

# HOUSE . . . . . No. 10

---

---

By Mr. Standish of Stoneham, petition of Oliver B. Di Cecca and others for legislation to provide for the establishment of primary municipal elections in the city of Melrose. Cities.

---

---

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-One.

---

An Act establishing Primary Municipal Elections in the  
City of Melrose.

*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. This act shall apply only to the city of  
2 Melrose. Except as is otherwise provided herein,  
3 there shall not be printed on the official ballots to be  
4 used at any annual or special city election the name  
5 of any person as a candidate for mayor, alderman or  
6 member of the school committee unless such person  
7 be nominated as such candidate at a city primary  
8 election to be held as provided in this act. There  
9 shall not be printed on the official ballots to be used  
10 at a city primary election the name of any person as  
11 a candidate unless such person shall have filed, within  
12 the time limited by section four of this act, the state-  
13 ment of the candidate and the petition accompanying  
14 the statement described in that section.

1 SECTION 2. Except as is otherwise provided herein,  
2 on the third Tuesday preceding every annual or  
3 special city election at which a mayor, or any member  
4 of the school committee or of the board of aldermen  
5 is to be elected, there shall be held a city primary  
6 election for the purpose of nominating candidates for  
7 such offices as are to be filled at such annual or special  
8 city election. No special election for the election of  
9 mayor, or of an alderman or a member of the school  
10 committee, shall be held until after the expiration of  
11 forty days from the calling of the special city primary  
12 election, which is to be held on the third Tuesday  
13 preceding such special election. At every primary  
14 election the polls shall be kept open during such hours  
15 as shall be fixed by the board of aldermen and, except  
16 as is otherwise provided in this act, every such city  
17 primary election shall be called by the same officers  
18 and held in the same manner as a regular city election,  
19 and polling places shall be designated, provided and  
20 furnished, official ballots, special ballots, ballot boxes,  
21 voting lists, specimen ballots, blank forms, apparatus  
22 and supplies shall be provided for every such city  
23 primary election of the same number and kind, and  
24 in the same manner, and by the same officials as at a  
25 regular city election, and the same election officers  
26 shall officiate as at a regular city election.

1 SECTION 3. The provisions of law relating to elec-  
2 tion officers, voting places for elections, election  
3 apparatus and blanks, calling and conduct of elections,  
4 manner of voting at elections, counting and recount-  
5 ing of votes at elections, corrupt practices and pen-  
6 alties, shall apply to the city primary elections, except  
7 as is otherwise provided in this act.

1 SECTION 4. Any person who is qualified to vote for  
2 a candidate for mayor, alderman or member of the  
3 school committee, and who is a candidate for nomina-  
4 tion for any of the said offices may have his name, as  
5 such candidate, printed on the official ballots to be  
6 used at a city primary election; provided, that he  
7 shall, at least ten days prior to such city primary  
8 election, file with the city clerk a statement in writing  
9 of his candidacy in substantially the following form: —

10 STATEMENT OF CANDIDATE.

11 I ( ), on oath declare that I reside at  
12 (number, if any) on (name of street), in the city of  
13 Melrose; that I am a voter therein qualified to vote  
14 for a candidate for the hereinafter mentioned office;  
15 that I am a candidate for nomination for the office of  
16 (mayor, alderman or member of the school committee)  
17 for (state the term), to be voted for at the city primary  
18 election to be held on Tuesday, the \_\_\_\_\_ day  
19 of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_;  
20 and I request that my name be printed as such candi-  
21 date on the official ballots to be used at said city  
22 primary election.

23 (Signed)

24 COMMONWEALTH OF MASSACHUSETTS.

25 Middlesex, ss.

26 Subscribed and sworn to on this \_\_\_\_\_ day of  
27 \_\_\_\_\_, nineteen hundred and \_\_\_\_\_,  
28 before me.

29 (Signed)

30 \_\_\_\_\_ Justice of the Peace

31 \_\_\_\_\_ (or Notary Public).

32 Every such candidate shall at the same time file  
33 with the statement the petition of at least fifty voters

34 of the city qualified to vote for a candidate for the  
 35 said office. The petition shall be in substantially the  
 36 following form:—

37 PETITION ACCOMPANYING STATEMENT OF CANDIDATE.

38 Whereas (name of candidate) is a candidate for  
 39 nomination for the office of (mayor, alderman or  
 40 member pf the school committee) for (state the term),  
 41 we, the undersigned voters of the city of Melrose,  
 42 duly qualified to vote for a candidate for said office,  
 43 do hereby request that the name of said (name of  
 44 candidate), as a candidate for nomination for said  
 45 office, be printed on the official ballots to be used at  
 46 the city primary election to be held on the  
 47 Tuesday of \_\_\_\_\_, nineteen hundred and  
 48 \_\_\_\_\_. We further state that we believe him to be of  
 49 good moral character and qualified to perform the  
 50 duties of the office.

NAME OF VOTER.	Street Number, if any.	Street.

51 No acceptance by a candidate for nomination  
 52 named in the petition shall be necessary for its  
 53 validity or for its filing, and the petition need not be  
 54 sworn to.

1 SECTION 5. On the first day, not being Sunday or  
 2 a legal holiday, following the expiration of the time  
 3 for filing the above described statements and peti-  
 4 tions, the city clerk shall cause to be published in one  
 5 or more newspapers published in the city the names  
 6 and residences of the candidates for nomination who  
 7 have duly filed the above mentioned statements and

8 petitions, and the offices and terms for which they are  
9 candidates for nomination, as they are to appear on  
10 the official ballots to be used at the city primary  
11 election. The city clerk shall thereupon prepare the  
12 ballots to be used at the city primary election and  
13 shall cause them to be printed, and the ballots so  
14 prepared shall be the official ballots, and the only  
15 ballots used at the said election. They shall be  
16 headed as follows: —

17                                   OFFICIAL PRIMARY BALLOT.

18 Candidates for Nomination for Mayor, Alderman  
19 and School Committee of the City of Melrose. At a  
20 City Primary Election held on the                    day of  
21                                   , in the year nineteen hundred and  
22

23 (The heading shall be varied in accordance with the  
24 offices for which nominations are to be made.)

1 SECTION 6. Except as is otherwise provided herein,  
2 the name of each person who has filed a statement and  
3 accompanying petition as aforesaid, and his residence  
4 and the title and term of the office for which he is a  
5 candidate for nomination, shall be printed on said  
6 ballots, and the names of no other candidates shall be  
7 printed thereon. Blank spaces shall be left at the  
8 end of each list for candidates for nomination for  
9 different offices, equal to the number to be nominated  
10 therefor, in which the voter may insert the name of  
11 any person not printed on the ballot for whom he  
12 desires to vote for nomination for such office. There  
13 shall be printed on said ballot such directions as will  
14 aid the voter; for example, "vote for one", "vote for  
15 two", and the like.

1 SECTION 7. No ballot used at any annual or special  
2 city election or at any city primary election shall have  
3 printed thereon any party or political designation or  
4 mark, and there shall not be appended to the name of  
5 any candidate any such party or political designation  
6 or mark, or anything showing how he was nominated,  
7 or indicating his views or opinions.

1 SECTION 8. Voters qualified to vote at city elec-  
2 tions shall be qualified to vote at the city primary  
3 elections.

1 SECTION 9. The election officers shall immediately,  
2 upon the closing of the polls at city primary elections,  
3 count the ballots and ascertain the number of votes  
4 cast in the voting places where they officiate, for each  
5 person for nomination for each office, and shall make  
6 return thereof to the city clerk forthwith upon blanks  
7 to be furnished as in city elections.

1 SECTION 10. On the first day, not being Sunday or  
2 a legal holiday, following the city primary election,  
3 the city clerk shall canvass the returns so received  
4 from the election officers, and shall forthwith publish  
5 the result of the canvass in one or more newspapers  
6 published in said city.

1 SECTION 11. Except as is otherwise provided here-  
2 in, the two persons receiving at a city primary elec-  
3 tion the highest number of votes for nomination for  
4 an office shall be the candidates, and the only candi-  
5 dates, for that office whose names shall be printed on  
6 the official ballots to be used at the annual or special  
7 city election for the making of nominations for which

8 the city primary election was held, and if two or  
9 more persons are to be elected to the same office at  
10 such annual or special city election the several per-  
11 sons, to a number equal to twice the number so to be  
12 elected, receiving at such city primary election the  
13 highest number of votes for nomination for that  
14 office shall be the candidates, and the only candidates,  
15 for that office whose names shall be printed on the  
16 official ballots to be used at the annual or special city  
17 election.

18 If the primary election results in a tie vote among  
19 candidates for nomination receiving the smallest  
20 number of votes, which, but for the tie vote, would  
21 entitle the person receiving such number to have his  
22 name printed upon the official ballots for the election,  
23 all candidates participating in such tie vote shall  
24 have their names printed upon the official ballots,  
25 although thereby there be printed upon them the  
26 names of candidates to a number exceeding twice the  
27 number to be elected.

1 SECTION 12. If, at the expiration of the time for  
2 filing statements of candidates to be voted for at any  
3 city primary election, not more than twice as many  
4 such statements have been filed with the city clerk  
5 for the office of mayor, alderman or school committee  
6 as there are persons to be elected to said offices  
7 respectively, then the candidates whose statements  
8 have thus been filed shall be deemed to have been  
9 nominated for said offices respectively, and their  
10 names shall be used at such annual or special city  
11 election, and the city clerk shall not print said names  
12 upon the ballot to be used at said primary election,  
13 and no other nomination or nominations for said

14 offices shall be made. And if in any ward, at the  
15 expiration of the time for filing statements of candi-  
16 dates to be voted for at any city primary election,  
17 not more than twice as many such statements have  
18 been filed with the city clerk for the office of alderman  
19 as there are persons to be elected to said offices respec-  
20 tively, then the candidates whose statements have  
21 thus been filed shall be deemed to have been nominated  
22 for said offices respectively, and their names shall be  
23 printed on the official ballot to be used at such annual  
24 or special city election, and the city clerk shall not  
25 print said names upon the ballot to be used at said  
26 primary election, and no other nominations for said  
27 offices shall be made. And if it shall appear that no  
28 names are to be printed upon the official ballot to be  
29 used at any city primary election in any ward or  
30 wards of the city, or in the city at large, then no pri-  
31 mary election shall be held in any such ward or  
32 wards, or in the city at large.

1 SECTION 13. No acceptance of a nomination made  
2 at a city primary election shall be necessary for its  
3 validity.

1 SECTION 14. At city elections, other than the  
2 above described city primary elections, the person  
3 receiving the highest number of votes for an office;  
4 shall be deemed and declared elected to that office;  
5 and if two or more persons are to be elected to the  
6 same office, the several persons, to the number to be  
7 chosen to the office, receiving the highest number of  
8 votes shall be deemed and declared to be elected; but  
9 persons receiving the same number of votes shall not  
10 be deemed to be elected if thereby a greater number

11 would be elected than are by law to be chosen. On  
12 ballots to be used at annual or special city elections  
13 blank spaces shall be left at the end of each list of  
14 candidates for the different offices, equal to the  
15 number to be elected thereto, in which the voter may  
16 insert the name of any person not printed on the  
17 ballot for whom he desires to vote for such office.

1 SECTION 15. Except as is otherwise provided in  
2 this act, the laws of the commonwealth governing  
3 regular city elections, special elections of city officers  
4 and special elections in cities shall, so far as they may  
5 be applicable, govern such elections in said city.

1 SECTION 16. All acts and parts of acts inconsistent  
2 herewith, affecting only the city of Melrose, are  
3 hereby repealed, and no acts or parts of acts incon-  
4 sistent herewith shall hereafter apply to the said city.

1 SECTION 17. This act shall be submitted to the  
2 voters of the city of Melrose at the regular state  
3 election in November, nineteen hundred and thirty-  
4 two, and the form of the question to be placed upon  
5 the ballot shall be as follows:—“Shall chapter  
6 of the Special Acts of the year nineteen  
7 hundred and thirty-one, being ‘An Act relative to  
8 primary elections in the city of Melrose’, be accepted?”  
9 and if a majority of the voters voting thereon shall  
10 vote in the affirmative this act shall take effect.

1 SECTION 18. So much of this act as authorizes its  
2 submission to the voters of the said city shall take  
3 effect upon its passage, but it shall not take further  
4 effect until accepted by the voters of the city as herein  
5 provided.

11. ...  
 12. ...  
 13. ...  
 14. ...  
 15. ...  
 16. ...  
 17. ...

1. ...  
 2. ...  
 3. ...  
 4. ...  
 5. ...

1. ...  
 2. ...  
 3. ...  
 4. ...

1. ...  
 2. ...  
 3. ...  
 4. ...  
 5. ...  
 6. ...

1. ...  
 2. ...  
 3. ...  
 4. ...  
 5. ...  
 6. ...  
 7. ...  
 8. ...  
 9. ...  
 10. ...

1. ...  
 2. ...  
 3. ...  
 4. ...  
 5. ...  
 6. ...  
 7. ...  
 8. ...  
 9. ...  
 10. ...



