

HOUSE No. 1007

Accompanying the petition of Philip R. Ammidon relative to the creation of a board of election commissioners in the city of Cambridge. Cities. January 21.

The Commonwealth of Massachusetts.

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

AN ACT

To establish a Board of Election Commissioners in the City of Cambridge.

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. The board of registrars of voters of the
2 city of Cambridge is hereby abolished. All the powers
3 and duties of said board of registrars, except as other-
4 wise provided, are hereby transferred to and shall here-
5 after be exercised by a board of election commissioners
6 hereby established in said city, hereinafter called the
7 board, which shall be the lawful successor of said regis-
8 trars. Immediately upon the qualification of the mem-
9 bers of the board as hereinafter provided, the said
10 registrars shall deliver to the board all books, papers,
11 records, and all other equipment, furniture and para-
12 phernalia in their possession.

1 SECTION 2. The board shall consist of four persons,
2 two chosen, as provided in section three, from each of
3 the two leading political parties as defined in section one
4 of chapter eight hundred and thirty-five of the acts of
5 nineteen hundred and thirteen, and amendments thereof.
6 They shall receive such compensation as may be estab-
7 lished by the mayor and city council of said city, but
8 such compensation shall not be regulated by the number
9 of names registered by them, and a reduction of com-
10 pensation shall apply only to registrars appointed there-
11 after. The city council shall provide the board with
12 office room and such aid as they may need.

1 SECTION 3. The members of the board of registrars
2 of voters in office in the city of Cambridge at the time
3 of the passage of this act shall constitute a board of
4 election commissioners and, shall serve until the expiration
5 of their respective terms and until their successors are
6 appointed and qualified. The city committees of each
7 of the two leading political parties, as defined in section
8 two of this act, shall annually in January, at a meeting
9 called for that purpose, choose by ballot or otherwise
10 five regularly enrolled members of their party, whose
11 names shall forthwith be certified to the mayor by the
12 secretary of the city committee. As the terms of the
13 several election commissioners expire, the mayor shall
14 forthwith appoint their successors from said list of names
15 so certified by the secretary of the committee of the
16 party of which the commissioner whose term so expires
17 is a member. In case a vacancy occurs in said board,
18 the mayor shall forthwith fill such vacancies from said
19 certified list. No appointment to said board need be
20 confirmed by the city council. In all cases said two
21 leading political parties shall be equally represented on
22 said board.

1 SECTION 4. The board shall organize annually in the
2 month of _____ by the choice of a chairman and sec-
3 retary. In case the members are unable to agree upon
4 a chairman and a secretary, such officers shall be desig-
5 nated by the mayor. The secretary shall keep a full and
6 accurate record of the proceedings of the board, and shall
7 cause such notices as the board may require to be pro-
8 perly served or posted.

1 SECTION 5. Said board shall constitute the Cambridge
2 ballot law commission, and shall in all matters relating
3 to objections and questions arising in the case of nomi-
4 nations of candidates for city offices have the power and
5 perform the duties prescribed for the state ballot law
6 commission; and when sitting as such, the presiding
7 justice of the Cambridge district court, or in case of his
8 disability a special justice of said court, shall be a mem-
9 ber of said board and shall preside, but shall not vote
10 unless the other commissioners are equally divided; and
11 in every other matter in which the justices are equally
12 divided, said justice shall act with them and shall cast
13 the deciding vote.

1 SECTION 6. Section one of said chapter eight hundred
2 and thirty-five is hereby amended by striking out the
3 paragraph beginning with the word "Registrars", and
4 substituting the following:— "Registrars" shall mean the
5 board of registrars of voters of a city or town or the
6 board of election commissioners of the city of Boston or
7 of the city of Cambridge, when applicable.

1 SECTION 7. Said chapter eight hundred and thirty-
2 five is hereby further amended by striking out section
3 eight and substituting the following:— *Section 8.* All

4 the powers and duties relating to primaries or elections
5 by law vested in and imposed upon the mayor and alder-
6 men or either of them, the city clerk or the board of
7 registrars of voters in cities, excepting the power and
8 duty of giving notice of elections and fixing the days
9 and hours of holding the same, shall in the cities of
10 Boston and Cambridge be vested in and performed by
11 the respective boards of election commissioners of said
12 cities, who shall be subject to all penalties prescribed for
13 failure to perform the said duties.

1 SECTION 8. Section nine of said chapter eight hun-
2 dred and thirty-five is hereby amended by inserting after
3 the word "Boston", in the first line, the words:—or
4 Cambridge,—so as to read as follows:—*Section 9.*
5 The board of aldermen of a city, in Boston or Cambridge
6 the election commissioners, or the selectmen of a town
7 may make regulations not inconsistent with the provisions
8 of this act relative to the use of ballot boxes and seals,
9 counting and other apparatus, the receiving of ballots and
10 the counting and returning of votes.

1 SECTION 9. Section eleven of said chapter eight hun-
2 dred and thirty-five, as amended by section ten of chap-
3 ter two hundred and fifty-seven of the General Acts of
4 nineteen hundred and eighteen, is hereby further amended
5 by inserting after the word "Boston", in the eighteenth
6 line, the words:—or Cambridge,—so as to read as fol-
7 lows:—*Section 11.* If, in a criminal prosecution for the
8 violation of any law relating to primaries, caucuses or
9 elections or matters pertaining thereto, the defendant re-
10 lies upon the invalidity, irregularity or informality of any
11 primary, caucus or election, or upon the failure or neglect
12 of any officer or person to do any act in relation to any

13 primary, caucus or election or matters pertaining thereto,
14 he shall prove such invalidity, irregularity, informality,
15 failure or neglect; and until such proof, the presumption
16 shall be that such primary, caucus or election or matters
17 pertaining thereto were valid, regular and formal and
18 that such officer or person acted as prescribed by law.
19 The testimony of the clerk of the city or town, or in
20 Boston or Cambridge the election commissioners, wherein
21 it is alleged that such election was held, or of the pre-
22 siding officer, secretary or clerk of such primary or cau-
23 cus, that such primary, caucus or election was actually
24 held, shall be prima facie evidence that the same was regu-
25 larly and duly held; but the validity, regularity or for-
26 mality of such primary, caucus or election or matters
27 pertaining thereto may also be proved in any other legal
28 manner.

1 SECTION 10. Section twenty-four of said chapter eight
2 hundred and thirty-five is hereby amended by inserting
3 after the word "Boston", in the first line, the words:—
4 and Cambridge, — so as to read as follows:— *Section 24.*
5 In every city, except Boston and Cambridge, which, by
6 vote of the city council, approved by the mayor, accepts
7 the provisions of this section, or which has accepted the
8 corresponding provisions of earlier laws, or which is now
9 subject to similar provisions of law, there shall be a
10 board of registrars of voters consisting of four persons,
11 who shall be appointed by the mayor with the approval
12 of the board of aldermen. When a board of registrars
13 is first appointed after the acceptance of the provisions
14 aforesaid, two registrars shall be appointed in February
15 or March next succeeding such acceptance for terms
16 respectively of three and four years, beginning with the
17 first day of April next ensuing. The city clerk of such

18 city shall cease to be a member of the board of regis-
19 trars on such first day of April, but the remaining two
20 members of the existing board of registrars of such city
21 whose terms do not then expire shall continue to hold
22 office for their respective terms of one and two years.
23 In every year succeeding such first appointments, the
24 mayor shall in February or March, subject to the
25 approval of the board of aldermen, appoint one person
26 to be a registrar of voters for the term of four years,
27 beginning with the first day of April next ensuing. The
28 board of registrars so constituted shall annually in April,
29 before transacting any other business, elect one of its
30 members as clerk, who shall perform all the duties re-
31 quired by law of a city clerk when acting as clerk of the
32 board of registrars.

1 SECTION 11 Section twenty-five of said chapter eight
2 hundred and thirty-five is hereby amended by inserting
3 after the word "Boston", in the first line, the words:—
4 and Cambridge, — so as to read as follows:— *Section 25.*
5 In every city, except Boston and Cambridge, which has
6 not accepted the provisions of the preceding section or
7 of corresponding provisions of earlier laws, and is not
8 now subject to similar provisions of law, and in every
9 town having three hundred voters, as provided in the
10 following section, there shall be a board of registrars of
11 voters consisting of the city or town clerk and three other
12 persons, who shall in a city, be appointed by the mayor,
13 with the approval of the aldermen, and in a town, by a
14 writing signed by the selectmen and filed with the town
15 clerk. When a board of registrars is first appointed, the
16 registrars shall be appointed in February or March for
17 terms respectively of one, two and three years, beginning
18 with the first day of April next ensuing In February or

19 March in every year succeeding the original appointment,
20 one registrar shall be appointed for the term of three
21 years, beginning with the first day of April next ensuing.

1 SECTION 12. Section thirty-two of said chapter eight
2 hundred and thirty-five is hereby amended by striking
3 out the words "city of Boston", in the first line, and
4 substituting the words: — cities of Boston and Cambridge,
5 — so as to read as follows: — *Section 32.* A city council,
6 except in the cities of Boston and Cambridge, may au-
7 thorize the registrars to appoint assistant registrars for
8 the term of one year, beginning with the first day of
9 October, unless sooner removed by the registrars, and
10 they shall, as nearly as may be, equally represent the
11 different political parties.

1 SECTION 13. Sections nine, ten, eleven, twelve and
2 fifteen of chapter two hundred and eighty-two of the
3 General Acts of nineteen hundred and eighteen are hereby
4 amended by striking out the words "registrars of voters",
5 wherever they occur in said sections, and substituting
6 the words: — election commissioners, and by striking out
7 the word "registrars", wherever it occurs in said sections,
8 and substituting the word: — commissioners.

1 SECTION 14. The board may appoint such assistant
2 commissioners and such other clerical assistants as it
3 deems necessary, who shall at all times equally represent
4 the two leading political parties as hereinbefore defined.

