

By Mr. Blanchard of Cambridge, petition of Arthur F. Blanchard for legislation to provide for dispensing with preliminary elections before special elections in certain cities operating under a standard form of city charter. Election Laws. Dec. 7, 1926.

---

---

**The Commonwealth of Massachusetts.**

---

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

---

An Act dispensing with Preliminary Elections before Special Elections in Certain Cities governed under a Standard Form of City Charter.

*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 forty-four A of chapter  
2 forty-three of the General Laws, inserted by section  
3 one of chapter two hundred and eighty-two of the  
4 acts of nineteen hundred and twenty-two, is hereby  
5 amended by striking out, in the ninth line, the  
6 words " and special ", and by striking out, in the  
7 seventeenth line, the words " , preliminary and  
8 special " and inserting in place thereof the  
9 words:—and preliminary,—so as to read as  
10 follows:—*Section 44A.* In every city, governed  
11 on September first, nineteen hundred and twenty-  
12 two, by any plan provided by this chapter, which  
13 accepts sections forty-four A to forty-four G,  
14 inclusive, in the manner provided by section forty-  
15 four H, and in every city, except Boston, which,  
16 after said date adopts any such plan in the manner

17 provided in this chapter, the provisions of sections  
18 forty-four A to forty-four G, inclusive, shall apply.  
19 On the third Tuesday preceding every regular  
20 election at which any office mentioned in this  
21 chapter is to be filled, there shall be held, except as  
22 otherwise provided in section forty-four G, a  
23 preliminary election for the purpose of nominating  
24 candidates therefor, and section sixteen shall not  
25 apply. The first regular election, if occurring in the  
26 year in which sections forty-four A to forty-four G,  
27 inclusive, are accepted, shall be held on the third  
28 Tuesday of December. At every regular and pre-  
29 liminary election, the ballots used shall be governed  
30 by the provisions of section forty-nine and the  
31 polls shall be open during such hours, in accordance  
32 with general law, as the city council may prescribe.  
33 No vote of the city council changing such hours  
34 shall take effect unless accepted by a majority of the  
35 voters of the city voting thereon at a biennial state  
36 election, and the state secretary, upon the receipt  
37 at least thirty days before such an election of a  
38 copy of the vote of the city council proposing such  
39 a change, certified by the city clerk, shall cause the  
40 question of its acceptance to be placed upon the  
41 ballot to be used in said city at such election.

1 SECTION 2. Section forty-four B of said chapter  
2 forty-three, inserted by said section one of chapter  
3 two hundred and eighty-two, is hereby amended by  
4 striking out, in the third line, the words “ or  
5 special”,—so as to read as follows:—*Section*  
6 *44B.* Except as otherwise provided in section  
7 forty-four G, there shall not be printed on the  
8 official ballot to be used at any regular election

9 the name of any person as a candidate for any  
10 office unless such person has been nominated as  
11 such at a preliminary election for nomination, held  
12 as provided in sections forty-four A to forty-  
13 four G, inclusive. There shall not be printed on the  
14 official ballot for use at such preliminary election  
15 the name of any candidate for nomination at such  
16 election, unless he shall have filed, within the time  
17 limited by section forty-four C, the statement and  
18 petition therein described.

1 SECTION 3. Section forty-four F of said chapter  
2 forty-three, inserted by said section one of chapter  
3 two hundred and eighty-two, is hereby amended by  
4 striking out, in the sixth and tenth lines, the words  
5 “ or special ”, — so as to read as follows:—  
6 *Section 44F.* The two persons receiving at a pre-  
7 liminary election the highest number of votes for  
8 nomination for an office shall, except as provided  
9 by section forty-four G, be the sole candidates for  
10 that office whose names may be printed on the  
11 official ballot to be used at the regular election at  
12 which such office is to be filled, and no acceptance  
13 of a nomination at a preliminary election shall be  
14 necessary to its validity.

15 If two or more persons are to be elected to the  
16 same office at such regular election the several  
17 persons in number equal to twice the number so to  
18 be elected receiving at such preliminary election  
19 the highest number of votes for nomination for that  
20 office shall, except as provided by section forty-  
21 four G, be the sole candidates for that office whose  
22 names may be printed on the official ballot.

23 If the preliminary election results in a tie vote

24 among candidates for nomination receiving the  
25 lowest number of votes, which, but for said tie  
26 vote, would entitle a person receiving the same to  
27 have his name printed upon the official ballot for  
28 election, all candidates participating in said tie  
29 vote shall have their names printed upon the official  
30 ballot, although in consequence there be printed  
31 thereon candidates to a number exceeding twice  
32 the number to be elected.

1 SECTION 4. Section forty-four G of said chapter  
2 forty-three, inserted by said section one of chapter  
3 two hundred and eighty-two, is hereby amended  
4 by striking out, in the eighth line, the words “ or  
5 special”,—so as to read as follows:—*Section*  
6 *44G.* If at the expiration of the time for filing  
7 statements of candidates to be voted for at any  
8 preliminary election not more than twice as many  
9 such statements have been filed with the city clerk  
10 for an office as are to be elected to such office, the  
11 candidates whose statements have thus been filed  
12 shall be deemed to have been nominated to said  
13 office, and their names shall be voted on for such  
14 office at the succeeding regular election, as the case  
15 may be, and the city clerk shall not print said names  
16 upon the ballot to be used at said preliminary  
17 election and no other nomination to said office shall  
18 be made. If in consequence it shall appear that no  
19 names are to be printed upon the official ballot to  
20 be used at any preliminary election in any ward or  
21 wards of the city, no preliminary election shall be  
22 held in any such ward or wards.