

HOUSE . . . . . No. 3913

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By Mr. Feeney of Boston, petition of Michael Paul Feeney relative to the holding of presidential primaries. Election Laws.

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**The Commonwealth of Massachusetts**

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

AN ACT MAKING FURTHER PROVISIONS FOR THE PRESIDENTIAL PRIMARIES.

*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 34 of chapter 53 of the General Laws  
2 is hereby amended by striking out the fourth and fifth para-  
3 graphs and inserting in place thereof the following two para-  
4 graphs: —

5 Names of candidates for ward or town committees and for  
6 delegates to national conventions shall be arranged in groups in  
7 such order as may be determined by lot, pursuant to Section  
8 70E of this chapter, under the direction of the state secretary,  
9 who shall notify each state committee and give a representative  
10 of each such committee an opportunity to be present. When  
11 necessary, groups may be printed on the ballot in two or more  
12 columns; provided, however, that only one heading designating  
13 the number of members to be elected to such committee or as  
14 delegates to such conventions shall be printed.

15 Against the name of a candidate for elective office, for  
16 delegate or alternate delegate to a national convention which  
17 was submitted by nomination papers for ward or town commit-  
18 tee, or state committee, shall be printed the street and number,  
19 if any, of his residence. Against the name of a candidate for  
20 delegate or alternate delegate on a list submitted pursuant to  
21 section 70D shall be printed only the city or town of his  
22 residence.

1 SECTION 2. Section 35 of said chapter 53 is hereby  
2 amended by striking out the second sentence and inserting in  
3 place thereof the following sentence: — A cross in the circle at  
4 the head of a group of candidates for ward or town committee,  
5 or for delegates or alternate delegates to national conventions  
6 shall count as a vote for each candidate therein.

1 SECTION 3. Section 45 of chapter 53 of the General Law  
2 is hereby amended by striking out the third paragraph, as  
3 appearing in section 2 of chapter 176 of the acts of 1966, and  
4 inserting in place thereof the following: —

5 A nomination paper in respect to a candidate thereon, shall  
6 be valid unless said candidate files with the state secretary his  
7 wish to withdraw his candidacy thereof prior to the last day  
8 for filing nomination papers; provided, however, that a candi-  
9 date for ward or town committee whose name appears on more  
10 than one nomination paper shall be certified as a member of  
11 the party by the board of registrars on only the first such  
12 paper which is submitted to said board.

1 SECTION 4. Section 70B of chapter 53 of the General  
2 Laws, as most recently amended by section 1 of chapter 104  
3 of the acts of 1970, is hereby further amended by striking out  
4 said section and inserting in place thereof the following sec-  
5 tion: —

6 *Section 70B.* In any year in which candidates for presidential  
7 electors are to be elected, the election of delegates and alter-  
8 nate delegates to national conventions of political parties shall  
9 be by direct plurality vote in primaries. The number of dele-  
10 gates at large and alternate delegates at large, and the number  
11 of district delegates and alternate district delegates shall be  
12 fixed by the state committee, who shall give notice thereof to  
13 the state secretary on or before the second Tuesday in January  
14 provided, however, that the number of district delegates shall  
15 total at least 90 per cent of the number of votes which may be  
16 cast at the national convention of the political party by the  
17 delegation from the Commonwealth, and the remaining number  
18 of delegates shall be elected at large; and provided, further,  
19 that the number of alternate district delegates shall total at



20 least 90 per cent of the number of alternate delegates allocated  
21 by the national committee, and the remaining number of alter-  
22 nate delegates shall be elected at large. District delegates and  
23 alternate district delegates shall be appointed by the state  
24 committee among the districts on a basis which gives as nearly  
25 as may be equal weight to population. Each elected delegate  
26 shall have a full vote at the national convention of the political  
27 party, nor shall there be any allocation of delegates or alter-  
28 nates to be elected which is based upon the assignment of a  
29 fraction of a vote to such delegate or alternate. At such  
30 primaries, members of state, ward and town committees shall  
31 also be chosen, to the number fixed as provided in chapter  
32 fifty-two.

1 SECTION 5. Section 70D of chapter 53 of the General  
2 Laws, as most recently amended by section 3 of chapter 407  
3 of the acts of 1966, is hereby further amended by striking out  
4 said section and inserting in place thereof the following sec-  
5 tion: —

6 *Section 70D.* Nomination of candidates for delegates and  
7 alternate delegates to national conventions and members of  
8 political committees shall be by nomination papers which shall  
9 be prepared and, on request, furnished by the state secretary.  
10 In the case of candidates for delegates at large or alternate  
11 delegates at large such papers shall be signed in the aggregate  
12 by at least twenty-five hundred voters, not more than five  
13 hundred to be from any one county. Such papers for all other  
14 offices to be filled at the presidential primaries shall be signed  
15 by a number of voters as follows: — for district delegates and  
16 alternate district delegates, five hundred voters; for members of  
17 state committees; fifty voters; for members of ward and town  
18 committees, five voters.

19 Section forty-five shall apply to such papers for candidates  
20 to be voted for at presidential primaries, except that nomina-  
21 tion papers for ward or town committee shall not include the  
22 eight word statement referred to in said section. Nomination  
23 papers for candidates for state committee may include such  
24 eight word statement, and if the candidate is a veteran, as  
25 defined in section twenty-one of chapter thirty-one the word

26 “veteran” may be used. Said nomination papers of candidates  
27 for state committee who are elected incumbents thereof may  
28 also contain the statement “Candidate for Re-election.”  
29 Nomination papers of candidates for delegate and alternate  
30 delegate to the national conventions of political parties shall  
31 contain, in no more than three words, after the name of each  
32 candidate, his binding presidential preference, expressed as  
33 “Pledged to \_\_\_\_\_”; provided, however, that any such  
34 candidate who does not indicate a preference shall insert after  
35 his name the word “Uncommitted”. Such nomination papers  
36 may also include thereafter the word statement referred to in  
37 section forty-five; provided that the statement of preference, or  
38 the word “Uncommitted”, shall constitute no more than eight  
39 words.

40 Nomination papers may contain the name of more than one  
41 candidate for delegate or alternate delegate or for members of  
42 ward and town committees.

1 SECTION 6. Section 70E of said chapter 53, as most recent-  
2 ly amended by section 1 of chapter 819 of the acts of 1969, is  
3 hereby further amended by striking out said section and in-  
4 serting in place thereof the following section: –

5 *Section 70E.* The state secretary shall cause to be placed on  
6 the official ballot for use at presidential primaries, under sepa-  
7 rate headings, and in the following order, the names of candi-  
8 dates for delegates at large, alternate delegates at large, district  
9 delegates and alternate district delegates to national conven-  
10 tions. Only nomination papers containing nominations for all  
11 the places to be filled shall be placed on said ballot. The order  
12 in which the groups shall appear shall be determined by lot in  
13 the manner provided in section thirty-four and each group of  
14 alternate delegates shall immediately follow the particular  
15 group of delegates with which it is affiliated. The names of  
16 candidates appearing in nomination papers containing nomina-  
17 tions for less than all the places to be filled shall follow. All  
18 groupings shall be alphabetically arranged. The ballot shall also  
19 contain the statement of the preference of each candidate for  
20 delegate or alternate delegate as to a candidate for nomination  
21 for president which appeared upon his nomination papers;



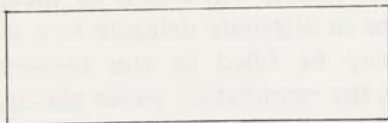
22 provided that such statement of preference by a candidate shall  
23 appear upon the ballot unless such candidate for nomination  
24 for president files his written dissent thereto with the state  
25 secretary on or before five o'clock in the afternoon of the last  
26 day for filing nomination papers. Such dissent may be com-  
27 municated by telegraph. The state secretary, if such dissent is  
28 filed as herein provided, shall substitute the word "Uncom-  
29 mitted" for said statement of preference, and shall cause the  
30 statement of preference or the word "Uncommitted" to appear  
31 upon the ballot in capital letters of the same type size and  
32 style as that in which the name of the candidate appears; but  
33 no such statement shall be added to or changed following the  
34 last day for filing nomination papers. Candidates for delegate  
35 and alternate delegate appearing on the same nomination  
36 papers shall be grouped together on the ballot.

37 The name of any person shall not be printed on the official  
38 ballot for any presidential primary as a candidate for the office  
39 of delegate to a national convention and as a candidate for the  
40 office of alternate delegate thereto more than once as a candi-  
41 date for either of such offices. Said secretary shall also place  
42 on said ballot the names of candidates for state, ward and  
43 town committees.

44 The state secretary shall cause to be placed on the official  
45 ballot for use in presidential primaries, the following: –

46 To express your individual preference for the person to be  
47 nominated as the (name of political party) candidate for presi-  
48 dent of the United States, insert the name of such person in  
49 the blank space below.

50 My preference for (name of political party) candidate for  
51 president of the United States is



52 Election officers in the presidential primaries, in counting  
53 and tabulating the votes showing the voters' preference for  
54 president, shall disregard the omission or inaccuracy of initials,  
55 the omission, inaccuracy or misspelling of Christian names, and

56 the misspelling of surnames, if the intent of the voter to  
57 express a preference for any particular individual can be ascer-  
58 tained. Such statements of voters of presidential preference  
59 shall be counted, tabulated and entered in the records of  
60 election officers of votes cast.

1 SECTION 7. Section 70F of said chapter 53, as most recent-  
2 ly amended by section 2 of chapter 819 of the acts of 1969, is  
3 hereby further amended by striking out said section and in-  
4 serting in place thereof the following section: —

5 *Section 70F.* Upon the receipt of the records of the votes  
6 cast at presidential primaries and with four days after said  
7 primary the city or town clerk shall forthwith canvass the same  
8 and make return of the votes for delegates at large, alternate  
9 delegates at large, district delegates and alternate district dele-  
10 gates and for election as members of the state committee,  
11 together with the vote case for presidential preference, to the  
12 state secretary, who shall forthwith canvass such returns, deter-  
13 mine the results thereof, notify the successful candidates, and  
14 certify to the state committees the names of the persons  
15 elected as members of state committees. Said clerks shall deter-  
16 mine the results of the vote for members of ward and town  
17 committees, issue proper certificates thereof to the successful  
18 candidates and notify the chairmen of the city and town  
19 committees of the respective parties.

1 SECTION 8. Section 70G of said chapter 53, as most recent-  
2 ly amended by section 6 of chapter 407 of the acts of 1966, is  
3 hereby further amended by striking out the first paragraph and  
4 inserting in place thereof the following paragraph: —

5 In case of the death, withdrawal or ineligibility of a candi-  
6 date for delegate or alternate delegate to a national convention,  
7 the vacancy may be filled in any manner which is clearly  
8 provided for on the nomination paper placing such candidate in  
9 nomination, before the signature of any voter is entered there-  
10 on, otherwise the remaining candidate or candidates nominated  
11 by the same nomination paper may fill the vacancy. In case of  
12 a withdrawal, such vacancy must be filled by filing in the  
13 office of the state secretary, within seventy-two week day

14 hours succeeding five o'clock in the afternoon of the last day  
15 for filing withdrawals, a statement signed by the person or  
16 persons authorized to fill the vacancy, giving the name and  
17 residence of the candidate nominated, accompanied by his  
18 written acceptance. In the case of a vacancy which occurs for  
19 any reason subsequent to the primary, the vacancy shall be  
20 filled by the elected delegates, at a meeting called for the  
21 purpose by the chairman of the state committee of the political  
22 party, from among the elected alternate delegates. Such a  
23 vacancy which occurs among the alternate delegates may be  
24 filled at such meeting from among the enrolled voters of the  
25 party resident in the commonwealth.

1 SECTION 9. Said chapter 53 is hereby further amended by  
2 striking out section 70J and inserting in place thereof the  
3 following section: —

4 *Section 70J.* All nomination papers for district delegate or  
5 alternate district delegate, appearing in groups, as provided in  
6 section 70E, shall as nearly as is practicable, include representa-  
7 tives of minority groups, youth, women, labor, business,  
8 elected and appointed officials, and other representative per-  
9 sons to provide for representation of the diverse interests of  
10 the party memberships of the district for which said nomina-  
11 tion papers are submitted.

It is a pleasure to have the opportunity of presenting to you the results of the work done during the past year. The work has been carried out in accordance with the programme of work approved by the Council at its meeting on 15th December 1971. The work has been carried out in a most efficient and economical manner and the results are of a high standard. The work has been carried out in a most efficient and economical manner and the results are of a high standard. The work has been carried out in a most efficient and economical manner and the results are of a high standard.

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