

Commonwealth of Massachusetts.

AMENDMENTS OF THE HOUSE BILL TO REVISE AND CODIFY
THE LAWS RELATIVE TO ELECTIONS (HOUSE, No. 1275)
MOVED IN THE SENATE ON TUESDAY, MAY 18, 1897.

Mr. Folsom moves that the bill be amended as follows:

In section 108, by inserting after the word "boxes," in line 13, the word "and."

By striking out, in lines 13, 14 and 15, the words "and the like, in the same manner, and shall arrange the same in the same relative positions as for State elections," and inserting in place thereof the words "with convenient entrances."

By striking out lines 17 to 56, inclusive.

By striking out, in line 57, the words "two hundred and fifty," and inserting in place thereof the word "twenty-five."

In section 109, by striking out, in line 5, the words "twelve o'clock noon," and inserting in place thereof the words "two o'clock in the afternoon."

In section 110, by inserting after the word "clerk," in line 2, the words "or board of election commissioners."

In section 111, by striking out, in line 20, the words "or ward committee."

•In section 124, by inserting after the word "clerk," in line 1, the words "or board of election commissioners."

In section 126, by striking out all after the word "elected," in line 9.

In section 128, by striking out, in lines 4, 5, 6 and 7, the words "a removal from the ward or town during the year for which an officer was elected shall not disqualify him from

serving in the caucus of the ward or town wherein he was elected.”

In section 132, by striking out lines 1 to 26, inclusive.

By striking out section 133 and inserting in place thereof the following new section:—

“*Section 133.* Immediately after the polls are declared closed, but not before, the ballots shall be counted in full view of the voters, and each delegation on the ballot, and each candidate for an elective office shall upon request of any member of said delegation or of any candidate for an elective office, have a representative behind the guard rail while the count is being made; these persons, however, shall take no part in the proceedings, except to watch the count as it is made by the caucus officers.

“When a caucus is held only for the election of ward committee and caucus officers, every person filing a nomination paper for ward committee or caucus officers shall upon request receive equal representation behind the guard rail. When the total result and counting of ballots has been ascertained the presiding officer shall make public announcement thereof in open meeting, and shall, in open meeting, cause the clerk of the caucus to enter in words at length in the record book, provided for his use by the city or town clerk, the total number of names checked on the voting list, the total number of ballots cast, the names of all persons voted for, the number of votes received for each person, and the title of the delegation or office for which he was proposed. Each clerk of a caucus shall forthwith make a copy of the record so made by him, certify and seal the same, and transmit the same with the record book to the city or town clerk (in Boston to the board of election commissioners) as hereinafter provided. The clerk shall then, in the presence of those who are responsible for the count and before the adjournment of the caucus, seal up all ballots which have been cast, together with the check lists used in the caucus and a statement regarding any challenge which has been made.

The warden and clerk of the caucus shall endorse upon such package the name of the political party holding the caucus, for what delegations and candidatures and in what

ward the ballots were cast, and the date of the caucus. The warden shall forthwith transmit to the city or town clerk (in Boston to the board of election commissioners) by the police officer or by some other legal officer stationed by said clerk in attendance at the caucus, all the ballots cast and the voting lists, the copy of the records, sealed as aforesaid, together with the record book of the clerk. The city or town clerk shall safely keep such sealed packages for not less than three months, and shall produce the same if called for by any court, justice, tribunal or convention having jurisdiction of the same."

Mr. Towle moves that the bill be amended as follows: —

In section 134 by adding after the word "caucus," in line 19, the following words: "*Provided, however,* that in case the difference between the votes for candidates for any office, committee or delegation voted for in any ward at any caucus shall exceed ten per cent. of the vote cast for a candidate or candidates receiving the highest vote on a ticket for the same office, committee or delegation, no recount shall be made except upon petition filed with the officers charged with the duty of recounting, signed and sworn to by twenty registered voters of the ward who participated at the caucus for which the recount is asked, and who shall add to their signatures their respective residences on the first day of May of that year, alleging illegality or fraud and the production of evidence satisfactory to such officers tending to sustain the allegations in said petition.

"The board of registrars, or the election commissioners, shall before proceeding to recount the ballots, give written notice of the time and place assigned for such recount as follows: —

"In the case of the candidates for elective offices, or for caucus officers each candidate shall be notified; in the case of delegations and of ward committees the two persons whose names appear first on the lists of such contesting committees or delegations shall be notified, and each person so notified may be present during such recount either in person or by an agent appointed by him in writing together with such other representatives as the board charged with making such

recount may allow. All recounts shall be upon the questions designated upon the statements filed, and no other count shall be made or allowed to be made, or no other information taken or allowed to be taken from the ballots on such recount. The board charged with the recount shall, when the recount is completed, enclose the ballots in their proper envelope, seal each envelope with a seal provided for the purpose, and certify upon each envelope that such has been opened and again sealed in conformity to law. If it shall appear that a person or persons was elected other than the person or persons declared to be elected, the board of registrars of voters, or election commissioners, as the case may be, shall forthwith make and sign a certificate of such fact stating therein the state of the votes cast as determined by the recount for each candidate for the office, the election to which is disputed, and shall forward the same to the president of the city committee of the political party holding the caucus. The president and secretary of the city committee shall sign and deliver such credentials to delegates and all other persons who appear to be entitled thereto, according to the returns made to them after the recount is made, as hereinbefore provided."

In section 134 by striking out lines 20, 21 and 22; also
By striking out section 426.

Mr. Davis moves that the bill be amended as follows:—

In section 121, by inserting after the word "town" in line 4, and in section 199 by inserting after the word "city" in line 5, the words "But no ballots as herein provided shall be printed in any printing establishment owned or managed by the city of Boston."

In section 132 by adding the words "No person whose name is on the voting list used at any caucus shall be denied the right to vote or participate therein if he will take the oath provided in section 132 of this act, which oath shall be administered to him by the presiding officer of said caucus on his request, and all presiding officers of caucuses are hereby authorized and empowered to administer such oath."

In section 134 by inserting after the word "error" in line 11, the following words "or that challenged votes were

cast at such caucus by persons having no right to vote therein," and

By inserting after the word "raised" in line 17 the following words "and also shall determine whether or not any challenged vote cast at such caucus was cast by a person not entitled to vote therein, and if they find that such challenged vote was cast by a person not entitled to vote in such caucus they shall reject such vote and shall not count it."

Insert after section 275 the following new section:—

Section 276. If, within the thirty days next succeeding the day of an election in a city or town, a person who has received votes for any office at such election, shall, by himself or by his agent or attorney, serve upon the clerk of such city or town, a statement in writing claiming an election to such office, or declaring an intention to contest the election thereto of any other person, such clerk shall retain every envelope containing the ballots for such office cast at the election, sealed as provided by law, until such claim is withdrawn or the contest for the election is finally determined by the competent authority. Every envelope with the ballots shall, however, be and remain subject to the order of the body to which any such person claims or may be held to have been elected, or to the order of the officers required by law finally to examine the records or copies of the records and to issue certificates of election to such office, or to the order of a court having jurisdiction of the matter. Any such body or officers may order the clerk to appear before them and bring with him every such envelope with the ballots. The clerk shall, in response to the order, appear with the envelopes and ballots, and such body or officers may open the envelopes, recount the ballots therein, and amend any record or copy thereof made by them in relation to such office in accordance with the result of the recount.

Mr. Lomasney moves that the bill be amended as follows:—

In section 86, by adding after the word "elect," in line 7, the words "and no person shall be eligible for the position of chairman who has not been elected a member of the committee in accordance with law."

MEMORANDUM

MEMORANDUM FOR THE RECORD

