To accompany the petition of David B. Shaw and others, board of election commissioners of Boston, for legislation relative to the recount of votes. Election Laws.

The Commonwealth of Massachusetts

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

An Act relative to the Recount of Votes.

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 one hundred and thirty-five of chapter fifty-four of the General Laws, as most recently amended by chapter two hundred and seventy of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "question" in the twenty-first line the words: — providing that the filer of such petition shall have deposited with the board receiving such petition for recount a bond or deposit of cash in the following amounts:

11 if the difference between the lowest successful candidate and the unsuccessful candidate receiving the highest vote be greater than two per cent and less than five per cent of the total vote cast for such candidates, or such ques-
tions voted upon at said election, the sum of twenty-five dollars, if the difference in the vote between above candidates or questions is five per cent and less than ten per cent the bond or money deposit shall be in the sum of fifty dollars, if the difference in the vote between such above candidates or questions is ten per cent or more, the bond or money deposit shall be in the sum of one hundred dollars which bonds or money deposits are to be forfeited to the city or town in which the recounts are applied for, should there be no overturn in the original results of said election,—so that the first paragraph will read as follows:—Section 135. If, on or before five o'clock in the afternoon on the third day following an election in a ward of a city or in a town, ten or more voters of such ward or town, except Boston, and in Boston fifty or more voters of a ward, shall sign in person, adding thereto their respective residences on the preceding April first, and cause to be filed with the city or town clerk a statement, bearing a certificate by the registrars of voters of the number of names of subscribers which are names of registered voters in such ward or town, and sworn to by one of the subscribers, that they have reason to believe and do believe that the records, or copies of records, made by the election officers of certain precincts in such ward or town, or in case of a town not voting by precincts, by the election officers of such town, are erroneous, specifying wherein they
deem them to be in error and that they believe a recount of the ballots cast in such precincts or town will affect the election of one or more candidates voted for at such election, specifying the candidates, or will affect the decision of a question voted upon at such election, specifying the question, providing that the filer of such petition shall have deposited with the board receiving such petition for recount a bond or deposit of cash in the following amounts: if the difference between the lowest successful candidate and the unsuccessful candidate receiving the highest vote be greater than two per cent and less than five per cent of the total vote cast for such candidates, or such questions voted upon at said election, the sum of twenty-five dollars, if the difference in the vote between above candidates or questions is five per cent and less than ten per cent the bond or money deposit shall be in the sum of fifty dollars, if the difference in the vote between such above candidates or questions is ten per cent or more, the bond or money deposit shall be in the sum of one hundred dollars which bonds or money deposits are to be forfeited to the city or town in which the recounts are applied for should there be no overturn in the original results of said election, the city or town clerk shall forthwith transmit such statement and the envelope containing the ballots, sealed, to the registrars of voters, who shall, without unnecessary delay, but not before the last hour for filing requests
80 for recounts as aforesaid, open the envelopes, 81 recount the ballots and determine the questions 82 raised; but upon a recount of votes for town 83 officers in a town where the selectmen are mem- 84 bers of the board of registrars of voters, the 85 recount shall be made by the moderator, who 86 shall have all the powers and perform all the 87 duties conferred or imposed by this section upon 88 registrars of voters.