

By Mr. Nagle of Northampton, petition of William P. Nagle, Jr., relative to primary and general elections. Election Laws.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RELATIVE TO PRIMARY AND GENERAL 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 Following the names of candidates who otherwise qualify, all
2 city and town clerks and election commissioners shall add "None
3 of the Above" to the list of candidates for all state, county, and
4 federal offices on the election ballot for all state primary and
5 general elections and presidential primary elections. The listing
6 for "None of the Above" shall be in the same form as for
7 candidates who otherwise qualify. Votes cast for "None of the
8 Above" shall be counted and reported for every office as are votes
9 for all other candidates for that office.

10 In the event that "None of the Above" prevails for any state
11 or federal office except for that of President and Vice-President
12 of the United States, the governor and the governor's council,
13 upon having had laid before them by the state secretary a report
14 of the votes cast for that office, shall, on the day and time provided
15 for by law, certify that office to be vacant due to a failure to elect.

16 In the event that "None of the Above" prevails for any county
17 office, the clerk of courts or the county commissioners shall certify
18 that office to be vacant due to a failure to elect.

19 Should "None of the Above" attain a plurality or majority for
20 President and Vice-President in a general election, electors for the
21 candidate receiving the next highest number of votes shall be
22 issued certificates of election by the governor as the law provides.

23 Campaign expenditures on behalf of "None of the Above" for
24 any office or election shall be considered independent
25 expenditures. All such expenditures shall be made and reported

26 in accordance with the provisions of Chapter 55, Section 18A, and
27 other such laws as may be applicable.

28 (Chapter 52, Section ____.) Any city, by a vote of its governing
29 body, may require the city clerk for all primary and general
30 elections for city offices to place "None of the Above" on the ballot
31 following the list of candidates for mayor, city council, board of
32 aldermen, school committee, and such additional city offices as
33 are voted on city-wide. The attainment of a plurality or majority
34 by "None of the Above" for any office shall be deemed a failure
35 to elect with respect to that office. All vacancies so created shall
36 be filled as provided by law, except that no candidate on the ballot
37 for that office at that election shall be eligible to fill a vacancy
38 so created. All expenditures on behalf of "None of the Above"
39 for any office or election shall be considered as independent
40 expenditures, and shall be made and reported as provided by law.

41 (Chapter 52, Section ____.) Any town, by a vote of its town
42 meeting, may require the town clerk for all primary and general
43 elections for town-wide offices to place "None of the Above" on
44 the ballot following the list of candidates for town-wide offices.
45 The attainment of a plurality or majority by "None of the Above"
46 for any office shall be deemed a failure to elect with respect to
47 that office. All vacancies so created shall be filled as provided by
48 law, except that no candidate on the ballot for that office at that
49 election shall be eligible to fill a vacancy so created. All
50 expenditures on behalf of "None of the Above" for any office or
51 election shall be considered as independent expenditures, and
52 shall be made and reported as provided by law.

53 A failure to elect resulting from the attainment of a plurality
54 or a majority by "None of the Above," for any office except for
55 that of President and Vice-President of the United States, shall
56 be acted upon as prescribed by the appropriate section of Chapter
57 54 of the General Laws and as otherwise provided by law, except
58 that in the case of state and county offices no candidate who was
59 on the ballot for that office at that election shall be eligible to
60 fill a vacancy so created.

61 In a presidential primary, the number of delegates from each
62 district shall be diminished by the number of delegates, if any,
63 that would be accorded to "None of the Above" were "None of
64 the Above" to be treated as a candidate.