STATISTICS.

11. In several instances in connection with the filing of notice of intentions of marriage, parents have falsely represented the age of their minor children, and in other cases

persons not the parents have held themselves to be such in order to obtain marriage certificates for minors. I recommend an amendment to chapter 207 of the General Laws by adding at the end a new section penalizing such acts.

MANUAL FOR THE GENERAL COURT.

12. Attention is invited to chapter 492, Acts of 1924, governing distribution of the Manual for the General Court, the provisions of which do not provide an adequate disposition of this publication. Only one copy of the Manual is allowed to each State department and in consequence some of the larger departments are obliged to solicit additional copies of this publication from members of the Legislature. The Manual contains much information of use in many of our State departments and provision should be made to permit a more liberal disposition of this book to these departments. The present law, failing to provide copies of the Manual for free distribution in certain special cases, makes it impossible for this office to supply copies to the members of Congress from Massachusetts or to other officials who would find the contents of this book very valuable in their official work. I recommend that the law be amended so that the Secretary may carry out suggestions herein referred to.

