

By Mr. Businger of Brookline, petition of Paul G. Counihan, John A. Businger and Geneva R. Counihan relative to the placement of names of candidates on the ballot and information to be printed after each candidate's name. Election Laws.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

AN ACT RELATIVE TO THE PLACEMENT OF NAMES OF CANDIDATES ON THE BALLOT AND INFORMATION TO BE PRINTED AFTER EACH CANDIDATE'S NAME.

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. Chapter 53 of the General Laws is hereby
2 amended by striking out Section 34, as most recently amended
3 by Chapter 41 of the Acts of 1970, and inserting in place thereof
4 the following section.

5 *Section 34.* At the top of each ballot shall be printed the
6 words "Official ballot of the (here shall follow the party name)".
7 On the back of each ballot when folded shall be printed the same
8 words, followed by the number of the precinct and ward or the
9 name of the town for which the ballot is prepared, the date of
10 the primary and for state primaries a facsimile of the signature of
11 the state secretary and for city or town primaries a facsimile of
12 the signature of the city or town clerk.

13 Ballots for state primaries shall be printed in as many lots as
14 may be required so that the name of each candidate for each
15 elective office shall appear first and in each other position the
16 same number of times. In the first lot the names of the candidates
17 for each office shall appear in the order in which their names are
18 publicly drawn by the state secretary, or his designee, at a time
19 and place of which at least forty-eight hours notice has been
20 given to each candidate. In the second lot the names shall appear

21 in the same order, except that the first name in the first lot shall
22 be placed last. In each succeeding lot the order shall be the same
23 as that of the lot preceding, except that the first name in that
24 preceding lot shall be placed last. Sets of ballots to be used at the
25 several polling places shall be made up by combining ballots from
26 the different lots in regular rotation, so that no two successive
27 voters shall receive ballots from the same lot and so that the
28 name of each candidate for each office shall appear first and in
29 each other position substantially the same number of times on
30 the ballots used.

31 The names of candidates for state committee shall be arranged
32 on ballots at presidential primaries in the same manner as for
33 each elective office at state primaries. Names of candidates for
34 ward or town committees and for delegates to national con-
35 ventions shall be arranged in groups in such order as may be
36 determined by lot, under the direction of the state secretary,
37 who shall notify each state committee and give a representative
38 of each such committee an opportunity to be present. When
39 necessary, groups may be printed on the ballot in two or more
40 columns; provided, however, that only one heading designating
41 the number of members to be elected to such committee or as
42 delegates to such convention shall be printed.

43 Against the name of a candidate for an elective office, for
44 delegate or alternate delegate to a national convention, for a
45 ward or town committee, or for state committee, shall be printed
46 the street and number, if any, of his residence. Against the name
47 of a candidate for elective office endorsed by a state convention
48 shall be printed the statement "Endorsed by (name of political
49 party) convention." Nothing else shall be printed against the
50 name of a candidate; provided, however, that, if two or more
51 candidates for elective office have the same name, or names so
52 similar as in the opinion of the state secretary to confuse a
53 substantial number of voters, there may be printed against the
54 names of such candidates the occupation of each candidate,
55 including within the definition of occupation any public office
56 then held by the candidate.

57 Except where vacancies caused by death, withdrawal or
58 physical disability are filled, no names shall be printed on a ballot
59 other than those endorsed for nomination by state Conventions
60 and those presented on nomination papers.

61 Ballots for city and town primaries, and preliminary elections
62 except where city charters provide otherwise, shall be printed
63 and prepared in the same manner as for state primaries, except
64 that the city or town clerk shall act in place of the state
65 secretary.

66 The number of persons to be voted for for the different offices
67 shall be stated on the ballot.

68 The form of ballots and the arrangement of printed matter
69 thereon shall be in general the same as that of the official state
70 ballots, except as otherwise provided in this chapter.

1 SECTION 2. Section 33 of Chapter 54 of the General Laws
2 is hereby amended by adding at the end the following para-
3 graph: —

4 At state elections and primaries, at presidential primaries, and
5 at city and town elections, primaries, and preliminary elections
6 except where city charters provide otherwise, the same informa-
7 tion shall be printed against the names of candidates as is printed
8 against their names on paper ballots, the order of names of
9 candidates shall be the same as on ballots and shall be rotated
10 from voting machine to voting machine and from electronic
11 voting system to electronic voting system (or from date
12 processing card to card) in such a manner that each candidate's
13 name shall appear in each position substantially the same number
14 of times.

1 SECTION 3. Section 41 of chapter 54 of the General Laws is
2 hereby amended by striking out the third paragraph and inserting
3 in place thereof the following paragraph: —

4 To the name of each candidate for a state or city office,
5 except city offices in cities where political designations are
6 forbidden, shall be added in the same space his party or political
7 designation or designations. To the name of each candidate for a
8 town office upon an official ballot shall be added the name of
9 the street on which he resides, with his street number, if any, and
10 the designation of the party or principle which he represents,
11 contained in the certificate of nomination or nomination papers.
12 The town clerk shall add the words "Caucus Nominee" to the
13 name of any candidate nominated for a town office by a caucus
14 held under the provisions of sections one hundred and seventeen

15 to one hundred and twenty, inclusive, of chapter fifty-three.

1 SECTION 4. Section 42 of Chapter 54 of the General Laws
2 is hereby amended by striking out the first two paragraphs and
3 inserting in place thereof the following two paragraphs: —

4 Except as provided in section forty-one A ballots for state
5 elections and, except where city charters provide otherwise,
6 ballots for city and town elections shall be printed in as many
7 lots as may be required so that the name of each candidate for
8 each elective office shall appear first and in each other position
9 the same number of times. In the first lot the names of the
10 candidates for each office at state elections shall appear in the
11 order in which their names are publicly drawn by the state
12 secretary, or his designee, and at city and town elections by the
13 city or town clerk, or his designee, at a time and place of which
14 at least forty-eight hours notice has been given to each candidate.
15 In the second lot the names shall appear in the same order,
16 except that the first name in the first lot shall be placed last. In
17 each succeeding lot the order shall be the same as that of the lot
18 preceding, except that the first name in that preceding lot shall
19 be placed last. Sets of ballots to be used at the several polling
20 places shall be made up by combining ballots from the different
21 lots in regular rotation, so that no two successive voters shall
22 receive ballots from the same lot as so that the name of each
23 candidate for each office shall appear first and in each other
24 position substantially the same number of times on the ballots
25 used.

26 In the case of representatives in congress, the designation may
27 be "congressmen". Blank spaces shall be left at the end of the list
28 of candidates for each different office equal to the number to be
29 elected thereto, in which the voter may insert the name and
30 address of any person not printed on the ballot for whom he
31 desires to vote for such office; provided, however, that a mistake
32 in stating the address of such person shall not invalidate a vote if
33 the address stated is sufficient to indicate the person for whom
34 the vote was intended. If the approval of any question is
35 submitted to the voters, it shall be printed on the ballot after the
36 names of the candidates.