

HOUSE No. 391.

Bill accompanying the petition of Richard L. Gay for legislation to provide for changes in the election laws relative to the counting and disposal of ballots in caucuses of political parties in certain cities and towns. Election Laws. January 18.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Seven.

AN ACT

To provide for the Counting and Disposal of Ballots
in Certain Caucuses.

*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. Section ninety-eight of chapter eleven
2 of the Revised Laws is hereby amended by striking
3 out the whole of said section and substituting there-
4 for the following:—

5 *Section 98.* Immediately after the polls have been
6 declared closed, but not before, the ballots shall be
7 counted in full view of the voters. When they have
8 been counted and the result has been ascertained,
9 the presiding officer shall make public announce-

10 ment thereof in open meeting, and the clerk shall
11 make a record of the total number of names checked
12 on the voting list, the total number of ballots cast,
13 the names of all persons voted for, the number of
14 votes for each person, and the title of the delega-
15 tion or office for which he was a candidate. The
16 clerk shall forthwith certify and seal the same, and
17 transmit it to the city or town clerk. He shall then,
18 before the adjournment of the caucus, and in the
19 presence of those who counted the same, seal up all
20 ballots cast, with the voting lists used, and a state-
21 ment of any challenge which may have been made.
22 The chairman and clerk shall endorse upon such
23 package the name of the political party holding the
24 caucus, its date, its purpose, and, if in a city, for
25 what ward the ballots were cast. The clerk shall
26 forthwith transmit to the city or town clerk said
27 sealed packages of ballots, voting lists, statement
28 together with the record required in this section.
29 The city or town clerk shall safely keep such sealed
30 packages for ten days. If within said time ten
31 voters entitled to vote in said caucus file with them
32 a written request so to do, they shall preserve said
33 ballots and voting lists for three months and shall
34 produce them if required by any court or conven-
35 tion having jurisdiction or authority over the same.
36 If within three week days after any caucus a person
37 who has received votes thereat for nomination or
38 election to any office, delegation or political com-
39 mittee shall file a statement in writing with the city
40 or town clerk of said caucus claiming an election or
41 nomination, or declaring an intention to contest the
42 election or nomination of any other person, the city
43 or town clerk shall preserve the ballots for such

44 nomination or office until the claim or contest has
45 been finally determined. The city or town clerk
46 shall forthwith transmit such statement to the reg-
47 istrars of voters with the sealed packages contain-
48 ing the ballots and voting lists, and said registrars
49 shall give notice in writing to the person affected,
50 fixing a place and time, as early as may be, at which
51 said ballots will be recounted and at such place and
52 time shall open the packages containing the ballots
53 and voting lists and recount said ballots and deter-
54 mine the questions raised, and shall reject any chal-
55 lenged vote cast by a person found not to have been
56 entitled to vote; and such recount shall stand as the
57 true result of the vote cast in such caucus. Each
58 candidate affected may be present during such re-
59 count, or may be represented by an agent appointed
60 by him in writing. If it shall appear upon a re-
61 count that persons were nominated or elected other
62 than those declared to have been nominated or
63 elected, certificates of such change shall be made as
64 in the case of the original certificate.

1 SECTION 2. This act shall take effect upon its
2 passage.

