HOUSE . . . . . No. 6341

By Mr. Bartley of Holyoke, petition of Thomas P. O'Neill III, David M. Bartley, Kevin B. Harrington, Paul H. Guzzi, Barney Frank, Charles F. Flaherty, Jr., and Francis C. Lapointe that the Commonwealth be enabled to pursue the establishment of a regional Presidential primary. Election Laws.

The Commonwealth of Massachusetts

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

AN ACT ENABLING MASSACHUSETTS TO PURSUE THE ESTABLISHMENT OF A REGIONAL PRESIDENTIAL PRIMARY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 52 of the General Laws is hereby amended by striking out the first sentence in section 2 and inserting the following sentence: — Each political party shall in every ward and town elect at the state primary in the year of presidential primaries from among the enrolled members of the party resident in such ward or town a committee to be called a ward or town committee, whose members shall hold office for four years from the October fifteenth following their election and until their successors have been organized.

SECTION 2. Said chapter is further amended by striking out in Section 4 the word "May" in the first sentence and inserting in place thereof the word: — October.

SECTION 3. Chapter 53 of the General Laws is hereby amended by striking out the second sentence in section 28 and inserting in place thereof the following sentence: — Presidential primaries shall be held on the first Tuesday after the first Monday in March, or on any other Tuesday designated by the secretary of the commonwealth.

SECTION 4. Said chapter is further amended by striking out the fourth paragraph of section 34 and inserting in place thereof the following paragraph: —

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

SECTION 5. Said chapter and said section is further amended by striking out paragraph five and inserting in place thereof the following paragraph: —

Against the name of the candidate for an elective office, for ward or town committee, or for state committee, shall be printed the street and number, if any, of his residence.

SECTION 6. Said chapter is hereby further amended by striking out the first paragraph of section 48 and inserting in place thereof the following paragraph: —

Nomination papers of candidates to be voted on at presidential primaries shall be filed with the state secretary on or before the first Tuesday in January of the same year in which the presidential primaries are held. Nomination papers of candidates to be voted on at the state primaries shall be filed with the state secretary on or before the eleventh Tuesday preceding the day of the primaries, except that such nomination papers for ward and town committee shall be filed on or before the eighteenth Tuesday preceeding the day of the primaries, and except that such nomination papers of candidates for nomination for any office to be filled by all the votes of the Commonwealth, or for congressman, shall be so filed on or before the tenth Tuesday preceding the primaries.

SECTION 7. Said chapter is hereby further amended by striking out section 70B and inserting in place thereof the following section: —

4 *Section 70B.* In any year in which candidates for presidential
5 electors are to be elected, the election of delegates and alternate
6 delegates to the national convention of political parties shall be
7 by that system adopted by the state committee, provided such
8 system shall not include the placing of the names of delegates on
9 the presidential primary ballot. The number of district delegates
10 and alternate district delegates, not less than two from each
11 congressional district, and the number of delegates and alternate
12 delegates at large shall be fixed by the state committee, who shall
13 give notice thereof to the state secretary on or before the first
14 Tuesday in January. At such primaries, members of the state
15 committee shall also be chosen as provided in chapter fifty-two.
16 The election of ward and town committees shall take place in the
17 same year as the presidential primaries, but at the state primary.

1 SECTION 8. Said chapter is further amended by striking out
2 in section 70C the word "February" and inserting in place thereof
3 the following word: — December.

1 SECTION 9. Said chapter is further amended by striking out
2 section 70D and inserting in place thereof the following
3 section: —
4 *Section 70D.* Nomination of candidates for state committee
5 shall be by nomination papers which shall be prepared and, on
6 request, furnished by the state secretary. Nomination papers for
7 candidates for state committee shall be signed by a number of
8 voters of equal to fifty.
9 Section forty-five shall apply to such papers for candidates to
10 be voted for at presidential primaries except that they shall not
11 contain the eight word statement referred to in said section;
12 provided, that a candidate for state committee may state in not
13 more than eight words the public offices which he holds or has
14 held, showing clearly that he is a former incumbent thereof, if
15 such is the case, and if he is a veteran, as defined in section
16 twenty-one of chapter thirty-one of the General Laws, the word
17 "veteran" may be used. The nomination paper of a candidate for
18 state committee who is an elected incumbent thereof may also
19 contain the statement "Candidate for Re-election". Nomination
20 papers may contain the name of more than one candidate for
21 members of ward and town committees.

SECTION 10. Said chapter is further amended by striking out section 70E and inserting in place thereof the following section: —

Section 70E. The state secretary shall cause to be placed on the official ballot for use at presidential primaries, under separate headings, and in the following order, the names of those candidates or potential candidates for the office of president of the United States whom he shall have determined to be generally advocated or recognized in national news media throughout the United States, the names of any other candidates or potential candidates for nomination for president whose names are proposed therefor by nomination papers prepared and furnished by the state secretary, signed in the aggregate by at least twenty-five hundred voters, and the names of those candidates or potential candidates for nomination for president whose names appear on written lists signed by the chairman of the state committees of the political parties, arranged in alphabetical order in accordance with their surnames, a blank space in which the voter may, if he does not vote for any of the candidates for president whose names are printed on the ballot, insert the name of any person of his choice as a candidate for president, and a space by which a voter may vote "no preference".

The chairman of the state committee of a political party and the state secretary shall submit lists or prepare lists of candidates for president, as aforesaid, no later than the first Tuesday in January in the year of presidential primaries, and shall notify each such candidate forthwith by registered mail, of the presence of his name on said lists. No name shall be removed from said lists nor from the ballot, unless such candidate shall file with the state secretary an affidavit stating that he does not desire his name printed upon said ballot at the forthcoming presidential primary. Such affidavit shall be filed with the state secretary no later than five o'clock postmeridian on the second Tuesday of January in the year of presidential primaries.

Said secretary shall also place upon said ballot the names of candidates for state committee.

There shall also be printed on the ballot appropriate instructions to aid the voter with respect to expressing his preference for a candidate for nomination as president. Election

officers in the presidential primaries, in counting and tabulating the voters showing the voters' preference for president, shall disregard the omission or inaccuracy of initials, the omission, inaccuracy or misspelling of Christian names, and the misspelling of surnames, if the intent of the voter to express a preference for any particular individual can be ascertained. Such statements of voters of presidential preference shall be counted, tabulated and entered in the records of election officers of votes cast.

SECTION 11. Said chapter is further amended by striking out section 70F and inserting in place thereof the following section: —

Section 70F. Upon the receipt of the records of the votes cast at the presidential primaries and within four days after said primary, the city or town clerk shall forthwith canvass the same and make return of the votes for nomination for president, and for election for state committee to the state secretary, who shall forthwith canvass such returns, determine the results thereof, notify the successful candidates and certify to the state committees the names of persons appearing on the ballots as candidates or potential candidates for president and the results of the vote therefor, and the names of the persons elected as members of state committees.

SECTION 12. Said chapter is further amended by striking out section 70G and inserting in place thereof the following section: —

Section 70G. In case of death, withdrawal or ineligibility of a candidate for state committee, the vacancy may be filled as provided in section forty-nine.

If there is a tie vote for state committee, as defined in section fifty-three, it shall be filled by the ward and town committees in the district in which it exists.

All vacancies caused by ties shall be filled only by the choice of one of the candidates receiving the tie vote.

SECTION 13. Said chapter is further amended by striking out section 70I.

SECTION 14. Said chapter is further amended by striking out section 70J.

SECTION 15. Said chapter is further amended by inserting after section 121, the following caption: Provisions Applying to the Election of Ward and Town Committees — and by inserting the following new sections:

Section 122. Nominations for candidates for ward and town committee shall be by nomination papers prepared by and, on request, furnished by the state secretary. Nomination papers for candidates for ward and town committee shall be signed by a number of voters equal to five.

Section 123. The names of candidates for ward or town committee appearing in nomination papers containing nominations for all places to be filed shall be placed upon that portion of the state primary ballot where said office will appear, arranged in groups and in the same order as the nomination papers. The order in which such groups shall appear shall be determined by lot in the manner provided in section thirty-four. The names of candidates appearing in nomination papers containing nominations for less than all places to be filled shall follow, arranged alphabetically.

Section 124. In case of death, withdrawal or ineligibility of a candidate for a ward or town committee, the vacancy may not be filled, but members may be added as provided in section four of chapter fifty-two.

If there is a vacancy in a ward or town committee caused by a tie or failure to elect the number provided for in section nine of chapter fifty-two, the members elected shall fill the vacancy.

All vacancies caused by ties shall be filled only by the choice of one of the candidates receiving the tie vote.

Section 125. The city or town clerk shall determine the results of the votes for members of ward and town committees, issue proper certificates thereof to the successful candidates, and notify the chairman of the city and town committee of the respective parties and the chairman of the state committee of the respective parties.