

**SENATE . . . . . No. 298**

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By Mr. Tobin, (by request) a petition (accompanied by bill, Senate, No. 298) of George J. Buttrick for legislation to provide for the statement of voter preference for candidates for the office of Vice-President of the United States. Election Laws.

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**The Commonwealth of Massachusetts**

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

AN ACT PROVIDING FOR THE STATEMENT OF VOTER PREFERENCE FOR CANDIDATES FOR THE OFFICE OF VICE-PRESIDENT OF THE UNITED STATES.

*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 fifth sentence of section 70D of chapter 53  
2 of the General Laws, as appearing in section 1 of chapter 74  
3 of the acts of 1956, is hereby amended by inserting after the  
4 word "president", in lines 8 and 9, the words: — and vice-  
5 president.

1 SECTION 2. Said chapter 53 is hereby further amended by  
2 striking out section 70E, as most recently amended by section  
3 1 of chapter 7 of the acts of 1972, and inserting in place there-  
4 of the following section: —

5 *Section 70E.* The state secretary shall cause to be placed  
6 on the official ballot for use at presidential primaries, under  
7 separate headings, and in the following order, the names of  
8 those candidates or potential candidates for the offices of pres-  
9 ident of the United States and vice-president of the United  
10 States.

11 States whom he shall have determined to be generally advo-  
12 cated or recognized in national news media throughout the  
13 United States, the names of any other candidates or potential  
14 candidates for nomination for president and vice-president  
15 whose names are proposed therefor by nomination papers pre-  
16 pared and furnished by the secretary, signed in the ag-

17 gregate by at least twenty-five hundred voters, and the names  
18 of those candidates or potential candidates for nomination for  
19 president and vice-president whose names appear on written  
20 lists signed by the chairmen of the state committees of the  
21 political parties, arranged in alphabetical order in accordance  
22 with their surnames, a blank space in which the voter may, if  
23 he does not vote for any of the candidates for president or  
24 vice-president whose names are printed on the ballot, insert  
25 the name of any person of his choice as a candidate for presi-  
26 dent or vice-president, the names of candidates for delegates  
27 at large and alternate delegates at large, district delegates and  
28 alternate district delegates to national conventions. The chair-  
29 man of the state committee of a political party and the state  
30 secretary shall submit lists or prepare lists of candidates for  
31 president and vice-president, as aforesaid, no later than the  
32 eleventh Tuesday preceding the presidential primary and shall  
33 notify each such candidate forthwith, by registered mail, of  
34 the presence of his name on said list. No name shall be re-  
35 moved from said lists, nor from the ballot, unless such candi-  
36 date shall file with the state secretary an affidavit stating that  
37 he does not desire his name printed upon said ballot at the  
38 forthcoming presidential primary. Such affidavit shall be filed  
39 with the state secretary no later than five o'clock postmeridian  
40 on the tenth Tuesday prior to the date of the primary.

41 The names of candidates for delegates to national conven-  
42 tions or for ward or town committee appearing in nomination  
43 papers containing nominations for all the places to be filed, or  
44 upon lists submitted by the state committee, shall be placed  
45 first upon said ballot, arranged in groups and in the same or-  
46 der as in the nomination papers or in said lists. The order in  
47 which the groups shall appear shall be determined by lot in  
48 the manner provided in section thirty-four and each group of  
49 candidates for alternate delegates shall immediately follow  
50 the particular group of delegates with which it is affiliated.  
51 The names of candidates appearing in nomination papers con-  
52 taining nominations for less than all the places to be filled  
53 shall follow, alphabetically arranged. The ballot shall also con-  
54 tain a statement of the preference, if any, of each candidate  
55 for delegate as to candidates for nomination for president and

56 vice-president, provided that such statement appears in his  
57 nomination papers or upon the lists filed by the state commit-  
58 tee; but no such statement of preference by any candidate for  
59 delegate shall appear upon the ballot unless such candidate for  
60 nomination for president or vice-president files his written as-  
61 sent thereto with the state secretary on or before five o'clock  
62 in the afternoon of the last day for filing nomination papers.  
63 Such assent may be communicated by telegraph. The name of  
64 any person shall not be printed on the official ballot or filed  
65 with the state secretary as a candidate for the office of dele-  
66 gate to a national convention and as a candidate for the office  
67 of alternate delegate thereto, nor more than once as a candi-  
68 date for either of said offices. Said secretary shall also place  
69 upon said ballot the names of candidates for state, ward and  
70 town committee.

71 There shall also be printed on the ballot appropriate instruc-  
72 tions to aid the voter with respect to expressing his preference  
73 for a candidate for nomination as president and vice-president.  
74 Election officers in the presidential primaries, in counting and  
75 tabulating the votes showing the voters' preference for presi-  
76 dent and vice-president shall disregard the omission or inac-  
77 curacy of initials, the omission, inaccuracy or misspelling of  
78 Christian names, and the misspelling of surnames, if the intent  
79 of the voter to express a preference for any particular individ-  
80 ual can be ascertained. Such statements of voters of presiden-  
81 tial and vice-presidential preference shall be counted, tabulat-  
82 ed and entered in the records of election officers of votes cast.

1 SECTION 3. Section 70F of said chapter 53 is hereby amend-  
2 ed by striking out the first sentence, as most recently amend-  
3 ed by section 2 of chapter 819 of the acts of 1969, and insert-  
4 ing in place thereof the following sentence: — Upon the receipt  
5 of the records of the votes cast at presidential primaries and  
6 within four days after said primary the city or town clerk  
7 shall forthwith canvass the same and make return of the votes  
8 for nomination for president, vice-president, delegates at large  
9 and alternate delegates at large, district delegates and alter-  
10 nate district delegates and for election as members of the state  
11 committee to the state secretary, who shall forthwith canvass

12 such returns, determine the results thereof, notify the suc-  
13 cessful candidates, and certify to the state committees the  
14 names of the persons appearing on the ballots as candidates  
15 or potential candidates for president and vice-president and  
16 the results of the vote therefor, and the names of the persons  
17 elected as members of state committees.

1 SECTION 4. Section 701 of said chapter 53, inserted by sec-  
2 tion 7 of chapter 407 of the acts of 1966, is hereby amended  
3 by inserting after the word "president", in line 4, the  
4 words: — and vice-president.