

SENATE No. 316

By Mr. Rosenberg, a petition (accompanied by bill, Senate, No. 316) of Michael J. Connolly, Secretary of the Commonwealth, Stanley C. Rosenberg, Richard T. Moore and Stephen Roche for legislation relative to the party enrollment of unenrolled voters at primary elections. Election Laws.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four

AN ACT RELATIVE TO THE PARTY ENROLLMENT OF UNENROLLED VOTERS AT PRIMARY ELECTIONS.

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. Section 37 of chapter 53 of the General Laws, as
2 appearing in the 1992 Official Edition, is hereby amended by
3 striking out the third and fourth sentences of the first paragraph
4 and inserting in place thereof the following sentences: — If the
5 party enrollment of the voter is not shown on the voting list the
6 ballot clerk shall ask him in which political party's primary he
7 desires to vote, and the ballot clerk, upon reply, shall distinctly
8 announce the name of such political party, and shall record the
9 voter's selection upon the voting list. The ballot clerk shall then
10 give the voter the ballot of the political party he requested. If the
11 voter was unenrolled prior to the selection of a party ballot he
12 shall remain unenrolled; provided however, that in a presidential
13 primary, the voter shall become enrolled and shall remain a mem-
14 ber of the political party whose ballot he received until he files a
15 certificate signed under the pains and penalties of perjury with the
16 board of registrars of voters of his city or town requesting to have
17 his enrollment changed, or by appearing in person before a mem-
18 ber of such board requesting in writing that his enrollment be
19 changed.

1 SECTION 2. Section 37A of said chapter 53, as so appearing,
2 is hereby amended by striking out the first sentence of the first
3 paragraph and inserting in place thereof the following sen-
4 tences: — A voter desiring to vote by absentee ballot in a primary
5 shall specify on his application for the ballot of the party with
6 which he is enrolled or, if he is unenrolled, the party in whose pri-
7 mary he desires to vote.

1 SECTION 3. Said section 37A is hereby further amended by
2 striking out the second paragraph and inserting in place thereof
3 the following two paragraphs: —

4 The officers processing absentee ballots shall cause to be
5 recorded upon the voting lists to be used at the polling place the
6 political party in whose primary the absentee voter has cast his
7 ballot if he is enrolled, or the officers charged with the casting of
8 such absentee ballots at the polling place shall so record on the
9 voting list the political party in whose primary the absentee voter
10 has cast his ballot if he is unenrolled.

11 If the voter was unenrolled prior to the selection of a party bal-
12 lot he shall continue to be unenrolled and shall be recorded as
13 unenrolled in the current annual register of voters; provided, how-
14 ever, that in a presidential primary the voter shall become enrolled
15 and shall remain a member of the political party whose ballot he
16 received until he files a certificate signed under the pains and
17 penalties of perjury with the board of registrars of voters of his
18 city or town requesting to have his enrollment changed, or by
19 appearing in person before a member of such board requesting in
20 writing that his enrollment be changed.

1 SECTION 4. Section 38 of said chapter 53, as appearing in the
2 1992 Official Edition, is hereby amended by striking out the sec-
3 ond sentence of the first paragraph.

1 SECTION 5. Said section 38, as so appearing, is hereby further
2 amended by striking out the second and third paragraphs and
3 inserting in place thereof the following two paragraphs: —

4 At presidential primaries the city or town clerk shall make
5 available within the polling place certificates to enable a voter to

8 change his party or political designation enrollment, which shall
9 be in substantially the following form:

- 10 Name
- 11 Date
- 12 Address

13 I hereby request that my political party or political designation
14 enrollment be changed as follows:

- 15 From:
- 16 To:

17 Signed under the pains and penalties of perjury.
18

19 On the same day as he casts his ballot in such presidential pri-
20 mary, the voter may transmit the certificates to the city or town
21 clerk, who shall transmit them as soon as possible after the prima-
22 ry to the board of registrars, to be retained in their custody. The
23 party or political designation enrollment of each voter shall be
24 recorded in the current annual register of voters, and whenever a
25 voter shall establish, cancel or change his enrollment it shall like-
26 wise be so recorded.

