

# HOUSE . . . . . No. 97.

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HOUSE OF REPRESENTATIVES, Jan. 14, 1898.

[Introduced on leave by Mr. FITZGERALD of Boston. Election Laws.]

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## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Ninety-eight.

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### AN ACT

Relative to the Registration of Voters.

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

1 Chapter four hundred and seventeen of the acts of  
2 the year eighteen hundred and ninety-three is hereby  
3 amended by striking out sections fifty-four and fifty-five  
4 of said act and inserting in lieu thereof the following:—  
5 *Section 54.* If a complaint in writing under oath  
6 shall be made in a city seven days at least, or in a town  
7 four days at least, before an election or town meeting to  
8 the registrars by a registered voter, — which complaint  
9 shall be substantiated by the statement of at least one  
10 other registered voter under oath at the time the com-  
11 plaint is filed, — stating that the complainant has reason

12 to believe and does believe that a certain person by him  
13 therein named has been illegally or incorrectly registered,  
14 and setting forth the reasons for such belief, the registrars  
15 shall send a messenger to the place of alleged illegal  
16 or incorrect registration to examine into the complaint,  
17 and if the registrars are satisfied that there is sufficient  
18 ground therefor, they shall summon the person com-  
19 plained of to appear before them at a certain place and  
20 time before the next election or town meeting to answer  
21 to the matters set forth in the complaint, and the sub-  
22 stance of the complaint, and a copy of this and the  
23 following section shall be set forth in the summons.  
24 Service of the summons shall be made by an officer quali-  
25 fied to serve civil or criminal process not more than  
26 fourteen days nor less than seventy-two hours before the  
27 day named for appearance by the delivery in hand of a  
28 copy of the summons to the person therein summoned,  
29 or by leaving it at the place of alleged illegal or incorrect  
30 registration if the officer finds that such person resides  
31 there, or if he was formerly there and has changed his  
32 residence, then the summons shall be served by leaving  
33 it at the place to which he has moved, if it is within the  
34 officer's jurisdiction and can be ascertained by inquiry  
35 of the landlord or his agent at said place of alleged  
36 illegal or incorrect registration, but if the officer cannot  
37 make personal service, and cannot ascertain the where-  
38 abouts of the person complained of, the copy of the  
39 summons shall be left at such person's last and usual  
40 place of abode known to the officer ; and the officer shall  
41 return the summons to the registrars before the day  
42 named for appearance, with the certificate of his doings  
43 endorsed thereon.

44 *Section 55.* When a person summoned before the  
45 registrars of voters to answer a complaint made in ac-

46 cordance with the preceding section appears before them  
47 they shall examine him under oath, and shall receive  
48 other evidence which may be offered in regard to the  
49 matters set forth in the complaint, and if satisfied that  
50 the person is properly registered as a qualified voter,  
51 they shall enter in the register a statement of their de-  
52 termination upon the facts required for registration. If,  
53 however, the registrars are satisfied that the person so  
54 appearing is not a qualified voter in the city or town,  
55 they shall strike his name from the register. If a per-  
56 son duly summoned as aforesaid does not appear as di-  
57 rected in the summons, the complainant shall produce  
58 sufficient testimony to make out a prima facie case, and  
59 if this is done the name of the person complained of  
60 shall be stricken from the register; but if such person  
61 shall appear before the registrars before the election or  
62 town meeting next ensuing and show sufficient cause for  
63 his previous non-appearance, the hearing shall be re-  
64 opened and the matter decided on its merits as deter-  
65 mined from the evidence presented on both sides. The  
66 complainant and the person complained of may be rep-  
67 resented by counsel and all witnesses may be cross-  
68 examined.

