

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT,
STATE HOUSE, BOSTON, August 30, 1951.

To the Honorable Senate and House of Representatives:

Under the provisions of Article LVI of the amendments to the Constitution, I return herewith House Bill No. 748, entitled "An Act relative to State and Party Primaries and Conventions of Political Parties" and recommend the following amendments:

That said House Bill No. 748 be amended by striking out Section 20 as now appearing in the bill and inserting in place thereof a new Section 20, as follows:

SECTION 20. Said chapter 53 is hereby further amended by striking out Section 54 and the caption immediately preceding it and inserting in place thereof the following: —

PROVISIONS APPLYING TO PRE-PRIMARY CONVENTIONS.

Section 54. Beginning in the year nineteen hundred and fifty-two, a political party shall, upon the call of its state committee, but not later than June fifteenth, in a year in which a biennial state election is held, hold a state convention for the purpose of adopting a platform, electing such number of members at large of the state committee as may be fixed by the convention, nominating presidential electors and endorsing for nomination candidates for offices to be filled by all the voters of the commonwealth, to be voted for at the ensuing state primary, and for such other purposes consistent with law as the convention may determine. Such convention shall consist of the delegates elected at the party primary as hereinbefore provided. The number of delegates shall be two from each senatorial district and one additional

for every five thousand votes, or major fraction thereof, above the first five thousand votes cast at the preceding biennial state election in such senatorial district for the political party candidate for governor. In case of a vacancy occurring for any reason except a tie vote such vacancy shall not be filled. Nothing herein contained shall affect or diminish the operation of the laws relating to state primaries contained in sections forty-one to fifty-three A, inclusive. Provided, nevertheless, that the provisions of this chapter providing for the nomination, by endorsement for nomination by state convention, of candidates for offices to be filled by all the voters of the commonwealth shall not apply in the case of the state convention of a political party held in any year unless at least a number equal to one-third of the voters enrolled in said political party, as of January first of said year, voted at the party primaries held in said year.

That said House Bill No. 748 be further amended by striking out Section 21 as now appearing in the bill and inserting in place thereof a new Section 21, as follows:

SECTION 21. Said chapter 53 is hereby further amended by inserting after section 54B the five following new sections: —

Section 54C. Every certificate of nomination of candidates endorsed for nomination by a state convention shall state that the nominee has been endorsed for nomination at such convention and shall include such facts as are required by section eight. Such certificates shall be signed, sworn to and filed as required by section five. Each such candidate shall within ten days from the day when the convention terminates file with the state secretary his written acceptance of the nomination, otherwise his name shall not be printed on the ballot as a candidate for the office to which he was nominated, and he may add the eight-word statement authorized by section forty-five. Such candidate may not withdraw such acceptance.

Section 54D. Delegates shall be seated in groups by senatorial districts as determined by the state committee. The convention shall be called to order by the chairman

or acting chairman of the state committee, or in the absence of either then by a person designated in such manner as the rules of the party shall prescribe. The person who calls the convention to order shall preside until the election of a permanent chairman. He shall appoint a temporary secretary to receive the roll of the convention and a monitor from each group who shall receive the credentials of delegates and present them to the temporary secretary. The convention shall not proceed to the election of a permanent chairman or transact any business until the time fixed for the opening thereof nor until a majority of the delegates named in the official roll shall be present. It shall then elect from among its delegates a permanent chairman and a permanent secretary, neither of whom shall be an officer of the state committee, and shall complete its organization. It shall make suitable rules for the conduct of its business, the order of which shall follow the purposes of the convention as stated in section fifty-four. The permanent secretary shall keep the records of the convention and transmit the same to the state secretary who shall retain them for a period of one year. The permanent chairman and permanent secretary shall be chosen upon a call of the official roll. Committees of the convention shall be appointed by the convention, or by the permanent chairman, as the convention may order. When the vote of the convention is taken upon the election, nomination or endorsement for nomination of any candidate, the roll of the delegates shall be called and each delegate when his name is called shall arise in his place and announce his choice, except that when there is only one candidate to be voted for the roll need not be called, and except also that the monitor of a group, unless a member of the group objects, may announce the vote of such group.

Section 54E. No delegate elected at the party primary as hereinbefore provided shall cast a vote or otherwise participate in the state convention held under the authority of Section 54 of this chapter unless he shall first have filed with the chairman or acting chairman of the

state committee or, in the absence of either, then with the person designated to call the convention to order in accordance with the rules of the party, the affidavit herein prescribed. Said affidavit shall be made and sworn to before a notary public or justice of the peace, and shall set forth in the form prescribed by the rules of the party, a recital of the following facts: (1) that said delegate has neither himself nor through another person given, paid, expended or contributed any money or other thing of value or promised so to do, in excess of one hundred dollars in order to aid or promote his own nomination or election as delegate; (2) that he has not received payment or gift for such purposes, of any money or other thing of value or promise of such payment or gift from any person whatsoever; (3) that he has not solicited or received directly or indirectly any money or other valuable thing for the purpose of influencing his deliberations or his vote as delegate; (4) that no one holding public office or seeking a nomination for such office has promised said delegate to use directly or indirectly any official authority or influence to confer upon any person or to aid any person to obtain an office or public employment, confirmation, promotion or increase of salary upon the consideration or condition that the said delegate vote in the convention for endorsing for nomination any candidate or upon any other corrupt condition or consideration.

Said affidavits shall be part of the records of the convention and shall be kept, transmitted and retained as is hereinbefore provided for such records.

Any delegate who wilfully subscribes to such affidavit knowing that it is false or untrue in any material respect, shall be punished by imprisonment for not more than one year.

Section 54F. No person or combination of persons shall expend, disburse or promise to expend or disburse any money or its equivalent for the purpose of aiding or promoting the success or defeat of any candidate for delegate in the party primary or for the purpose of defraying any of the travel, living or other expenses incurred by any delegate in connection with his or her participation in

said convention. However, this section shall not prohibit the rendering of services by speakers, publishers, editors, writers, checkers and watchers at the polls or by other persons for which no compensation is asked, given or promised, expressly or by implication; nor shall it prohibit the payment by themselves of such personal expenses as may be incidental to the rendering of such services, nor shall it prohibit the free use of property belonging to an individual and the exercise of ordinary hospitality for which no compensation is asked, given or promised, expressly or by implication.

Any violation of this section shall be punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year or both.

Section 54G. No person elected in a party primary to serve as a delegate to a pre-primary convention in any year, shall be eligible for appointment to any public office except that of justice of the peace or notary public, in the service of the commonwealth, whether or not the service is classified or unclassified and whether or not the appointment be temporary, provisional, permanent or for a specified term, during the year of the convention to which he or she is elected as delegate and during the next two succeeding calendar years, provided, however, that no such delegate shall be ineligible to serve in a public office to which he is elected.

No person who already holds an appointment as an officer or employee in the service of the commonwealth shall by reason of that fact be ineligible for election in a party primary to serve as a delegate to a pre-primary convention. However, if so elected such person shall be ineligible for confirmation, promotion or increase of salary during the year of the convention to which he or she is elected and during the next two succeeding calendar years.

Respectfully yours,

PAUL A. DEVER,

Governor.

