

# HOUSE . . . . . No. 983.

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[Bill accompanying the petition of Edwin D. Mead and others for legislation permitting towns and cities to adopt a form of election which shall secure proportional representation of their inhabitants. Election Laws. Feb. 5.]

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## Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Three.

### AN ACT

Relative to Town and City Elections.

*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. In any town which, at a meeting  
2 duly called for the purpose, shall accept the pro-  
3 visions of this act, and in any city in which the  
4 provisions of this act shall be accepted by vote of  
5 its city council, the selectmen or the members of  
6 the city council shall be chosen as herein provided.

1 SECTION 2. A person nominated as a candi-  
2 date for the office of alderman or member of the  
3 common council of such city may file with the city  
4 clerk within the seventy-two hours succeeding five  
5 o'clock of the last day fixed for the filing of nom-  
6 ination papers for such office a request in writing,  
7 signed by him and acknowledged before a justice

8 of the peace, naming one or more of the other  
9 candidates duly nominated for the same office  
10 whose election he desires and for whom he asks  
11 that any votes cast for himself and ineffective  
12 because not needed or insufficient for his election  
13 shall be counted. A person nominated for the  
14 office of selectman in such town may file a like  
15 request with the town clerk within the twenty-four  
16 hours succeeding five o'clock of the last day fixed  
17 for the filing of nomination papers for said office.  
18 Candidates nominated to fill vacancies caused by  
19 the death, withdrawal or ineligibility of candidates  
20 for any of said offices may file such request within  
21 the time fixed for the filing of their nominations.

1 SECTION 3. City and town clerks in such cit-  
2 ies and towns shall, in the manner and within the  
3 time provided in sections two hundred and five  
4 and two hundred and six of the Revised Laws for  
5 posting and publishing the names of candidates,  
6 post and publish a certificate showing what can-  
7 didates have filed requests under the provisions  
8 of section two of this act, and the names, in  
9 alphabetical order, of the candidates named in  
10 such request of each.

1 SECTION 4. In any such town every legal  
2 voter shall have the right to vote for one person,  
3 and only one, for the office of selectman; and in  
4 any such city every legal voter shall have the  
5 right, without regard to the division of the city  
6 into wards or other districts, to vote for one, and  
7 only one, person resident in any part of said city,

8 for each of the offices of alderman and of member  
9 of the common council.

1 SECTION 5. Votes cast for a candidate who  
2 has filed the request provided in section two of  
3 this act shall, if ineffective for the election of the  
4 candidate for whom they were cast, be applied in  
5 the manner hereinafter provided for the election  
6 of some candidate named in such request. After  
7 all such votes shall, so far as possible, have been  
8 so applied, the persons then having the highest  
9 number of votes shall be deemed and declared to  
10 be elected. Vacancies may be filled by special  
11 election.

1 SECTION 6. The following shall be deemed  
2 such ineffective votes and shall be transferred in  
3 the order in which they are named herein, to  
4 wit:—

5 All the votes cast for a candidate who has filed  
6 such request, which are in excess of the quotient  
7 obtained by dividing the whole number of votes  
8 cast by the number to be chosen to the office for  
9 which he is a candidate, beginning with those of  
10 the candidate receiving the highest number of  
11 votes, then proceeding to those of the candidate  
12 receiving the next to the highest number, and so  
13 on. In case two or more receive the same num-  
14 ber of votes, votes transferred from them shall be  
15 taken in the alphabetical order of their names.

16 All votes cast for the candidate who has filed  
17 such request who has the smallest number of  
18 votes, then all votes cast for such candidate who

19 has the next to the smallest number of votes, and  
20 so on; but votes shall not be transferred from  
21 a candidate when there is not a number of per-  
22 sons equal to the number to be chosen to the office  
23 who have a greater number of votes than that  
24 candidate. In case two or more such candidates  
25 have the same number of votes, the votes trans-  
26 ferred from them shall be taken in the alphabeti-  
27 cal order of their names. In this section by the  
28 number of votes a candidate has is meant the  
29 sum of the votes cast for him and those which  
30 have been transferred to him.

1 SECTION 7. Every ineffective vote for a candi-  
2 date shall be transferred to the candidate named  
3 in his said request for whom the largest number  
4 of votes were cast, and who has not, within the  
5 meaning defined in section six of this act a num-  
6 ber of votes equal to the quotient obtained by  
7 dividing the whole number of votes cast by the  
8 number to be chosen to the office for which he is  
9 a candidate. If the same number of votes were  
10 cast for two or more candidates named in such  
11 request, the candidate residing nearest the one  
12 from whom the votes are to be transferred shall  
13 be preferred.

1 SECTION 8. If it be so voted in the manner  
2 provided in section one of this act, the method of  
3 election herein provided shall be employed, also,  
4 in the choice of members of school committees;  
5 and, in towns, of assessors and overseers of the  
6 poor.