

HOUSE No. 736

By Mr. Carey of Boston, petition of William A. Carey for legislation to repeal the law providing for pre-primary conventions of political parties. Election Laws.

The Commonwealth of Massachusetts

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

AN ACT REPEALING THE LAW PROVIDING FOR PRE-PRIMARY CONVENTIONS OF POLITICAL PARTIES.

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 52 of the General Laws is hereby
2 amended by striking out section 9, as most recently amended by
3 section 1 of chapter 825 of the acts of 1969, and inserting in
4 place thereof the following section: —

5 *Section 9.* City and town committees, respectively, shall fix
6 the number of members of ward and town committees to be
7 elected at the presidential primaries, not less than three nor more
8 than thirty-five for each ward and each town. Notice of the
9 number of committee members to be elected shall be given by
10 the city or town committee, as the case may be, to the state
11 secretary on or before February first of the year in which such
12 persons are to be elected. In case a city or town committee fails
13 to fix the number of the members of a ward or town committee
14 and to give such notice, the number of members of such ward or
15 town committee to be elected shall not exceed ten.

1 SECTION 2. Chapter 53 of the General Laws is hereby
2 amended by striking out section 5, as most recently amended by
3 section 1 of chapter 288 of the acts of 1955, and inserting in
4 place thereof the following section: —

5 *Section 5.* Every certificate of nomination shall state such
6 facts as are required by section eight and shall be signed and
7 sworn to by the presiding officer and by the secretary of the
8 caucus or convention, who shall add to their signatures their
9 residences. The secretary shall within the seventy-two hours
10 succeeding five o'clock in the afternoon of the day upon which
11 the caucus was held or the session of the convention terminated,
12 and within the time specified in section ten, file such certificate
13 at the place specified in section nine.

14 No such certificate of nomination, except for presidential
15 electors, shall be received or be valid unless the written
16 acceptance of the candidate or candidates thereby nominated
17 shall be filed therewith.

1 SECTION 3. Said chapter 53 is hereby further amended by
2 striking out section 34, as most recently amended by chapter 41
3 of the acts of 1970, and inserting in place thereof the following
4 section: –

5 At the top of each ballot shall be printed the words "Official
6 ballot of the (here shall follow the party name)". On the back of
7 each ballot when folded shall be printed the same words,
8 followed by the number of the precinct and ward or the name of
9 the town for which the ballot is prepared, the date of the
10 primary and for state primaries a facsimile of the signature of the
11 state secretary and for city or town primaries a facsimile of the
12 signature of the city or town clerk. Names of candidates for each
13 elective office shall be arranged alphabetically according to their
14 surnames except as otherwise provided.

15 Names of candidates for nomination for all offices to be voted
16 for at a state primary of which they are the elected incumbents
17 or the incumbents chosen by the senate and house of representa-
18 tives, or appointed by the governor, or appointed by the justices
19 of the supreme judicial or superior court, or appointed by the
20 county commissioners, or appointed by the county commis-
21 sioners and the clerk of the courts for a county, shall be placed
22 first in alphabetical order and names of other candidates shall
23 follow in like order.

24 Names of candidates for state committee who are either
25 elected or appointed incumbents shall be placed first in alpha-
26 betical order, and names of other candidates for said office shall
27 follow in like order.

28 Names of candidates for ward or town committees and for
29 delegates to national conventions shall be arranged in groups in
30 such order as may be determined by lot, under the direction of
31 the state secretary, who shall notify each state committee and
32 give a representative of each such committee an opportunity to
33 be present. When necessary, groups may be printed on the ballot
34 in two or more columns; provided, however that only one
35 heading designating the number of members to be elected to such
36 committee or as delegates to such convention shall be printed.

37 Against the name of a candidate for an elective office, for
38 delegate or alternate delegate to a national convention, for a
39 ward or town committee, or for state committee, shall be printed
40 the street and number, if any, of his residence.

41 Against the name of a candidate for an elective office shall be
42 printed the statement contained in the nomination paper placing
43 him in nomination, except where vacancies caused by death,
44 withdrawal or physical disability are filled.

45 Except where vacancies caused by death, withdrawal or
46 physical disability are filled, no names shall be printed on a ballot
47 other than those presented on nomination papers. On ballots at
48 city and town primaries, and preliminary elections except where
49 city charters provide otherwise, names of candidates for offices
50 of which they are the elected incumbents, or the incumbents
51 chosen by vote of the board of aldermen or city council in a city,
52 or the incumbents chosen by joint convention of the board of
53 aldermen or city council and school committee, shall be placed
54 first in alphabetical order according to their summons, to be
55 followed by the names of all other candidates for such offices in
56 alphabetical order. Against the name of each such candidate
57 there shall be printed, if the candidate requests, a statement in
58 not more than eight words setting forth the public offices which
59 he holds or has held, showing clearly that he is a former
60 incumbent thereof if such is the case and, if he is an elected
61 incumbent of an office for which he seeks renomination, that he
62 is a candidate for such renomination; and if he is a veteran, as
63 defined in section twenty-one of chapter thirty-one, the word
64 "veteran" may be used. Immediately following the names of
65 candidates on ballots at city and town primaries, and preliminary
66 elections except where city charters provide otherwise, blank
67 spaces equal to the number of persons to be chosen shall be

68 provided for the insertion of other names. Immediately following
69 the names of candidates on ballots at state and presidential
70 primaries, where there are fewer names than there are persons to
71 be chosen, blank spaces shall be provided, equal in number to the
72 deficiency, for the insertion of other names.

73 The number of persons to be voted for for the different offices
74 shall be stated on the ballot.

75 The form of ballots and the arrangement of printed matter
76 thereon shall be in general the same as that of the official state
77 ballots, except as otherwise provided in this chapter.

1 SECTION 4. Section 44 of said chapter 53 is hereby amended
2 by striking out the first and second sentences and inserting in
3 place thereof the following two sentences: —

4 The nomination of candidates for nomination at state pri-
5 maries shall be by nomination papers. In the case of offices to be
6 filled by all the voters of the commonwealth, nomination papers
7 shall be signed in the aggregate by at least ten thousand voters,
8 not more than fifteen hundred of the total number required to
9 be from any one county.

1 SECTION 5. Sections fifty-four, fifty-four C and fifty-four D
2 of said chapter fifty-three are hereby repealed.