

# HOUSE . . . . No. 1358

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Bill accompanying the petition of Frederick E. Nickels for legislation to provide for the proper examination, approval and use of voting and counting machines at caucuses, primaries and elections. Election Laws. January 18.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twelve.

### AN ACT

To provide for the appointment of a State Board of Voting Machine Examiners and for the Use of Voting Machines at Elections and Primaries.

*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. There shall be a state board of voting  
2 machine examiners, consisting of three persons, of  
3 whom one shall be an expert in patent law, and two  
4 shall be mechanical experts. Said examiners shall be  
5 appointed by the governor within thirty days after the  
6 passage of this act. They shall hold office for the term  
7 of five years, subject, however, to removal at the pleas-  
8 ure of the governor; and any vacancy shall be filled by  
9 the governor for the remainder of the unexpired term.  
10 No person shall be eligible for appointment who has a  
11 pecuniary interest in any voting machine, ballot box or  
12 counting apparatus.

1 SECTION 2. Said examiners of voting machines shall  
2 at such times, under such conditions, and after such pub-  
3 lic notice as they shall determine, examine voting and  
4 counting machines and apparatus; and they shall certify  
5 their approval of such machines as, in their judgment,  
6 furnish convenient, simple and satisfactory means of  
7 voting and of ascertaining the true result thereof with  
8 facility and accuracy, special regard being given to the  
9 prevention and detection of double voting; but no ma-  
10 chine shall be approved which does not secure to the  
11 voter as much secrecy in voting as is afforded by the use  
12 of the official ballot. No machine, except such as is  
13 approved in accordance with the provisions of this sec-  
14 tion, shall be used at any election, caucus or primary in  
15 this commonwealth: *provided*, that nothing contained in  
16 this act shall be construed to require the examination  
17 and approval of any voting and counting machine that  
18 was examined and approved under the provisions of  
19 chapter three hundred and sixty-eight of the acts of  
20 nineteen hundred and three.

1 SECTION 3. The compensation of said examiners of  
2 voting machines shall be paid by the persons or corpora-  
3 tions submitting machines, boxes or counting apparatus  
4 for examination, and such compensation shall not exceed  
5 one hundred and fifty dollars to each examiner for the  
6 examination or re-examination of a machine, fifteen dol-  
7 lars for the examination or re-examination of a ballot  
8 box and five dollars for the examination or re-examina-  
9 tion of counting apparatus.

1 SECTION 4. No voting machine shall be approved by  
2 the state board of voting machine commissioners unless  
3 it be so constructed as to provide facilities for voting for  
4 the candidates of at least seven different parties or or-

5 ganizations. It must permit a voter to vote for any per-  
6 son for any office, whether or not nominated as a  
7 candidate by any party or organization, and it must  
8 permit voting in absolute secrecy. Such machine shall  
9 be so constructed that a voter cannot vote for any  
10 candidate or on a referendum for whom or on which he  
11 is not lawfully entitled to vote. It must be so con-  
12 structed as to prevent a voter from voting for more than  
13 one person for the same office, and it must afford him an  
14 opportunity to vote for only as many persons for that  
15 office as he is by law entitled to vote for, preventing him  
16 from voting for the same person twice. It must be so  
17 constructed that it can be used with equal facility at  
18 primary elections and so that a voter need not be re-  
19 quired to disclose his party affiliation, and the same time  
20 only permitting the voter to cast his vote in a primary  
21 election for candidates of one party or organization. It  
22 must be so constructed that votes cast will be registered  
23 or recorded by a machine, and must be protected by  
24 such means as will prevent tampering with the register  
25 while the votes are taken off. It shall be provided with  
26 a locking system that will only permit of opening the  
27 machine by a three-party lock. It shall be so con-  
28 structed that a voter may change his vote for any regu-  
29 larly nominated candidate up to the time he leaves the  
30 machine, and shall have a counter, the register of which  
31 can be seen from the outside of the machine, and which  
32 shall show during the election the total number of voters  
33 that have operated the machine at that election. The  
34 names of candidates for presidential electors need not  
35 appear on the ballot labels, but in lieu thereof one ballot  
36 with each party column or row containing only the  
37 words "presidential electors," preceded by the party  
38 name and the names of the candidates for president and

39 vice-president may be used, and every vote registered  
40 for such ballot shall operate as a vote for all candidates  
41 of such party for presidential electors and be counted as  
42 such.

1 SECTION 5. A city or town may purchase one or  
2 more voting and counting machines, approved as pro-  
3 vided in this act, and may use the same at all elections  
4 of state, city, county or town officers in said city or  
5 town until otherwise ordered by the aldermen in a city  
6 and the selectmen in a town. Said machines shall be  
7 used for the purpose of voting for the officers to be  
8 elected at such elections and for taking the vote upon  
9 the question of granting licenses for the sale of intoxi-  
10 cating liquor and upon other questions submitted to the  
11 voters, and shall also be used at caucuses and primaries.  
12 In Boston the power to determine upon, purchase and  
13 order the use of voting and counting machines shall be  
14 vested in a board consisting of the election commission-  
15 ers and the mayor of the city, and the expense so in-  
16 curred shall be deemed an expense of the election  
17 department of said city, and the machines purchased shall  
18 be used at such elections, caucuses and primaries in that  
19 city as the election commissioners may from time to  
20 time determine.

1 SECTION 6. When voting machines are purchased by  
2 a city or town the person or corporation of whom the  
3 purchase is made shall give to the city or town clerk a  
4 bond with sufficient sureties to keep such machines in  
5 working order for two years at their own expense.

1 SECTION 7. No voting machine shall be used at an  
2 election, caucus or primary until it has been inspected  
3 under the direction of the secretary of the common-

4 wealth and found upon such inspection to conform to  
5 drawings and specifications to be filed in the office of the  
6 secretary by the board of examiners, with their report  
7 on the machine.

1 SECTION 8. The secretary of the commonwealth, the  
2 treasurer and receiver-general and the auditor of accounts  
3 shall make regulations for the use of the machines ap-  
4 proved by the state board of voting machine examiners,  
5 and prepare and furnish suitable instructions for the  
6 voters in cities and towns in which such machines are  
7 used.

1 SECTION 9. All acts and parts of acts inconsistent  
2 with this act are hereby repealed.





