

HOUSE No. 397.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 18, 1890.

The committee on Election Laws, to whom was referred the petition of Horace G. Allen, President of the Common Council of the city of Boston, for amendments of chapter 441 of the Acts of 1888, and so much of the Governor's Address as relates to ballot reform in primary meetings, and who were instructed under sundry orders to enquire into the expediency of legislation relative to the representation among the officers of caucuses of candidates therein, relative to challenges in caucuses, relative to the regulation of primary meetings, and relative to the regulation of conventions, report in part the accompanying Bill.

For the Committee,

ELIHU B. HAYES.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety.

AN ACT

To regulate the holding of Caucuses for the Nomination of Candidates for Public Office and for the Choice of Delegates to Nominating Conventions.

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. Every caucus of the qualified
2 voters of a town or city or ward of a city, or
3 of any specified party or portion of such voters,
4 for the nomination of candidates for any offices
5 to be filled at any state, or city election, or
6 for the choice of delegates to any convention
7 for the nomination of any such candidates, shall
8 be called and held under the provisions of this
9 act.

1 SECT. 2. No meeting shall constitute a caucus
2 within the meaning of this act, or shall be
3 authorized to make any caucus nomination

4 required by law to be made in accordance with
5 the provisions of this act, unless it is duly called
6 and held on behalf of a political party which
7 polled at least three per cent. of the entire vote
8 cast in the state for governor at the annual elec-
9 tion next preceding, or, if not called and held on
10 behalf of such a party, unless qualified voters of
11 the electoral district or division for which it is
12 called participate and vote therein equal in num-
13 ber to at least one per cent. of the vote cast
14 for governor in such district or division at the
15 state election next preceding, but in no case less
16 than twenty-five.

1 SECT. 3. Every nomination of a candidate to
2 be voted for in the entire state, unless made by
3 a nomination paper as provided by law, shall be
4 made by a nominating convention of delegates
5 chosen at caucuses called and held under the
6 provisions of this act and representing, by dele-
7 gates present in person or by proxy, at least fifty
8 towns or wards of cities; and every nomination
9 of a candidate for representative in congress,
10 councillor, senator or any county officer, unless
11 made by a nomination paper as aforesaid, shall
12 be made by such a nominating convention rep-
13 resenting as aforesaid towns or wards of cities
14 equal in number to at least one-half of all the
15 towns and wards of cities within the district or
16 county. Every nomination of a candidate for any
17 other state office, or for any city office, unless made
18 by a nomination paper as aforesaid, shall be made

19 either by a caucus called and held under the pro-
20 visions of this act, or by a convention of delegates
21 chosen at caucuses so called and held.

1 SECT. 4. Such caucus shall be called by a
2 written or printed notice, which shall define the
3 persons who are entitled to take part therein,
4 shall set forth the party or political principle,
5 if any, which it is to represent, shall specify
6 the time and place at which it is to be held,
7 with the offices for which candidates are to be
8 nominated or the conventions for which delegates
9 are to be chosen, shall designate by name or office
10 the person who shall call the meeting to order
11 and act as chairman until a permanent chair-
12 man shall be chosen, and shall be signed by
13 the chairman and secretary of the political com-
14 mittee calling the caucus, or if the caucus is not
15 called by a political committee by at least ten
16 qualified voters of the electoral district or divis-
17 ion for which it is called. Copies of such notice
18 shall be conspicuously posted not more than ten
19 nor less than three full days, that is to say
20 seventy-two hours, before the time fixed for the
21 caucus, in not less than three public places in
22 such electoral district or division, and a copy
23 shall be filed within such period with the clerk
24 of the city or town in which the caucus is to
25 be held. Nothing herein shall be construed to
26 prevent the holding of a caucus at some con-
27 venient and proximate place outside of the limits

28 of the electoral district or division for which it
29 is called.

1 SECT. 5. The person designated in the call for a
2 caucus shall call the meeting to order and preside
3 until a chairman shall be chosen; in case, however,
4 such person shall be absent at the time appointed
5 the caucus may choose a temporary chairman to
6 act in his place. The first business in order at a
7 caucus shall be its organization by the choice
8 of a chairman, as provided in the following sec-
9 tion, and no other business shall be transacted
10 until such organization is duly completed. At
11 caucuses held in towns such other officers shall be
12 chosen or appointed as the meeting may require
13 and in such manner as it may determine. At
14 caucuses held in cities any qualified voter
15 may present to the chairman a ballot containing
16 the names of candidates for nomination to public
17 office or for election as delegates to conventions,
18 accompanied by a paper signed by ten or more
19 qualified voters, including a majority of the can-
20 didates whose names appear on such ballot,
21 naming one qualified voter to serve on behalf of
22 such candidates as one of the caucus officers as
23 herein provided, and such voter shall thereupon
24 so serve. The chairman shall, before any other
25 business is transacted, allow a reasonable oppor-
26 tunity for the presentation and reception of such
27 papers. At caucuses held in cities the meeting
28 shall choose in such manner as it may determine,
29 but including in such choice any caucus officers

30 named as above provided, at least one secretary,
31 two check-list clerks and two ballot-box clerks,
32 and the meeting may so choose any additional
33 caucus officers ; such caucus officers, including
34 those named as above provided, shall perform
35 their appropriate duties, and shall also count all
36 ballots cast.

1 SECT. 6. At caucuses held in towns, a ballot
2 shall be taken for chairman, candidates or dele-
3 gates, in case it is so provided in the call for the
4 caucus, or in case ten or more qualified voters
5 present at the caucus shall so request in writing,
6 which written request may be presented to the
7 presiding officer for the time being at any time
8 before the choice of the officers, candidates or
9 delegates to which it relates is effected. At
10 caucuses held in cities, a ballot shall be taken
11 for chairman in case it is so provided in the call
12 or requested as aforesaid, and a ballot shall in
13 any case be taken for the choice of any candi-
14 dates or delegates to be chosen, and upon such
15 last-named ballot the polls shall be kept open at
16 least two hours, or if the number of votes for
17 governor at the state election next preceding cast
18 in the electoral district or division for which such
19 caucus is called exceeded two thousand, the polls
20 shall be kept open at least four hours.

1 SECT. 7. All ballots shall be taken by the use
2 of the check-list, and the voting lists last published
3 according to law, with such subsequent written

4 additions thereto as may be certified by the
5 registrars of voters, shall be used as check-
6 lists. The ballot of every person offering to
7 vote upon a name appearing on the voting list
8 shall be received and counted unless the right
9 of such person to vote in the caucus is challenged;
10 and the chairman shall preserve a list of all per-
11 sons so challenged, with a memorandum of the
12 ground of the challenge and of his decision or
13 that of the meeting in respect thereto. The
14 chairman may in his discretion, and shall if the
15 caucus so vote, require any person whose right to
16 vote is challenged to make oath that he is a
17 supporter of the political party or principle repre-
18 sented by the caucus, and the chairman is hereby
19 authorized to administer such oath. When a
20 ballot is taken for chairman the meeting shall
21 choose, or shall authorize the temporary chairman
22 to appoint, at least two check-list clerks and two
23 ballot-box clerks, and such officers, together with
24 the temporary chairman, shall count the ballots;
25 but the temporary chairman shall also be individ-
26 ually responsible for the correct count and
27 declaration of such vote.

1 SECT. 8. Upon the petition of any ten quali-
2 fied voters of an electoral district or division of a
3 city, filed with the city clerk not less than two
4 full days, that is to say forty-eight hours, be-
5 fore the day fixed for any caucus in such
6 district or division, one or more of the regis-
7 tering ballot boxes provided by law for use at

8 elections shall be furnished for such caucus and
9 shall be used for the reception of all ballots cast
10 thereat, in the same manner as at elections; the
11 chairman of the caucus shall be responsible for
12 the return of such ballot box in good condition.
13 In case such ballot box is so furnished all ballots
14 shall be not less than three and one-half or more
15 than five inches in breadth and not less than
16 six or more than twelve inches in length, and
17 shall be folded so as to measure within said
18 dimensions, and no other ballots shall be received.

1 SECT. 9. Whoever at any caucus coming
2 within the provisions of this act, whether such
3 provisions have been fully complied with or not,
4 shall vote not being a legal voter in the electoral
5 district or division for which such caucus is held;
6 whoever shall so vote or attempt to vote upon any
7 name not his own; whoever shall so vote or
8 attempt to vote more than once at one balloting;
9 whoever shall cast or attempt to cast more than
10 one ballot at one time of balloting, or more than
11 the number of separate ballots allowed to each
12 voter if more than one ballot is allowed
13 to be cast; whoever shall wilfully hinder or
14 obstruct the voting of others, or shall wilfully
15 hinder the accomplishment of the objects of this
16 act, shall be punished by fine not exceeding fifty
17 dollars, or by imprisonment in the jail not exceed-
18 ing three months, or by both such fine and
19 imprisonment.

1 SECT. 10. Whoever shall knowingly make any
2 false count of ballots or votes cast at a caucus
3 or any false record on the check-list of persons
4 voting, or shall make a false statement or declara-
5 tion of the result of a ballot or vote, or shall wil-
6 fully alter, deface or destroy any ballots cast or
7 check-lists used or papers or records required by
8 the following section to be preserved, before
9 the requirements of this act have been fulfilled,
10 or shall decline or fail to receive any written
11 request, or written appointment of a caucus
12 officer, made as herein provided, or shall decline
13 or fail to perform any duty or obligation imposed
14 by this act, or shall wilfully perform such duty
15 or obligation in such a way as to hinder the
16 objects of this act, shall be punished by fine not
17 exceeding fifty dollars or by imprisonment in the
18 jail not exceeding three months, or by both such
19 fine and imprisonment.

1 SECT. 11. The chairman of a caucus shall,
2 at the request in writing of ten qualified voters
3 present thereat, seal up and safely keep all
4 ballots cast and check-lists used therein, together
5 with the list of votes challenged, written
6 requests and written appointments above pro-
7 vided for, allowing one of such ten voters to
8 make an impression upon such seals, and shall
9 deposit the same as soon as possible in the office
10 of the clerk of the city or town where such
11 caucus is held; and such clerk shall safely keep
12 the same for a period of three months, and shall

13 furnish the same to any court before which
14 criminal proceedings are pending under this act,
15 or to any board or officers before whom objections
16 to nominations can be made.

1 SECT. 12. Nothing herein shall prevent the
2 enforcement at a caucus of further regulations
3 not inconsistent with the provisions of this act.
4 The call for a caucus may provide that the voting
5 thereat shall be conducted substantially in the
6 same manner as at state elections, the names of all
7 candidates to be voted for appearing on one
8 ballot; and in such case the officers having charge
9 of the voting shelves and compartments used at
10 such elections shall, under proper regulations,
11 furnish the same for use at such caucus.

1 SECT. 13. Chapter four hundred and forty-one
2 of the acts of the year eighteen hundred and
3 eighty-eight is hereby repealed.

1 SECT. 14. This act shall take effect upon its
2 passage.