

By Mr. Moore of Uxbridge, petition of Michael J. Connolly, Richard T. Moore, other members of the General Court and another for legislation to change the term "unenrolled" to "independent" under the election laws of the Commonwealth. Election Laws.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Three.

AN ACT CHANGING THE TERM UNENROLLED TO INDEPENDENT.

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 1 of chapter 50, as appearing in the 1990
2 Official Edition is hereby amended by deleting the definition of
3 "Political party" and inserting in place thereof the following
4 definition: —
5 "Political party" shall apply to a party which at the preceding
6 biennial state election polled for any office to be filled by all the
7 voters of the commonwealth at least three percent of the entire
8 vote cast in the commonwealth for that office, or which shall have
9 enrolled according to the first count submitted under section
10 thirty-eight A of chapter fifth-three, a number of voters with its
11 political designation equal to or greater than one per cent of the
12 entire number of voters registered in the commonwealth according
13 to said count, provided however, that the word "Independent"
14 may not be used by itself or in combination with any other words
15 to form the name of a political party, and the name of a new
16 political party may not use the name of an existing political party.
17 Such parties shall be eligible to conduct primary elections at the
18 next following biennial state election. With reference to municipal
19 elections and primaries and caucuses for the nomination of city
20 and town officers, "political party" shall include a municipal
21 party.

1 SECTION 2. Section 6 of chapter 53, as most recently
2 amended by chapter 483 of the Acts of 1991, is further amended
3 by deleting the first sentence of the second paragraph and inserting
4 in place thereof the following sentence: —

5 The name of a candidate for election to any office who is
6 nominated otherwise than by a political party, generally referred
7 to as an "Independent" candidate, shall not be printed on the
8 ballot at a state election, or on the ballot at any city or town
9 election following a city or town primary, unless a certificate from
10 the registrars of voters of the city or town wherein such person
11 is a registered voter, certifying that he is not enrolled as a member
12 of any political party, is filed with the state secretary or city or
13 town clerk on or before the last day provided in section ten for
14 filing nomination papers.

1 SECTION 3. Chapter 53 is hereby amended by deleting
2 section 37A and inserting in place thereof the following
3 section: —

4 Section 37A. A voter desiring to vote by absentee ballot in a
5 primary shall specify on his application for the ballot the party
6 with which he is enrolled or, if he is independent, the party with
7 which he desires enrollment. A city or town clerk shall not supply
8 any voter with the absentee ballot of more than one party at any
9 one primary. If an enrolled voter requests the ballot of a party
10 other than the party in which the voter is enrolled, the clerk shall
11 supply the voter with the absentee ballot of the party in which
12 such voter is enrolled.

13 If independent, the voter shall not be deemed to be enrolled
14 in a party by applying for an absentee ballot, nor upon the return
15 of said ballot, but only upon the processing of the ballot under
16 the provisions of section ninety-four of chapter fifty-four. Said
17 voter shall be deemed an enrolled member of the party whose
18 ballot he has returned, notwithstanding the rejection of the ballot
19 as defective. The officers processing absentee ballots shall cause
20 to be recorded upon the voting lists to be used at the polling place
21 said enrollment of the voter if he is independent, or the officers
22 charged with the casting of said absentee ballot at the polling place
23 shall so record the enrollment of the voter on their list if he is
24 independent. In the case of a voter whose ballot is rejected as

25 defective, his enrollment in the political party shall be entered by
 26 the registrars in the annual register forthwith, if the voting list for
 27 use on the day of the primary is unavailable.

1 SECTION 4. Section 38 of chapter 53, as appearing in
 2 the 1990 Official Edition, is hereby amended by deleting the
 3 certificate appearing in lines 40-52, and inserting in place thereof
 4 the following certificate: —

5 Name
 6 (print)
 7 Date
 8 Address

9 I hereby request that my political party or political designation
 10 enrollment be changed as follows:

11 From:
 12 (Name of party or political designation
 13 or Independent)

14 To:
 15 (Name of party or political designation
 16 or Independent)

17 Signed under the pains and penalties of perjury.

18
 19 (Signature)

1 SECTION 5. Section 38A of chapter 53, as so appearing, is
 2 hereby amended by deleting the first sentence and inserting in
 3 place thereof the following sentence: —

4 Section 38A. The board of registrars of voters of every city or
 5 town shall submit to the state secretary a count for each precinct
 6 of the number of voters enrolled in each political party or political
 7 designation and the number of independent voters.

1 SECTION 2. Section 6 of chapter 53, as most recently
2 amended by chapter 483 of the Acts of 1991, is further amended
3 by deleting the first sentence of the second paragraph and inserting
4 in place thereof the following sentence: —

5 The name of a candidate for election to any office who is
6 nominated otherwise than by a political party, generally referred
7 to as an “Independent” candidate, shall not be printed on the
8 ballot at a state election, or on the ballot at any city or town
9 election following a city or town primary, unless a certificate from
10 the registrars of voters of the city or town wherein such person
11 is a registered voter, certifying that he is not enrolled as a member
12 of any political party, is filed with the state secretary or city or
13 town clerk on or before the last day provided in section ten for
14 filing nomination papers.

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9 one primary. If an enrolled voter requests the ballot of a party
10 other than the party in which the voter is enrolled, the clerk shall
11 supply the voter with the absentee ballot of the party in which
12 such voter is enrolled.

13 If independent, the voter shall not be deemed to be enrolled
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22 charged with the casting of said absentee ballot at the polling place
23 shall so record the enrollment of the voter on their list if he is
24 independent. In the case of a voter whose ballot is rejected as

25 defective, his enrollment in the political party shall be entered by
26 the registrars in the annual register forthwith, if the voting list for
27 use on the day of the primary is unavailable.

1 SECTION 4. Section 38 of chapter 53, as appearing in
2 the 1990 Official Edition, is hereby amended by deleting the
3 certificate appearing in lines 40-52, and inserting in place thereof
4 the following certificate: —

5 Name
6 (print)
7 Date
8 Address

9 I hereby request that my political party or political designation
10 enrollment be changed as follows:

11 From:
12 (Name of party or political designation
13 or Independent)

14 To:
15 (Name of party or political designation
16 or Independent)

17 Signed under the pains and penalties of perjury.

18
19 (Signature)

1 SECTION 5. Section 38A of chapter 53, as so appearing, is
2 hereby amended by deleting the first sentence and inserting in
3 place thereof the following sentence: —

4 Section 38A. The board of registrars of voters of every city or
5 town shall submit to the state secretary a count for each precinct
6 of the number of voters enrolled in each political party or political
7 designation and the number of independent voters.

1 SECTION 6. Section 45 of chapter 53 of the General Laws is
2 hereby amended by deleting the first sentence and inserting in
3 place thereof the following sentence: —

4 Every nomination paper shall state in addition to the name of
5 the candidate, (1) his residence, with street and number thereof,
6 if any, (2) the office for which he is nominated, and (3) the
7 political party whose nomination he seeks, provided however, that
8 the word “Independent” may not be used as the name of a political
9 party or as part of the name of a political party.

1 SECTION 7. Section 72 of chapter 53, as so appearing, is
2 hereby amended by deleting the last sentence and inserting in place
3 thereof the following sentence: —

4 But no political committee shall prevent any voter from
5 participating in a caucus of its party for the reason that the voter
6 has supported an independent candidate for political office.

1 SECTION 8. Section 41 of chapter 54, as appearing in
2 the 1990 Official Edition, is hereby amended by deleting the
3 second sentence of the third paragraph and inserting in place
4 thereof the following sentence: —

5 Failure to make a political designation shall result in the term
6 “Independent” being used.