

By Mr. Keating of Sharon (by request), petition of Judith E. Orlaff that provision be made for preliminary elections instead of primary elections for certain state offices. Election Laws.

**The Commonwealth of Massachusetts**

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

**AN ACT TO PROVIDE PRELIMINARY ELECTIONS INSTEAD OF PRIMARY ELECTIONS FOR STATE OFFICE.**

*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. Amend Chapter 50 Section 1 by:—

2 — Deleting definition of 'Primary' and inserting in place  
3 thereof the following:—

4 'Primary' shall apply to a joint meeting of political or  
5 municipal parties held under the laws relating to primaries or in  
6 the case of state offices shall mean a Preliminary Election as  
7 defined herein.

8 — Adding the following definition:—

9 'Preliminary election' shall mean the election held on state  
10 primary day in lieu of a state primary election wherein all  
11 candidates for state office shall be listed on one ballot by office  
12 sought regardless of political party or other designation. The two  
13 candidates for each office receiving the highest number of votes in  
14 said preliminary election shall be deemed nominated for election  
15 for such office.

16 — Deleting definition of 'Official Ballot' and inserting in place  
17 thereof the following:—

18 'Official Ballot' shall mean a ballot prepared for any primary,  
19 caucus, preliminary election or election by public authority and at  
20 public expense, and where voting machines are used shall include  
21 ballot labels.

22 — Inserting in line two of the definition of 'Ballot labels' after  
23 'Names and addresses' the following words:— and designations.

1 SECTION 2. Amend Chapter 53, as most recently amended  
2 by Section 1 of Chapter 407 of the Acts of 1966 and by SECTION  
3 1A of Chapter 429 of the Acts of 1973, as follows:

4 — In Section 2 after the word 'candidates' in the third line,  
5 delete the following words: — of political parties.

6 — Add in Sections 23, 24, 25, 26, and 27 after the words  
7 'primaries' the following words: — or preliminary elections.

8 — In Section 28 delete the words 'state primaries' in the first  
9 line and insert in place thereof: — state preliminary elections.

10 — In Section 29 add after the words 'to serve at primaries' the  
11 following words: — and preliminary elections.

12 — In Section 32 strike the first two sentences and insert in place  
13 thereof the following: —

14 *Section 32.* Ballots shall be prepared and provided, and the  
15 number thereof determined in state preliminary elections and  
16 presidential primaries by the state secretary, in city and town  
17 primaries by the city or town clerk. No other ballots shall be  
18 received or counted, except that ballots provided for a state  
19 preliminary election or presidential primary are not delivered, or  
20 after delivery lost, destroyed or stolen, ballots similar as far as  
21 possible shall be provided by the city or town clerk and used at  
22 the preliminary election or primary.

23 — Strike the first two sentences of Section 33 and insert in  
24 place thereof: —

25 *Section 33.* City or town of presidential primary ballots for  
26 each party shall be printed on paper of a different color from that  
27 on which the ballots for any other party are printed. At least six  
28 facsimile copies of the ballot for each party, provided on colored  
29 paper, shall be provided for each polling place as specimen  
30 ballots. In state preliminary elections there shall be only one kind  
31 of ballot printed which shall list all of the candidates regardless of  
32 party, political or other designations. At least six facsimile copies  
33 of the preliminary election ballot shall be provided for each  
34 polling place as specimen ballots.

35 — In Section 34 delete the first sentence and insert in place  
36 thereof the following: —

37 At the top of each city, town or presidential primary ballot  
38 shall be printed the words 'Official Ballot of the (here shall follow  
39 the party name).'

40 At the top of each preliminary election ballot shall be printed  
41 the words 'Official Preliminary Election Ballot.'

42 — In Section 34 strike the words 'state primaries' wherever they  
43 appear and insert in place thereof: — 'state preliminary elections'.

44 — Strike the sixth paragraph of Section 34 and insert in place  
45 thereof the following: —

46 Against the name of a candidate for an elective office shall be  
47 printed the statement contained in the nomination paper placing  
48 him in nomination, except where vacancies caused by death,  
49 withdrawal, or physical disability are filled, and if a candidate in a  
50 state preliminary election, any designation of party or political  
51 designation or designations not to exceed six words.

52 — In Section 34 strike the words 'state primary' wherever they  
53 appear and insert in place thereof: — 'state preliminary election'.

54 — In section 37, strike the first two paragraphs and insert in  
55 place thereof the following three paragraphs: —

56 *Section 37.* The voting list used at primaries shall contain the  
57 party enrollment of the voters whose names appear thereon  
58 established as provided in this and section thirty-eight. Except as  
59 provided by section thirty-seven A, a voter desiring to vote in a  
60 municipal or presidential primary shall give his name, and if  
61 requested, his residence, to one of the ballot clerks, who shall  
62 distinctly announce the same, and, if the party enrollment of such  
63 voter is shown on the voting list, the name of the party in which  
64 he is enrolled. If the party enrollment of the voter is not shown on  
65 the voting list he shall be asked by the ballot clerk with which  
66 political party he desires to be enrolled, and the ballot clerk, upon  
67 reply shall distinctly announce the name of such political party  
68 and shall record to voter's selection upon the voting list. The  
69 ballot clerk shall then give the voter one ballot of the political  
70 party in which he is thus enrolled.

71 After marking his ballot such voter shall give his name, and, if  
72 requested, his residence, to the officer in charge of the voting list  
73 at the ballot box, who shall distinctly announce the same. If the  
74 party enrollment of the voter is shown on the voting list he shall  
75 also make announcement of such enrollment and the officer in  
76 charge of ballot box shall, before the voter's ballot is deposited,  
77 ascertain that it is of the political party in which such voter is  
78 enrolled. If the enrollment of the voter is not shown on such  
79 voting list, the officer in charge of the ballot box shall announce

80 the political party whose ballot the voter is about to deposit, and  
81 the officer in charge of the voting list shall repeat the same  
82 distinctly and record the same upon such voting list.

83 A voter desiring to vote in a preliminary election shall give his  
84 name, and if requested, his residence, to one of the ballot clerks,  
85 who shall distinctly announce the name. After marking his ballot  
86 such voter shall give his name, and, if requested, his residence, to  
87 the officer in charge of the voting list at the ballot box, who shall  
88 distinctly announce the same.

89 — In Section 37 insert after the word 'primaries' in the new  
90 fourth paragraph the following: — or preliminary elections.

91 — Strike Section 37A and insert in place thereof: —

92 *Section 37A.* A voter desiring to vote by absentee ballot in a  
93 municipal or presidential primary shall specify on his application  
94 for the ballot the party with which he is enrolled or that which he  
95 desires enrollment. A city or town clerk shall not supply any voter  
96 with the absentee ballot of more than one party at any one  
97 primary. If unenrolled, the voter shall not be enrolled in a party  
98 by applying for an absentee ballot, nor upon the return of said  
99 ballot, but only upon the processing of the ballot under the  
100 provisions of section ninety-four of chapter fifty-four. Said voter  
101 shall be deemed an enrolled member of the party whose ballot he  
102 has returned, notwithstanding the rejection of the ballot as  
103 defective. The officers processing absentee ballots shall cause to  
104 be recorded upon the voting lists to be used at the polling place  
105 said enrollment of the voter if he is unenrolled, or the officers  
106 charged with the casting of said absentee ballot at the polling  
107 place shall so record the enrollment of the voter on their list if he  
108 is enrolled in the case of a voter whose ballot is rejected as  
109 defective, his enrollment in the political party shall be entered by  
110 the registrars in the annual register forthwith, if the voting list for  
111 use on the day of the primary is unavailable. A voter desiring to  
112 vote by absentee ballot in a preliminary election shall be  
113 furnished a ballot without regard to party enrollment.

114 — In Section 38 add the following words as the beginning of  
115 the section: —

116 The following provisions apply to voters other than voters in a  
117 preliminary election: —

118 — In Sections 39, 40 and 40A insert the following at the  
119 beginning of the section:— Except for ballots in a preliminary  
120 election,

121 — In Sections 41, 42, 43, 44, 45, 46, 47, 48, 48A, 49, 51, 52, 53A  
122 insert in place of the word primary wherever it appears the  
123 following:— Preliminary election

124 — In Section 53 add the following sentence at the beginning of  
125 the section:— The Secretary of State shall determine the two  
126 persons receiving the highest number of votes for nomination for  
127 state offices and notify the successful candidates who shall be  
128 listed on the ballot in the final election.





