

HOUSE No. 469

By Mr. Duncan of Woburn, petition of Herman P. Peterson, mayor of Woburn, and another for the establishment of non-partisan preliminary elections in said city. Cities.

The Commonwealth of Massachusetts

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

An Act to establish Non-Partisan Preliminary Municipal Elections in the City of Woburn.

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. On the third Tuesday preceding every
2 regular or special municipal election in the city of
3 Woburn at which any elective municipal office is to be
4 filled, there shall be held, except as otherwise provided
5 in section ten, a preliminary election for the purpose of
6 nominating candidates therefor. The polls at every
7 such election shall be opened at six o'clock in the fore-
8 noon and remain open until eight o'clock in the even-
9 ing of said day, and the general laws relative to munic-
10 ipal elections shall apply thereto, except as is otherwise
11 specifically provided for in this act.

1 SECTION 2. Except as is otherwise provided in said
2 section ten, there shall not be printed on the official
3 ballot to be used at any regular or special municipal

4 election in said city the name of any person as a candi-
5 date for any office unless such person has been nomi-
6 nated as such at a preliminary election for nomination,
7 held as provided in this act. There shall not be printed
8 on the official ballot for use at such preliminary elec-
9 tion the name of any candidate for nomination at such
10 election unless he shall have submitted, within the
11 time limited and as provided by section three, the
12 nomination paper therein described.

1 SECTION 3. Any person who is qualified to vote at
2 any regular or special election for a candidate for
3 any elective municipal office in said city, and who is a
4 candidate for nomination thereto, shall be entitled to
5 have his name as such candidate printed on the official
6 ballot to be used at a preliminary election for nomina-
7 tion therefor; provided, that he is a citizen of the
8 United States of America and has been a resident of
9 the city for at least two years prior to such regular or
10 special municipal election and that if he is a candidate
11 to be voted for in a single ward he is a registered voter
12 in the ward wherein he is a candidate; and provided,
13 further, that on or before five o'clock in the afternoon
14 of the sixth Tuesday preceding such regular or special
15 municipal election there shall be submitted to the
16 board of registrars of voters a nomination paper pre-
17 pared and issued by the city clerk, wherein the candi-
18 date sets forth in writing his candidacy, and wherein
19 the petition is signed in person by at least fifty voters
20 of the city qualified to vote for a candidate for the
21 said office, whose signatures are certified as hereinafter
22 provided.

23 Said nomination papers shall be in substantially
24 the following form: —

25 COMMONWEALTH OF MASSACHUSETTS.

26 CITY OF WOBURN.

27 NOMINATION PAPER.

28 STATEMENT OF CANDIDATE.

29 I (), on oath declare that I am a citizen
30 of the United States of America, that I have resided in
31 the city of Woburn for at least two years, that my
32 present residence is (number, if any) on (name of
33 street) and ward in said city, that I am a
34 voter therein, qualified to vote for a candidate for the
35 office hereinafter mentioned; that I am a candidate
36 for the office of (name of office) for (state the term) to
37 be voted for at the preliminary election to be held on
38 Tuesday, the day of , nineteen
39 hundred and , and I request that my name
40 be printed as such candidate on the official ballot for
41 use at said preliminary election.

42 (Signed)

43 COMMONWEALTH OF MASSACHUSETTS.

44 Middlesex, ss.

45 Subscribed and sworn to on this day of
46 , nineteen hundred and ,
47 before me,

48 (Signed)

49 Justice of the Peace
50 (or Notary Public).

51 PETITION ACCOMPANYING STATEMENT OF CANDIDATE.

52 Whereas (name of candidate) is a candidate for
53 nomination for the office of (state the office) for (state

54 the term), we, the undersigned, voters of the city of
 55 Woburn, duly qualified to vote for a candidate for said
 56 office, do hereby request that the name of said (name
 57 of candidate) as a candidate for nomination for said
 58 office be printed on the official ballot to be used at the
 59 preliminary election to be held on Tuesday, the
 60 day of , nineteen hundred and
 61 . We further state that we believe him to
 62 be of good moral character and qualified to perform
 63 the duties of the office, and that we have not subscribed
 64 to more nominations of candidates for this office than
 65 there are persons to be elected thereto.

SIGNATURES OF NOMINATORS. (To be made in Person.)	Residence April 1.	Ward.	Present Residence.

66 No acceptance by the candidate for nomination
 67 named in the said nomination paper shall be necessary
 68 to its validity or its filing. The petition, which may be
 69 on one or more papers, need not be sworn to.

1 SECTION 4. After any such nomination paper has
 2 been submitted to said board of registrars of voters,
 3 hereinafter called the board, the board shall certify
 4 thereon the number of signatures which are the names
 5 of registered voters in said city qualified to sign the
 6 same. All such papers found not to contain a number
 7 of names so certified equivalent to the number re-
 8 quired to make a nomination shall be invalid, and such
 9 papers shall be preserved by the board for one year.
 10 The board shall complete their certification on or
 11 before five o'clock in the afternoon of the fifth Tuesday
 12 preceding such regular or special municipal election,

13 and the board, or some member thereof, shall file with
14 the city clerk on or before five o'clock in the afternoon
15 of the next day all papers not found to be invalid as
16 aforesaid.

1 SECTION 5. On the first day, other than a legal
2 holiday, following the expiration of the time for filing
3 the above described nomination papers with the city
4 clerk, he shall post in a conspicuous place in his office
5 the names and residences of the candidates for nomi-
6 nation who have duly qualified as such, as they are to
7 appear on the official ballots to be used at the pre-
8 liminary election, except as to the order of the names,
9 which shall be drawn by lot by the city clerk within
10 forty-eight hours succeeding five o'clock in the after-
11 noon of the last day fixed for filing the nomination
12 papers with him, and he shall cause the ballots, which
13 shall contain said names in their order as drawn by
14 him, and no others, with a designation of residence,
15 and of the office and term of office, to be printed, and
16 the ballots so printed shall be official and no others
17 shall be used at the preliminary election. At any
18 drawing for position on the ballot, each candidate
19 shall have an opportunity to be present in person or by
20 one representative. There shall be left at the end of
21 the list of candidates for nomination for each office
22 blank spaces equal in number to the number of persons
23 to be nominated therefor, in which spaces the voter
24 may insert the name of any person not printed on the
25 ballot for whom he desires to vote for nomination for
26 such office, but the name of such person shall not be
27 printed on the official ballot to be voted for at any
28 regular or special municipal election in said city unless
29 such person is qualified to be nominated under the

8 shall be held. The regularly appointed election
9 officers shall serve at both the preliminary elections
10 and the regular municipal elections.

1 SECTION 8. The election officers shall, immediately
2 upon the closing of the polls at preliminary elections,
3 count the ballots and ascertain the number of votes
4 cast in the several voting places for each candidate,
5 and forthwith make return thereof upon blanks to be
6 furnished, as in regular elections, to the city clerk, who
7 shall canvass said returns and shall forthwith deter-
8 mine the result thereof, insert the same in a newspaper
9 published in said city and post the same in a con-
10 spicuous place in his office.

1 SECTION 9. The two persons receiving at a pre-
2 liminary election the highest number of votes for
3 nomination for any office, except one to which two or
4 more persons are to be elected at the regular or special
5 election following, and, as to each of such offices, the
6 several persons in number equal to twice the number
7 so to be elected receiving at such preliminary election
8 the highest number of votes for nomination for that
9 office, shall, except as provided by section ten, be the
10 sole candidates for that office whose names may be
11 printed on the official ballot to be used at the regular
12 or special election at which such office is to be filled.

13 If the preliminary election results in a tie vote
14 among candidates for nomination to any office receiv-
15 ing the lowest number of votes, which, but for said tie
16 vote, would entitle a person receiving the same to have
17 his name printed upon the official ballot for the elec-
18 tion, all candidates participating in said tie vote shall
19 have their names printed upon the official ballot,

20 although in consequence there be printed thereon the
21 names of candidates to a number exceeding twice the
22 number to be elected.

1 SECTION 10. If at the expiration of the time for
2 filing with the city clerk nomination papers for candi-
3 dates to be voted for at any preliminary election there
4 have not been filed with him more than twice as many
5 such nomination papers for an office as there are
6 persons to be elected to such office, the candidates
7 whose nomination papers have thus been filed shall
8 be deemed to have been nominated to said office, and
9 their names shall be printed on the official ballot to be
10 used at the regular or special election following, and
11 the city clerk shall not print said names upon the
12 ballot to be used at said preliminary election, and no
13 other nomination to said office shall be made. If in
14 consequence it shall appear that no names are to be
15 printed upon the official ballot to be used at any pre-
16 liminary election in any ward or wards of said city, no
17 preliminary election shall be held in any such ward or
18 wards.

1 SECTION 11. Preliminary elections in said city shall
2 be subject to all general laws relative to elections, so
3 far as the same are applicable thereto, except as other-
4 wise expressly provided in this act.

1 SECTION 12. So much of sections four and five of
2 chapter one hundred and seventy-two of the acts of
3 eighteen hundred and ninety-seven, entitled "An Act
4 to Revise the Charter of the City of Woburn", and
5 acts in amendment thereof and in addition thereto, as
6 is inconsistent therewith is hereby repealed.

1 SECTION 13. This act shall be submitted for ac-
2 ceptance to the registered voters of the city of Woburn,
3 at the regular municipal election to be held in the
4 current year, in the form of the following question,
5 which shall be printed on the official ballot to be used
6 at said election: — “Shall an act passed by the general
7 court in the year nineteen hundred and thirty-one,
8 entitled ‘An Act to establish non-partisan preliminary
9 municipal elections in the city of Woburn’, be ac-
10 cepted?” If this act shall so be accepted by a majority
11 of the registered voters of said city voting thereon, it
12 shall take effect for the regular municipal election in
13 the year nineteen hundred and thirty-three, and all
14 municipal elections thereafter; but so much of this
15 act as authorizes its submission for acceptance as
16 aforesaid to the registered voters of said city shall take
17 effect upon its passage.

