

# SENATE . . . . No. 36

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To accompany the petition of Alonzo P. Grinnell relative to the revision of city charters. Cities.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Sixteen.

### AN ACT

Relating to the Revision of City Charters.

*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 two hundred and sixty-  
2 seven of the general acts of the year nineteen  
3 hundred and fifteen is hereby amended by striking  
4 out section sixteen of Part I and inserting in place  
5 thereof the following new section: — *Section 16.*  
6 No primary or caucus for municipal officers shall  
7 be held. Candidates for mayor, city council and  
8 school committee shall be nominated in accord-  
9 ance with the provisions of section one hundred  
10 and ninety-eight of Part II of chapter eight hun-  
11 dred and thirty-five of the acts of the year nine-  
12 teen hundred and thirteen. In every election  
13 where there may be more than two nominations

14 to be voted on for a single office, the ballots shall  
15 be printed with three columns, the first headed  
16 "First Choice", the second headed "Second  
17 Choice", and the third headed "Other Choices."  
18 The voting and instructions printed on the ballot  
19 shall be substantially as follows:—

20 *Instructions:*—To vote for any candidate,  
21 make a cross (X) in the square in the appropriate  
22 column according to your choice, at the right of  
23 the name voted for.

24 Vote your first choice in the first column.

25 Vote your second choice in the second column.

26 Do not vote more than one choice for the same  
27 candidate, as only one choice will count for any  
28 candidate.

29 If you wrongly mark, tear or deface this ballot,  
30 return it and obtain another.

31 In counting the ballots the precinct officers  
32 shall carefully enter on the tally sheets the number  
33 of first-choice, second-choice and other-choice  
34 votes for each candidate and make return as  
35 provided by law.

36 Only one vote shall be counted for any one  
37 candidate on any one ballot, all but the highest  
38 choice of two or more choices on one ballot for  
39 the same candidate being void.

40 If but one choice is voted on a ballot it shall be  
41 counted as a first choice.

42 If more than one choice for the same office is  
43 voted in the first choice column, on any ballot, all  
44 such first choice votes shall be counted as other  
45 choices.

46 If more than one choice for the same office is  
47 voted in the second-choice column on any ballot,  
48 all such second choice votes shall be counted as  
49 other choices.

50 Except as herein provided, all choices shall be  
51 counted as marked on the ballot.

52 The candidate for any office receiving a majority  
53 of first-choice votes cast for candidates for that  
54 office shall be declared elected. If no candidate  
55 shall receive a majority of the first-choice votes  
56 for such office, then the second-choice votes re-  
57 ceived by each candidate for such office shall be  
58 added to the first-choice votes for each such candi-  
59 dates and the candidate receiving the largest  
60 number of first-choice and second-choice votes  
61 combined, if such constitute a majority, shall be  
62 declared elected. If no candidate shall have a  
63 majority, after adding the first-choice and second-  
64 choice votes, the other-choice votes received by  
65 each candidate shall be added to the combined  
66 first-choice and second-choice votes received by  
67 each such candidate and the candidate having  
68 the largest number of first-choice, second-choice  
69 and other-choice votes combined shall be elected  
70 to such office.

71 A tie between two or more candidates shall be  
72 decided in favor of the one having the largest  
73 number of first-choice votes. If two or more are  
74 equal in that respect the candidate among them  
75 having the largest number of second-choice votes  
76 shall be declared elected. In case all such candi-  
77 dates have an equal number of first-choice, second-

78 choice and other-choice votes, respectively, the  
79 result shall be decided as now provided in case of a  
80 tie vote.

81 Whenever the word "majority" is used in the  
82 preceding sections, it shall mean more than one  
83 half of the total number of first-choice votes cast  
84 at such election for the office in question.

1 SECTION 2. Section thirty-three of said chap-  
2 ter two hundred and sixty-seven is hereby  
3 amended by striking out all after the word "pur-  
4 poses", in the twelfth line, so as to read as fol-  
5 lows:— *Section 33.* The school committee, in  
6 addition to the powers and duties pertaining by  
7 law to school committees, shall have power to  
8 provide, when they are necessary, temporary  
9 accommodations for school purposes, and shall  
10 have the control of all school buildings and of the  
11 grounds connected therewith, and the power to  
12 make all repairs, the expenditures for which are  
13 made from the regular appropriation for the school  
14 department, except as is otherwise provided  
15 herein. Nothing in this act shall be construed  
16 to amend, alter or repeal any special act fixing  
17 the amount that the school committee of any city  
18 may appropriate for school purposes.