

and proper officers, shall be deemed the agent of said city of Fitchburg for the proper execution of all trusts arising under the provisions of said will. And nothing in this act contained shall be construed as releasing the city of Fitchburg from any obligation arising from the acceptance of said bequest under said will, or from any condition made therein. And the said Thornton K. Ware is hereby authorized and empowered to prescribe the time and place for the holding of the first meeting of said trustees and to notify them thereof.

*Approved June 19, 1890.*

First meeting of trustees.

AN ACT TO REVISE THE LAWS RELATING TO ELECTIONS.

*Chap. 423*

*Be it enacted, etc., as follows:*

SECTION 1. This act may be cited as the Election Act of Eighteen Hundred and Ninety. The term "state election", as used in this act, shall apply to any election held for the choice of a national, state, district or county officer, whether for a full term or for the filling of a vacancy; and the term "state officer" shall apply to any person to be chosen by the qualified voters at such an election. The term "city election" shall apply to any election held in a city for the choice of a city officer, whether for a full term or for the filling of a vacancy, and the term "city officer" shall apply to any person to be chosen by the qualified voters at such an election. The term "town election" shall apply to any meeting held for the election of town officers, whether for a full term or for the filling of a vacancy, and the term "town officer" shall apply to any person to be chosen by the qualified voters at such a meeting.

Election Act of Eighteen Hundred and Ninety, — certain terms defined.

TITLE I.

QUALIFICATIONS AND REGISTRATION OF VOTERS.

SECTION 2. Every male citizen of twenty-one years of age and upwards (except paupers, persons under guardianship and persons excluded by article twenty of the amendments to the constitution) who has resided within the state one year and within the city or town in which he claims a right to vote six months next preceding any election of state, city or town officers, of representatives to congress, or of electors of president and vice-president, and who has paid, by himself, his parent, master or guardian, a state or county tax assessed

Qualifications of voters.

upon him in this state within two years next preceding such election; and also every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned; and also every citizen included in article twenty-eight of the amendments to the constitution, shall have a right to vote in all such elections; and no other person shall have such right to vote, except as provided in section five.

Soldier or sailor not disqualified because of non-payment of poll tax.

SECTION 3. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper, or if a pauper because of the non-payment of a poll tax.

Voter to reside in district six months before voting for representatives to Congress, etc.

SECTION 4. In an election of representatives to congress, no person shall be allowed to vote unless he has resided in the congressional district where he offers to vote six months next preceding such election, and is otherwise qualified according to the constitution and laws: *provided*, that when the state is districted anew for members of congress he shall have the right so to vote in his district according to such new arrangement; and *provided, also*, that no voter residing in a city which now is or hereafter may be divided by the line between congressional districts shall be deprived of his vote in the district in which he was assessed or liable to assessment on the first day of May next preceding such congressional election, if he is otherwise qualified.

Provisos.

Women may vote in elections for school committees.

SECTION 5. Every woman who is a citizen of this Commonwealth, of twenty-one years of age and upwards (except paupers, persons under guardianship and persons excluded by article twenty of the amendments to the constitution) who has resided within the state one year and within the city or town in which she claims a right to vote six months next preceding any election of school committees, and who has paid by herself, her parent, guardian or trustee, a state, county, city or town tax assessed upon her or her trustee in this state within two years next preceding such election, shall have a right to vote in all such elections for members of school committees.

Indians declared to be citizens of the Commonwealth.

SECTION 6. All Indians, and people of color heretofore known and called Indians, within this Commonwealth, are made and declared to be citizens of the

Commonwealth, and entitled to all the rights, privileges and immunities, and subject to all the duties and liabilities, to which citizens of this Commonwealth are entitled or subject.

SECTION 7. Every male inhabitant of a city or town, who, by reason of age, infirmity and poverty is exempted from taxation under the twelfth clause of section five of chapter eleven of the Public Statutes, shall be deemed to be exempted by law within the meaning of article three of the amendments to the constitution.

Persons exempted from taxation.

SECTION 8. The collectors of state and county taxes in each city and town shall keep an accurate account of the names of all persons from whom they receive payment of any state or county tax, and of the time of such payment, and upon request shall deliver to the person paying the same a receipt specifying his name and the time of payment, and such receipts shall be admitted as presumptive evidence thereof.

Collectors of state and county taxes to keep accurate accounts and to give receipts upon request.

SECTION 9. The collectors, whether the time for which they were chosen has expired or not, shall, twice in each year, namely, once not more than twenty-five nor less than twenty days before the annual city or town elections, and once not more than sixty nor less than fifty days before the Tuesday next after the first Monday in November, return to the registrars of voters of their respective cities and towns an accurate list of all persons from whom they have received payment of any state or county tax since the time appointed for making their last preceding return.

To return to registrars of voters names of persons who have paid tax.

SECTION 10. Every collector neglecting to make such return shall forfeit one hundred dollars for each neglect, and twenty dollars for every name in respect to which he makes a false return.

Penalty for not making return.

SECTION 11. The assessors of taxes in person or by their assistant assessors shall, in the month of May or June in each year, visit each dwelling-house or building in their respective cities or towns, and shall make true lists of all male persons twenty years of age and upwards, liable to be assessed for a poll tax, returned to them by the owners or occupants of such dwelling-houses or buildings as residing therein, and also of all women twenty years of age and upwards, who shall in writing over their own signatures request the assessors to assess them for a poll tax, and it shall be the duty of the assessors to inquire at each such dwelling-house or building for such written

Assessors to make lists of all persons liable to pay a poll tax.

List of women desiring to be assessed.

Assessors to furnish lists, etc., to registrars of voters.

requests for assessment. The assessors shall ascertain, as nearly as may be, and include in such lists the age and occupation of all persons so liable or desiring to be assessed, together with their residences and voting precincts on the first day of May of the current and the preceding years. The assessors shall furnish such original lists or certified copies thereof to the registrars of voters of their respective cities or towns, from time to time, before the fifteenth day of July ensuing; and such assessors and the collectors of taxes shall furnish any further information in their possession necessary to aid the registrars and assistant registrars in the discharge of their respective duties.

Penalty on assessor for entering name of person on list not a resident of building wherein assessed.

SECTION 12. Any assessor or assistant assessor who shall knowingly enter or knowingly cause or allow to be entered, on the list of assessed polls, the name of any person not an actual resident of the dwelling-house or building wherein he is assessed, shall be punished for each offence by fine not exceeding five hundred dollars or imprisonment in the house of correction or county jail for a term not exceeding six months; and any person who shall knowingly give to an assessor or assistant assessor, for the purpose of such assessment, the name of any person as a resident of the house in which his name is given who is not a resident of said house, shall be punished for each offence by fine not exceeding one hundred dollars or imprisonment in the house of correction or county jail for a term not exceeding three months.

Penalty on tavern keeper or master, etc., of dwelling-house for not giving full and true information.

SECTION 13. Every keeper of a tavern or boarding-house, or master or mistress of a dwelling-house shall, upon application of an assessor or assistant assessor of the city or town wherein such house is situated, give full and true information of the names of all persons residing therein and liable to be assessed for a poll tax. Every such keeper, master or mistress refusing or neglecting to give such information after a written demand, of which this section shall form a part, has been duly served on him in person, shall be punished by fine not exceeding one hundred dollars or imprisonment in the county jail for a term not exceeding three months. Every person who is an inmate of any house kept or controlled by such keeper, master or mistress, and who is liable to be so assessed, who shall refuse or neglect to give his own name when required so to do by an assessor or assistant

assessor, after a written demand, of which this section shall form a part, has been duly served on him in person, shall be punished by fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding three months.

SECTION 14. When a male person, on or before the first day of October in any year, gives notice in writing, accompanied by satisfactory evidence, to the assessors of a city or town that he was on the first day of May of that year an inhabitant thereof and liable to pay a poll tax, and furnishes under oath a true list of his polls and estate, both real and personal, not exempt from taxation, the assessor shall assess him for his polls and estate: but such assessment shall be subject to the provisions of section seventy-three of chapter eleven of the Public Statutes. And the assessors shall, on or before the fifth day of October, deposit with the registrars of voters or board charged with the preparation of the list of voters of the city or town a list of the persons so assessed. The taxes so assessed shall be entered in the tax list of the collector of the city or town, and he shall collect and pay over the same in the manner specified in his warrant.

Male person giving notice on or before October first that he was an inhabitant on first day of May, etc., may be assessed, etc.

SECTION 15. Any woman who is a citizen of this Commonwealth may, on or before the first day of October in any year, give notice in writing, accompanied by satisfactory evidence, to the assessors of a city or town that she was on the first day of May of that year an inhabitant thereof and that she desires to pay a poll tax, and to furnish under oath a true list of her estate, both real and personal, not exempt from taxation, and she shall thereupon be assessed for her poll, not exceeding fifty cents, and for her estate, and the assessors shall, on or before the fifth day of October, return her name to the registrars of voters or board charged with the preparation of the list of voters of the city or town in the list of the persons so assessed. The taxes so assessed shall be entered in the tax list of the collector of the city or town, and he shall collect and pay over the same in the manner specified in his warrant.

A woman giving notice, etc., may be assessed.

SECTION 16. When a person makes application to the assessors of a city or town to be assessed a poll tax for the year then current, and it appears that the applicant was on the first day of May preceding an inhabit-

Assessment of persons engaged in military or naval service.

ant thereof and liable to pay a poll tax, but was not assessed therefor, and that he is or has been during any portion of the two years preceding such application engaged in the military or naval service of the United States, the assessors shall, provided the applicant has returned from said service subsequent to the time fixed by law for the close of assessment of taxes, forthwith assess such tax, and notify the treasurer of such city or town of the assessment; and the person so assessed shall upon payment of said tax have the same right to be registered and vote in said city or town as if his tax had been regularly assessed.

Sessions of assessors for making assessments.

SECTION 17. Assessors of taxes in cities shall be in session until ten o'clock on the last three afternoons of the periods in each year in which persons may be assessed for the payment of taxes in accordance with the two preceding sections; and in towns assessors of taxes shall be in session until ten o'clock on the last afternoon of such period.

Board of registrars of voters.

SECTION 18. The selectmen of each town, by a writing signed by them or by a majority of them, and filed with the town clerk, and the mayor of each city, subject to the approval of the board of aldermen, shall appoint three able and discreet persons, qualified voters in said city or town, who shall hold no other office or position by election or appointment in said city or town, who shall constitute, together with the city or town clerk for the time being, a board of registrars of voters.

Terms of office.

When a board of registrars of voters is first appointed, as hereinafter provided, one of the registrars shall be appointed to serve for the term of three years, one for the term of two years and one for the term of one year from the first day of May then next ensuing; and in the manner aforesaid, the mayor of each city and selectmen of each town shall in the month of March or April in each year appoint one person, qualified as aforesaid, to be a registrar of voters for the term of three years from the first day of May then next ensuing and until another is appointed in his place. In case of a vacancy occurring by reason of the death, resignation or removal from office of any one of the registrars appointed, as aforesaid, during the term for which he is appointed, the mayor or selectmen in the manner aforesaid shall appoint a person, qualified as aforesaid, for the residue of said

Vacancies.

term. The members of said board shall equally represent the two political parties which cast the largest number of votes in the Commonwealth at the annual election next preceding their appointment, and not more than two of them shall be of the same political party. Except as hereinafter provided, the city or town clerk shall act as clerk of the said board, shall keep a full and faithful record of its proceedings, and procure the serving or posting of such notices as the registrars may require.

Members to equally represent the largest two political parties.

City or town clerk to be clerk of the board.

SECTION 19. In any city which has accepted the provisions of chapter sixty-nine of the acts of the year eighteen hundred and eighty-nine, or which shall, by vote of the city council approved by the mayor, accept the provisions of this section, the mayor shall, in the month of March or April of or following such acceptance, appoint two able and discreet persons, qualified voters in such city, who shall hold no other office or position by election or appointment in said city, to be members of the board of registrars of voters of said city; one of whom shall hold his office for the term of three years from the first day of May then next ensuing and until another is appointed in his place, and the other for the term of four years from said first day of May and until another is appointed in his place; and in the same manner the mayor of such city shall, in the month of March or April in each year after the foregoing appointments, appoint one person, qualified as aforesaid, to be a registrar of voters for the term of four years from the first day of May then next ensuing and until another is appointed in his place. The city clerk of such city shall cease to be a member of the board of registrars of voters on and after the first day of May in the year of the first appointment named in this section. During the month of May in each year following the acceptance of this section and before any other business is transacted, said board of registrars shall choose one of their number to be and act as clerk, who shall keep a full and complete record of its proceedings and perform all acts heretofore required by law of the city clerk acting as clerk of the board of registrars of voters in such city. Except as herein provided, the board of registrars of voters of any such city shall do and perform all things required of registrars of voters of cities and shall receive the same

Board of registrars of voters in certain cities.

compensation, and shall equally represent the two political parties, as provided in this title.

When member of board is absent, mayor or selectmen may temporarily fill vacancy.

SECTION 20. Whenever any member of the board of registrars of voters shall be incapacitated by sickness or other cause from performing the duties of his office, or shall be absent, at the time of any meeting of said board, from the city or town in which he is appointed, the selectmen of such town by a writing signed by them or a majority of them, or the mayor of such city, may, upon the request in writing of a majority of the remaining members of said board of registrars, appoint some person, qualified as provided in this title, temporarily to fill the vacancy caused as aforesaid. The person so appointed shall be of the same political party as the member of said board of registrars whose position he temporarily fills. Such temporary registrar shall perform the same duties, have the same powers and be subject to the same requirements, restrictions and penalties from the date of his appointment and during the time he holds his office as are now provided by law for duly appointed and qualified registrars of voters.

Balance of political parties to be preserved in composition of board.

SECTION 21. Whenever upon written complaint to the mayor of any city or selectmen of any town it shall, after notice and hearing, have been determined that the city or town clerk and the two registrars of voters whose terms of office do not expire that year represent the same political party, the said mayor or selectmen shall remove from office the registrar other than said clerk whose term would expire in the succeeding year. Whenever upon written complaint to the mayor of any city or selectmen of any town it shall, after notice and hearing, have been determined that a registrar of voters other than the city or town clerk has ceased to act with the political party which he was appointed to represent, the said mayor or selectmen shall remove him from office. All vacancies occurring under this section shall be filled in accordance with the provisions of section eighteen of this act.

Registrars thus appointed to perform duties of existing boards.

SECTION 22. The registrars, appointed as hereinbefore provided, shall perform all the duties in relation to the registration of voters now imposed upon existing boards of registration, and shall before entering upon the duties of their office take and subscribe an oath faithfully to perform the same. They shall receive such compensation as the city council or selectmen may from

time to time determine: but such compensation shall not be regulated by the number of names registered on any list of voters, and any reduction of compensation shall take effect upon such registrars only as are appointed after such reduction. The city council or selectmen shall furnish office room for the registrars and such aid as may be needed by them.

SECTION 23. The registrars, at their first meeting to make the register of voters or at an adjournment thereof, may use the voting lists of the annual election then last past to aid them in forming the said register; but the name of no person shall be placed on such register if objected to by one of the registrars or by a qualified voter of the same city or town, unless he shall be known or proved, to the satisfaction of such registrars, to be at the time a qualified voter in such city or town; nor shall the name of any person be placed or retained on such register without the concurrence of three of the four registrars.

Registrars at first meeting may use the lists of the last annual election, to aid them, etc.

SECTION 24. The registrars of voters shall make and keep a record of all persons entitled to vote at any election, which shall be known as a register of voters. Said register shall contain the name of each voter written in full, or his first christian name, or that name by which he is generally known written in full, with the initial or initials of any other name or names which he may have in addition to his surname, his age and place of birth, the street or place in the town or city where he resided on the first day of May and at the time of registration, the date of said registration, his occupation and place of business or employment, and such other particulars as may be necessary fully to identify him.

Register of voters.

SECTION 25. The assessors of taxes of each city shall, on or before the fifteenth day of July in each year, cause street lists of the several voting precincts in such city to be compiled and printed in pamphlet form for public distribution. Said compilation shall be by precincts separately, not exceeding fifty copies for each, arranged so as to show, under the number of the house, or if there is no number then under such other definite description of the location of the dwelling place as will enable it to be readily ascertained, the names of all persons resident in each dwelling and assessed for poll taxes. The assessors of taxes of every town having over five

Assessors in cities and certain towns to cause street lists of the several precincts to be printed.

thousand inhabitants according to the last state or national census shall, on or before the first day of August in each year, cause street lists of the assessed polls of such town, arranged by voting precincts if the town is divided into voting precincts, to be compiled and printed in pamphlet form for public distribution. Said compilation shall be arranged so as to show, under the number of the house, or if there is no number then under such other definite description of the dwelling place as will enable it to be readily ascertained, the names of all persons resident in each dwelling and assessed for poll taxes. The assessors of such cities and towns shall send such number of copies of the street lists as may be required by the board of registrars of voters to the clerk of said board.

Assessors in towns to cause certified lists of persons assessed for poll taxes to be posted.

SECTION 26. The assessors of taxes in each town shall, on or before the first day of August in each year, cause printed or written lists of all persons assessed therein for the payment of poll taxes to be prepared, and to be conspicuously posted in two or more public places in such town. In a town divided into voting precincts, separate lists for each precinct shall be so prepared and posted in each voting precinct. The names of the persons assessed shall be arranged in alphabetical order, and the lists shall as far as practicable be so made as to show by reference to streets and numbers thereon, or to roads, or by such other definite description as may be possible, the location of the residence of each person so assessed. All such lists shall be duly certified by the assessors.

Registrars to publish, etc., notices concerning registration, etc.

SECTION 27. The registrars of voters shall cause proper notices to be published or posted, and proper opportunity given to all persons, at least twenty days before the annual city or town election and at least thirty days before the Tuesday next after the first Monday in November annually, to present themselves for registration; and thereafter before registering any person whose qualifications have not been determined by them within four years next preceding his application, they shall examine him under oath in regard to his qualifications to vote, and shall require such person to write his name in the register and read in the official edition thereof at least three lines of the constitution, other than the title, in such manner as to show that he is not prompted nor reciting from memory, before they place his name on said

register, unless such person is exempted by article twenty of the amendments to the constitution.

SECTION 28. Registrars and assistant registrars of voters shall before adding any name to the list of registered voters announce the same in a distinct tone of voice, clear and audible; and any registrar or assistant registrar who shall wilfully violate the provisions of this section shall be punished by a fine of not more than three hundred dollars for each offence.

Before name is added to list the same to be announced in a clear and audible voice.

SECTION 29. After the lists of qualified voters are printed and posted as now required by law no name shall be added thereto, unless the applicant for registration appears in person before the registrars or assistant registrars and proves his claim to be registered.

Addition of names after list is posted.

SECTION 30. The secretary of the Commonwealth shall furnish to each board of registrars applying therefor, at cost price, suitable blank books for said registration, and said books shall be uniform in character and shall contain eleven blank columns with uniform headings in the following form:—

Blank books for registration to be furnished by the secretary.

When Registered.	NAME.	Age.	Place of Birth.	Residence May 1.	Residence at time of Registration.	Occupation.	Place of Occupation.	When ceased to be a Voter.	Why ceased to be a Voter.	Remarks.

SECTION 31. If the registrars are not satisfied as to the identity or qualifications of any applicant for registration, they may make such examination of such applicant under oath as they may consider necessary or proper to verify the fact that he is possessed of the constitutional requirements of a voter.

Registrars may examine as to identity, etc., of applicant.

SECTION 32. If any person who will become twenty-one years of age before the election next ensuing shall make application to the registrars for registration in order to entitle him to vote at such election, he shall be examined under oath and admitted to registration, provided the registrars shall be satisfied that he will be of age before such election, and that he has the other constitutional qualifications of a voter and is the identical person he professes to be.

Registration of person who will become twenty-one years of age before next election.

Registration in wrong precinct may be rectified.

SECTION 33. If the assessors assess a person in another precinct than that in which he claims to dwell or have his home, such person may, on or before the time fixed by law for the close of registration in any year, file with the registrars of voters a notice of his claim to be registered in some other precinct, specifying the same, and as soon as may be after receipt of said notice said board shall notify said person, fixing a time and place of hearing; and after such hearing they may change the precinct of registry, if need be, in any case; and they shall forthwith, after such change, give notice thereof to the assessors, who shall make the corresponding change in the official record of their department; and the name of no person shall be registered in any other precinct than that in which he was assessed, unless a claim for such registration is filed as provided in this section.

In cities, except Boston, correction of errors in names to be made by the assessors or registrars.

SECTION 34. In the several cities of the Commonwealth, except the city of Boston, corrections of errors in names upon tax bills of persons assessed shall be made by the board of assessors upon such tax bills and also upon forms of certificates prepared for the purpose, on personal application of the persons assessed, or such corrections may be made by the board acting as registrars of voters when application is made to them by the persons assessed for the purpose of registering as voters; and every tax bill so changed, together with the certificate, shall be stamped with an official stamp of the board making such change, before the person whose tax bill is so changed shall be allowed to register as a voter. All certificates of names so changed shall be sent to the collector of taxes, who shall, as soon as may be after the first day of January in each year, make corresponding changes or corrections on the list of assessed polls committed to him by the board of assessors. The collector shall also transmit said certificates to the board of assessors, who shall, before the first day of March in each year, make corresponding changes or corrections on the proper books in their department.

Alphabetical lists of voters to be posted.

SECTION 35. The registrars of voters shall, at least twenty days before the annual city and town elections, and at least thirty days before the Tuesday next after the first Monday in November annually, make correct alphabetical lists of all the persons qualified to vote for the

several officers to be elected at those times, which lists in cities shall be by precincts separately; and shall, at least twenty days before the annual city or town elections, and at least thirty days before said Tuesday after the first Monday in November annually, cause such lists in towns to be posted up in two or more public places, and in cities each precinct list in one or more public places in each precinct respectively.

SECTION 36. The registrars of voters of a town which has been divided into precincts shall, as soon thereafter as may be, and not less than thirty days before the day of the next succeeding annual election for officers other than town officers, make for each precinct a list of all the legal voters resident therein, and shall at least thirty days before said election cause each precinct list to be posted up in two or more public places in each precinct, and thereafter said registrars shall make and cause to be posted such precinct lists in two or more public places in each precinct thirty days at least before each annual election for officers other than town officers. The notice and information required by section forty-four of this act shall be given upon such lists. Such lists shall be used in each precinct at all elections held therein.

Precinct lists of voters to be posted in towns divided into precincts.

SECTION 37. The names of women may be placed upon a separate list; and, when the name of any woman has been placed upon the list of voters of a city or town, it shall remain on the list as long as she continues to reside in such city or town, and has paid any state, county, city or town tax that has been assessed on her or her trustee in this state within two years next preceding any election.

Names of women to be placed and retained on a separate list.

SECTION 38. The place of residence of each voter, on the first day of May next preceding the making up of the list of voters, shall be entered thereon opposite the name of the voter; in cities and in towns divided into voting precincts the name of each voter shall be entered upon the list of the precinct in which he was assessed, or, if not assessed, where he was liable to assessment. When a person becomes an inhabitant of a city or a town divided into voting precincts after the first day of May, and before an election at which he is entitled to vote, his name shall be entered on the list of the precinct of which he first becomes an inhabitant.

Place of residence to be entered on list of voters.

Names of male persons over twenty-one years of age deceased, to be furnished to registrars.

SECTION 39. The clerk or registrar of deaths of each city or town shall, on the first day of every month, and also two days before every election, send to the registrars of voters a list which, in cities and in towns which have been divided into precincts, shall be by wards or precincts, of the names of male persons over twenty-one years of age deceased within the preceding month, or since the last time of sending such list, with the precinct, street and number, if any, where such person last resided; and the names of such persons found upon the lists of voters shall be erased therefrom.

Removal from one precinct to another.

SECTION 40. At any election other than the annual state election, a person who has removed from one precinct to another within the same city or town shall vote in the precinct in which he was entitled to vote at the last preceding annual state election.

Proceedings when a person is assessed in a place other than his residence.

SECTION 41. On complaint in writing, under oath, made by a registered voter of a city or town to the registrars of voters thereof, in such city at least seven days and in such town at least four days before an election, that he has reason to believe, and does believe, that a certain person whose name appears on the list of assessed polls of said city or town was not on the first day of May last past a resident at the house wherein he is assessed, and setting forth his reasons for such belief, the said registrars, if satisfied there is probable ground for such complaint, shall, after making a record of the same and giving due notice to the person whose residence is called in question, summoning him to appear before them in the manner provided in section forty-two of this act, examine the charges set forth in said complaint; and, if satisfied that said charges are true, they shall erase the name or change the residence of such person, as the case may require, on the list of assessed polls transmitted to them by the assessors of such city or town, and shall make the corresponding change on the voting list, if the name be found thereon, and shall forthwith transmit a certified copy of their proceedings in such case to the said assessors. And any person so complained of, who shall, after such examination, be proven to be a resident of such city or town, and who shall apply for registration, shall be registered only in the place shown, by the evidence at such hearing, to be his legal residence on the first day of May of the current year.

SECTION 42. Upon a complaint in writing, under oath, made by a registered voter in a city at least seven days, or in a town at least four days before an election, setting forth that he has reason to believe, and does believe, that a certain person is illegally registered, and the reasons therefor, the registrars shall re-examine the matter of the registration of such person, and if there shall appear to be probable ground for such complaint, they shall make a record thereof and shall summon such person to appear before them and examine him under oath in regard to the matter set forth in the complaint: they may hear other and further evidence relative thereto, and, if satisfied that his name is entered upon the list of a precinct other than that in which he ought to be registered, shall transfer his name to the list of the proper precinct and notify the assessors of such change, or, if satisfied that he is not a qualified voter, they shall strike his name from the list. Said summons shall be directed to the person named in said affidavit, and shall require him to appear before said board of registrars at a time and place therein named, which time shall be before the election next ensuing, then and there to show cause why his name should remain upon the register of voters, and a copy of this section shall be printed upon the face of said summons. Service of the summons shall be made by an officer duly qualified to serve civil or criminal process, by delivering to the person named therein a copy thereof attested by the officer who serves it, or by leaving such copy for him at his last and usual place of abode known to the officer, not more than fourteen days nor less than twenty-four hours before the return day thereof; and such officer shall return said summons to said registrars before the return day thereof, with a certificate of service endorsed thereon. If, after service of said summons in the manner aforesaid, a person shall fail to appear as directed therein, without sufficient cause being shown therefor, his name shall be stricken from the register of voters.

Proceedings when a person is illegally registered.

SECTION 43. All applications, certificates or affidavits taken by the registrars of voters under this act and acts in amendment hereof shall be preserved for two years.

Applications, etc., to be preserved for two years.

SECTION 44. The registrars of voters in cities shall be in session until ten o'clock in the afternoon of the

Sessions of registrars of voters in cities.

Sessions of registrars of voters in towns.

Saturday next but one preceding the day of any election, and in towns until ten o'clock in the afternoon of the Wednesday next preceding the day of any election, and for such time previous thereto as they may judge necessary, for the purpose of receiving evidence of the qualifications of persons claiming a right to vote and of correcting the list of voters; and they shall give notice of the time and place of holding the sessions upon the lists of voters posted up as provided by section thirty-five, and shall also state therein the day of the month when registration will cease, and that after the close of registration no name will be entered on the list of voters except as hereinafter provided.

Registration to cease, etc.

SECTION 45. The registration of voters in towns shall cease at ten o'clock in the afternoon of the Wednesday next preceding the day of any election, and in cities at ten o'clock in the afternoon of the Saturday next but one preceding the day of any election; and no name shall be entered on the list of voters of any city or town after the close of registration, unless the qualifications of the person as a voter have been determined by the registrars of voters at some meeting held before the close of registration; such fact to be verified by the certificate of the clerk of the board of registrars.

Number of assessed polls and of registered voters to be certified to the secretary.

SECTION 46. At the close of each registration of voters, the registrars of voters of each city and town shall forthwith certify to the secretary of the Commonwealth the number of assessed polls and the number of registered voters in each voting precinct, or in each town not divided into voting precincts.

Voters affected by change of town, etc., lines.

SECTION 47. The names of all voters who are, by changes in city or town boundaries, authorized by law to vote for members of congress, councillors, senators or representatives in the general court in a city or town other than the one in which they reside, shall be placed together, under a proper heading, at the end of the list of voters of the voting precinct where they reside. The registrars of voters of the city or town in which such voters reside shall return to the secretary of the Commonwealth the number of such voters, the name of the city or town, with the designation of the voting precinct, in which they are authorized to vote, and the officers for whom they are authorized to vote in such other city or town.

SECTION 48. The registrars of voters before entering upon the register the name of a naturalized citizen, shall require him to produce for their inspection his papers of naturalization and to make oath that he is the identical person named therein; they shall be satisfied that he has been legally naturalized, shall make a record or memorandum upon said papers of the date of such inspection and shall enter upon the said register the name and location of the court by which said papers were issued, with the date thereof. They need not require the production of such papers after they have once examined and passed upon them.

Registration of a naturalized citizen.

SECTION 49. Registrars of voters shall not register voters in secret session, but publicly, and shall afford to a reasonable number of persons of the various political parties opportunity to witness such registration; and the register of voters and the record of the clerk of the board of registrars shall at all reasonable times be open to public inspection, without charge, at the office of the authorities with whom they are deposited.

Voters to be registered in public; record open to inspection.

SECTION 50. The board of registrars shall possess full authority to maintain regularity and order and to enforce obedience to their lawful commands in proceedings before them, and shall have full authority to preserve peace and good order at and around the place where their sessions are held, and to keep the access thereto open and unobstructed, and may call upon constables, police officers and other persons, if necessary, to communicate their orders and directions and to assist in the performance of the duties in this section enjoined.

Authority of board to preserve order, etc.

SECTION 51. If any person shall refuse to obey the lawful command of the registrars, or by disorderly conduct in their presence or hearing shall interrupt or disturb their proceedings, they may make an order directing any constable or police officer to take the person so offending into custody and detain him until the close of the session then being held; but such order shall not prohibit the person so taken into custody from registering as a voter.

Person disobeying a lawful command, may be taken into custody.

SECTION 52. It shall be the duty of the selectmen of a town and of the chief executive officer of the police force of a city, when requested so to do by the registrars of voters, to detail a sufficient number of police officers, who shall be stationed at the place of meeting

Police officers at place of meeting of registrars.

of said registrars, and under their direction shall preserve order and protect each and all of said registrars from any interference with or obstruction in the performance of their respective duties.

Names on the list of voters to correspond to those in the register.

SECTION 53. No name shall be added to the list of voters until it has been recorded in the register of voters, and all names stricken from the register of voters shall be stricken also from the list of voters; no name shall be added to a list of voters in use at any election after the opening of the polls, except to correct a clerical error or omission; and all names on lists of voters shall be written in full, or as provided in section twenty-four.

Correction of omission through error or mistake.

SECTION 54. If a qualified voter of any city or town whose name was on the list of voters of such city or town for the preceding year, who has been assessed for a poll tax for the current year, and who has paid a state or county tax assessed upon him for the preceding or current year, finds after the close of registration that his name is not placed on the list of voters for the current year by reason of the same being omitted by clerical error or mistake from the list of polls as assessed and transmitted by the board of assessors to the board charged with the preparation of the list of voters, the board of assessors shall, upon the personal application of such voter, correct such omission or mistake and give to him a certificate of such correction, to be presented by him in person to the board charged with the preparation of the list of voters, who shall, on the receipt thereof, place the name of such voter on the list of voters of the precinct or town in which he was entitled to be registered; or if application is made on the day of election the said board last mentioned shall give to such voter a certificate, on presentation of which to the election officers of his precinct or town he shall be allowed to vote therein; and such certificate shall be returned and preserved in like manner as the ballots cast in such precinct or town.

Name erroneously erased may be restored.

SECTION 55. If the name of a qualified voter shall be erroneously erased from the published list of voters or omitted therefrom by clerical error, he may apply to the registrars of voters at any time before the closing of the polls for its restoration; and if he shall prove that his claim be valid his name shall be restored to the list of voters, and he shall be given a certificate thereof

if such restoration is made on the day of election, on presentation of which to the officers of the precinct or town in which he was entitled to be registered he shall be allowed to vote therein; and the certificate shall be returned and preserved in like manner with the ballots cast in said precinct or town.

SECTION 56. At any election held in a city between the day of the municipal election and the day of the annual state election next succeeding, the list of voters prepared for such municipal election shall be used, subject to the changes and erasures provided for by law.

List at elections in a city between the municipal and the state elections.

SECTION 57. If the registrars have duly entered on the list of voters the names of all persons upon the register of voters, they shall not be answerable for any omissions from said list of voters. Assessors and collectors shall when requested furnish any information in their possession necessary to aid said boards of registrars in the discharge of their respective duties.

Registrars not answerable for omissions, if, etc.

SECTION 58. Wherever under this title examinations are authorized or required to be made under oath, or an oath is authorized or required to be made, such oath may be administered by a registrar or by an assistant registrar.

Administration of oaths.

SECTION 59. Towns having less than three hundred registered voters shall be exempt from the requirements of section eighteen of this act, and in such towns the selectmen and town clerk shall constitute a board of registrars of voters, and shall perform all the duties and be subject to all the liabilities imposed by this act and acts in amendment hereof upon registrars of voters. But whenever, in any town now exempted by this section, the register of voters shall be found to contain as many as three hundred names said section eighteen shall apply, and in the month of March or of April next thereafter a board of registrars shall be appointed.

Towns of less than three hundred registered voters to be exempt from requirements of section 18.

SECTION 60. On the petition of not less than ten qualified voters in any city or town, the governor, by and with the advice and consent of the council, shall appoint two supervisors, able and discreet men, one from each of the two leading political parties, to serve for the term of one year, who shall be authorized to attend all sessions of the board of registrars in said city or town, or in the city of Boston all sessions of such assist-

Supervisors of elections.

ant registrars as may be named or described in such petition, and who shall have the right to affix their signatures to the register of voters and lists of voters for purposes of identification, and to attach thereto any statement touching the truth or fairness thereof which they or either of them may ask to attach; and any one who shall prevent any person so appointed from doing any of the acts authorized as aforesaid, or who shall hinder or molest any such person in doing any of said acts, or shall aid or abet in preventing, hindering or molesting any such person in respect of any such acts, shall be punished by imprisonment in jail for not more than one year.

Penalties on registrars.

SECTION 61. Any registrar of voters who shall refuse or wilfully neglect to require an applicant for registration to read and write, as directed by the constitution and section twenty-seven of this act, and shall then place or knowingly suffer to be placed or remain upon the register of voters the name of such applicant, shall be punished by a fine of not more than five hundred dollars or by imprisonment in jail for not more than one year for each offence; and any registrar who knowingly and wilfully prevents, or seeks to prevent, the registration of any legal voter, or knowingly and wilfully registers the name of any person not qualified to vote, or who shall wilfully violate any of the provisions of this act, or be guilty of any other fraud or corrupt conduct in the execution of the duties of his office, shall be punished by a fine of not more than three hundred dollars for each offence; and any other city or town officer who wilfully neglects or refuses to perform any duty required of him by this act and acts in amendment hereof, shall, except as provided in section ten, forfeit for each offence a sum not exceeding two hundred dollars.

Penalty for making false representation, etc., to registrar.

SECTION 62. Any person who shall cause his name to be registered as a voter in more than one town or precinct, or who shall cause his name to be registered, knowing that he is not a qualified voter in the city, town or precinct where said registry is made, or who shall falsely personate or attempt to so personate any person for the purpose of passing the reading or writing test, or for any other purpose before a registrar of voters, and any person who shall give a false name or false

answer to a registrar concerning any matter relating to the registration of voters, or to the right of any person to vote, and any person causing any such act or aiding or abetting any person in any manner in either of said acts, shall be punished for each and every offence by a fine of not more than three hundred dollars and by imprisonment in jail for not more than one year.

SECTION 63. Whoever shall knowingly or wilfully make a false affidavit under this title, regarding the qualifications of any voter, shall be deemed guilty of perjury. Making false affidavit to be deemed perjury.

SECTION 64. Whoever wilfully injures or defaces any list of voters posted in any city or town of this Commonwealth shall be punished by a fine not exceeding fifty dollars or by imprisonment not exceeding six months. Penalty for defacing posted list.

SECTION 65. The provisions of this title shall not be deemed to repeal the special laws relating to assessment and registration in the city of Boston; but sections fourteen, fifteen and seventeen of this act shall apply to the city of Boston the same as to the other cities of the Commonwealth. Provisions of law applicable to Boston.

## TITLE II.

### THE CONDUCT OF ELECTIONS AND RETURNS THEREOF.

SECTION 66. Meetings for the election of state and city officers may be opened as early as seven o'clock in the forenoon; and in no case shall the polls be kept open after the hour of sunset. Such officers shall be voted for on one ballot, and notice thereof shall be given in the warrant calling the meeting. Meetings for election of state and city officers.

SECTION 67. In cities such meetings shall be opened as early as ten o'clock in the forenoon of the election day, and shall be called according to the provisions of the city charters and the acts in addition thereto, and warrants for notifying such meetings shall specify the time when the polls for the choice of the several officers will be opened and when they will be closed, and the polls shall be kept open at least six hours. Meetings in cities to be opened as early as ten A.M., and polls to be open at least six hours.

SECTION 68. In towns meetings for the election of state officers shall be opened as early as twelve o'clock, noon, of the election day. The polls shall be kept open at least four hours and for such longer time as the majority of the voters present shall by vote direct; and Meetings in towns to be opened as early as noon, and polls to be open at least four hours.

after an announcement by the presiding officer of a time so fixed, such time shall not be changed to an earlier hour. Such meetings shall be called by the selectmen in the manner ordered by the town, and the warrants for notifying such meetings shall specify the time when the polls for the choice of the several officers will be opened and when they may be closed; and the polls shall not be closed until the hour named in the warrant has arrived.

Cities to be divided into voting precincts.

SECTION 69. The several cities of this state shall be divided by the mayor and aldermen of said cities, respectively, into convenient voting precincts for the holding of all meetings for the choice of all officers who are elective by the people. Every ward in a city containing not more than five hundred voters shall be a voting precinct; every ward in a city containing more than five hundred voters and not more than eight hundred voters may, on or before the first Monday of July in any year, be divided by the mayor and aldermen of such city, if they shall deem it expedient, into two precincts, to contain as nearly as may be an equal number of voters, and such ward if not so divided shall be a voting precinct; and every ward of a city containing more than eight hundred voters, on or before the first Monday of July in any year, shall be divided by the mayor and aldermen of such city into two or more voting precincts, consisting of compact and contiguous territory, in such manner that each precinct shall be entire within one ward, and shall contain as nearly as may be an equal number of voters. The boundaries of such precincts shall as far as possible be the centre lines of known streets or ways, and no precinct shall contain more than eight hundred voters. The registration of voters in the preceding year shall be taken as the basis of the division in the year in which such division is made. After the division of any city into new wards as now provided by law, said wards shall be divided into voting precincts according to the provisions of this section. Said precincts shall be designated by numbers or by letters of the alphabet.

When ward of a city is divided into two or more precincts, map of the same to be posted, etc.

SECTION 70. Whenever a ward of a city is divided into two or more precincts, the mayor and aldermen shall immediately cause the same to be published by making a map or description of such division, defining it by known boundaries and posting such map or description in at least ten of the most public places in each

precinct of such ward; and the mayor and aldermen shall also cause a reasonable number of copies of such map or description to be furnished to the registrars of voters, the assessors of taxes and the election officers in each precinct of said city.

SECTION 71. Whenever a change is made in the wards or voting precincts of a city, the city clerk thereof shall immediately thereafter make a return to the secretary of the Commonwealth, stating the number of wards, and giving the designation of each and every voting precinct in said city.

Secretary to be notified of changes in voting precincts.

SECTION 72. The selectmen of every town which shall accept the provisions of this section shall, within sixty days thereafter, divide said town into convenient voting precincts for the holding of all meetings for the choice of officers elective by the people, except town officers. They shall define said precincts by natural or artificial monuments and boundaries, and number the same either by letters or figures, and shall make report of their doings, including therein such monuments and boundaries, the numbers of such precincts and the number of legal voters in each precinct, to the next town meeting. Such report may be modified or amended at the meeting duly called to act thereon, and when accepted, either in its original or amended form by a majority of the legal voters then present and voting thereon, shall become operative; and thereafter all meetings for the election of state officers shall be held in the precincts established by said town; but any such election in a town held after such division has been made, before precinct lists of voters have been made and posted in the manner and for the number of days required by law, shall be held in the manner in which elections had theretofore been held in such town. Such report shall not be acted upon at any meeting unless the same is filed in the office of the town clerk seven days at least before said meeting. Such precincts may be changed at any meeting duly called for the purpose, if the selectmen shall have filed in the office of the town clerk seven days at least before said meeting a report of the contemplated changes, giving monuments, boundaries and numbers of the contemplated precincts and the number of voters in each as determined by the last preceding registration of the voters as corrected; but no changes

Towns accepting this section to be divided into precincts.

Precincts may be changed.

Secretary to be notified.

other than those proposed in such report shall be made at such meeting. Within ten days after the division of any town into precincts, or of any change in the number of such precincts, the town clerk shall give notice thereof in writing to the secretary of the Commonwealth, stating therein the number of precincts then existing in said town.

Town may discontinue voting precincts, and in a subsequent year may re-establish, etc.

SECTION 73. Any town which has been divided into voting precincts may, at a meeting duly called for the purpose, by vote discontinue all such precincts; and thereafter the provisions of law applicable to such precincts shall cease to apply to said town, and all subsequent elections therein shall be held as if no such division had been made. Notice in writing of the discontinuance of the voting precincts in a town, in accordance with this section shall, within ten days thereafter, be given by the town clerk thereof to the secretary of the Commonwealth. A town which has discontinued all the voting precincts may however in a subsequent year accept the provisions of the preceding section, and cause a division into voting precincts to be made thereunder.

Polling place to be designated for each precinct, in a convenient place.

SECTION 74. The board of aldermen of each city and the selectmen of each town divided into voting precincts, respectively, shall ten days at least before the day of any special election and thirty days at least before the day of any other election held in such city or town, designate and appoint the polling place for each of the voting precincts in such city or town and procure the same for such purpose, and cause it to be suitably fitted up and prepared therefor; and they shall thereupon cause to be posted in such city in at least ten and in such town in at least three public places in each precinct a printed description of the place so designated, and shall give such other public notice thereof as they may think necessary or proper. Such polling place shall be in the most public, orderly and convenient portion of the precinct: *provided*, that when no convenient polling place can be had within the territorial limits of any precinct, the mayor and aldermen, or selectmen, as the case may be, are authorized to designate and appoint one in some convenient place within the limits of any of the adjoining precincts of such city or town; and for such purposes the place so designated

Proviso.

and appointed for the polling place of such precinct shall be deemed and taken to be included in and part of said precinct, as though the same was within the territorial limits thereof. No building or part of a building shall be designated, appointed or used as a polling place, in which, or in any part of which, intoxicating liquor is sold, or has been sold within thirty days next preceding the day of election.

SECTION 75. The mayor of each city at some time between the first and the twentieth day of September in each year shall, with the approval of the board of aldermen, appoint as election officers for each voting precinct one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors, who shall include the inspectors and deputy inspectors provided for in section twenty of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine; such officers shall be qualified voters in the ward of which such precinct forms a part, men of good repute and standing, who shall equally represent each of the two political parties which cast the largest number of votes in the Commonwealth at the annual election next preceding their appointment: *provided, however,* that not more than two of such election officers may be appointed from qualified voters not representing either of such two political parties, but without disturbing the equal representation of such two parties. The warden and two of the inspectors shall be of a different political party from the clerk and the other two inspectors, and each deputy shall be of the same political party as his principal. Each of said officers shall be sworn to the faithful performance of his duties, and shall hold office for one year from the first day of November in the year in which he is appointed, and until a successor is appointed and qualified or he is removed. Any one of said officers may be removed at any time by the mayor, with the approval of the board of aldermen, upon written charges of incompetency or official misconduct preferred either by the city clerk or by not less than six qualified voters of the ward in which the officer is appointed to act. In case of any vacancy occurring before the first day of November in any year, or in case either of said officers shall decline to act and shall give notice thereof to the city clerk on or before said first day

Election officers  
in cities to be  
appointed for  
each precinct.

Proviso.

Vacancies.

of November, the mayor, with the approval of the board of aldermen, shall appoint some person qualified as aforesaid to fill said office; and in making such appointment he shall preserve in the precinct offices the just and equal representation of the two leading political parties. Every person so appointed shall be sworn to the faithful performance of his duties. Every nomination made by the mayor under this section shall be acted on by the board of aldermen not less than three nor more than ten days after it shall have been made. In case of a vacancy in the office of warden, clerk or inspector of a precinct on the day of any election, the person appointed as deputy of said warden, clerk or inspector shall act in his place, and shall have the same powers and be subject to the same duties and liabilities as the officer for whom he acts. No deputy precinct officer shall have power to act in any official capacity, or while the polls are open or during the counting of the votes shall be admitted to the space reserved for the precinct officers, except while filling a vacancy as aforesaid; and he shall receive no compensation except for attendance at the opening of the polls or for services while acting for the officer whose place he fills. In case the warden and deputy warden, or the clerk and deputy clerk, or one of the inspectors and his deputy, are absent at the time designated for the opening of the polls or during the day of any election, a suitable person shall be elected by the voters of said precinct by nomination and hand vote, with full power to act for the time being in place of the absent officer; and before entering upon the performance of his duties he shall be sworn by the warden or clerk, or, in the absence of both of said officers, by a justice of the peace, to the faithful performance thereof.

Officers to be sworn.

Vacancies.

If warden, etc., is absent, vacancy to be filled pro tempore by election.

Election officers in certain towns to be appointed for each precinct.

SECTION 76. The selectmen of each town divided into voting precincts, at some time between the first and fifteenth day of October in each year, shall appoint as election officers for each precinct, two wardens, one clerk, and two inspectors and two deputy inspectors as provided in section twenty of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine, qualified voters in such precincts, and men of good repute and standing. Said wardens, inspectors and deputy inspectors shall equally represent each of the two political parties which cast the largest number

of votes in the Commonwealth at the annual election for officers other than town officers next preceding their appointment. Each of said officers shall be sworn to the faithful performance of his duties, and shall hold office for one year from the first day of November in the year in which he is appointed, and until a successor is appointed and qualified or he is removed. Any one of said officers may be removed at any time by the selectmen upon written charges of incompetency or official misconduct preferred either by the town clerk or by not less than six qualified voters of the precinct in which the officer is appointed to act. In case of any vacancy occurring before the first day of November in any year, or in case either of said officers shall decline to act and shall give notice thereof to the town clerk on or before said first day of November, the selectmen shall appoint some person qualified as aforesaid to fill said office; and in making such appointment to fill a vacancy in the offices of warden, inspector or deputy inspector they shall preserve the just and equal representation of the two leading political parties in such precinct offices. Every person so appointed shall be sworn to the faithful performance of his duties. If an inspector is absent on the day of an election, the person appointed as deputy of said inspector shall act in his place, and shall have the same powers and be subject to the same duties and liabilities as the inspector for whom he acts. No deputy inspector shall have power to act as inspector, or while the polls are open or during the counting of the votes be admitted to the space reserved for the precinct officers, except in the absence of the inspector as aforesaid; and he shall receive no compensation except for attendance at the opening of the polls or for services while acting for the inspector whose place he fills. In case one or both of the wardens, or the precinct clerk, or one of the inspectors and his deputy, are absent at the time designated for the opening of the polls or during the day of an election, a suitable person or persons, as the case may be, shall be elected by the voters of said precinct by nomination and hand vote, with full power to act in place of the absent officer or officers during his or their absence; and before entering upon the performance of the duties of the office he or they shall be sworn by a warden or the precinct clerk, or a justice of the peace to the faithful performance thereof.

Officers to be sworn.

Vacancies.

If warden, etc., is absent, vacancy to be filled pro tempore by election.

Inspectors in towns not divided into precincts.

SECTION 77. In towns not divided into voting precincts, two inspectors and two deputy inspectors shall be appointed as provided in section twenty of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine; and the provisions of law applicable to such officers in towns so divided shall apply to the officers herein provided for, except that the selectmen shall make appointments to fill any vacancy occurring on the day of an election.

Powers and duties of election officers.

SECTION 78. The election officers shall attend at the times and places designated for meetings in their respective precincts or towns, for the election of state or city officers, or for the determination of any question submitted by lawful authority to the qualified voters of the state or of a city, as the case may be, and shall have the same powers and, except as otherwise provided, be subject to the same duties and liabilities as the wardens, clerks and inspector now holding office under existing laws, and shall receive such reasonable compensation for each day's actual service as the city councils or the towns, respectively, may from time to time determine. No person shall be eligible to the position of election officer or teller in any precinct or town where he is a candidate to be voted for; and whenever any person appointed as aforesaid becomes such candidate he shall be removed by the mayor or selectmen, as the case may be, before the first day of November in the year in which he becomes such candidate.

Compensation.

Selectmen to preside at election of state officers.

SECTION 79. At town meetings for the election of state officers the selectmen shall preside and shall have all the powers which are vested in moderators.

Tellers may be appointed.

SECTION 80. Selectmen, when required to preside at town meetings, and wardens in towns, may appoint tellers to aid them in checking the names of voters, or in assorting and counting votes; and selectmen shall appoint such tellers upon petition of ten legal voters. Such tellers shall be sworn to the faithful discharge of their duties. Such tellers shall be appointed in equal numbers from the two political parties which cast the largest number of votes in the Commonwealth at the annual election next preceding their appointment. Every such teller shall be subject to the same penalties to which the officer so appointing him is subject, in the performance of the duties in which such teller assists.

SECTION 81. The ballots furnished by the secretary of the Commonwealth and by the several city clerks, as provided by law, shall be of plain white paper, in weight not less than that of ordinary printing paper, and each page shall be not more than five nor less than four and a half inches in width, and not more than thirteen and a half nor less than six inches in length. The names of candidates shall be printed with black ink at right angles with the length of the ballot, in capital letters not less than one-eighth nor more than one-quarter of an inch in height. The ballots for use in towns in taking the vote on the question of granting licenses for the sale of intoxicating liquor shall contain the words:—Shall licenses be granted for the sale of intoxicating liquors in this town? Yes. (or) No., and no others.

Ballots furnished by secretary of the Commonwealth and city clerks.

SECTION 82. Whoever offends against any provision of the preceding section shall be punished by fine not exceeding one hundred dollars or by imprisonment in jail not exceeding one year.

Penalties.

SECTION 83. The secretary of the Commonwealth shall send to the town clerk of each town, seven days at least previous to the taking therein of the vote upon the question of granting licenses for the sale of intoxicating liquors, ballots both affirmative and negative, in number equal at least to the number of registered voters in such town. Such ballots shall be distributed to the voters at the polling place under the direction of the town clerk.

Ballots to be used in towns for voting upon question of granting liquor licenses.

SECTION 84. The secretary of the Commonwealth shall provide every city and town with a ballot-box for use at each polling precinct or place of meeting for the election of state or city officers, which shall also be used in taking the vote upon any proposed amendment to the constitution or other question submitted to all the voters of the Commonwealth, or of any city, and in taking the vote in towns upon the question of granting licenses for the sale of intoxicating liquor. Said boxes shall be approved by the secretary, treasurer and auditor of the Commonwealth, or by a majority of them; shall have sufficient and secure locks and keys, or seal fastenings, and shall contain mechanical devices for receiving, registering and cancelling every ballot deposited therein; but no such box shall record any number or mark upon any ballot by which said ballots can be distinguished from each other. Said ballot-boxes shall be purchased by the

Ballot-box to be provided for each polling precinct, etc.

Ballots to be deposited in such boxes.

secretary, at a price not exceeding fifty dollars each, and shall be paid for out of the treasury of the Commonwealth. All ballots cast at any such election, or in taking any such vote, shall be deposited in such boxes, and no ballots shall be counted in ascertaining the result of such election or vote unless so deposited and cancelled, or deposited as hereinafter provided.

If unable to use box provided, the balloting to proceed as presiding officers shall direct.

SECTION 85. If for any cause it shall become impossible at any election, or in taking such vote, to make use of the ballot-box furnished by the secretary of the Commonwealth as herein provided, the balloting shall proceed as the presiding officers at the meeting shall direct; the clerk shall make a record of the facts pertaining thereto and return an attested copy of his record thereof enclosed in the envelope provided according to law for the return of the ballots cast at such election or in taking such vote.

Laws against fraudulent voting to apply, etc.

SECTION 86. All existing provisions of law to prevent fraudulent voting, and the penalties therefor, shall apply to the taking of the vote upon proposed amendments to the constitution, upon questions submitted to all the voters of the Commonwealth or of any city, and upon the license question.

Ballot-boxes to be kept safely and in good repair.

SECTION 87. City and town clerks shall, at the expense of their cities and towns, provide therein places for the safe and suitable keeping of the ballot-boxes furnished by the Commonwealth; shall have the care and custody thereof; shall see that they are kept in good order and repair; and if any of them are lost, destroyed or irreparably damaged, shall, at the expense of said city or town, replace the same by similar ballot-boxes, approved as in section eighty-four of this act.

Penalty for injury to ballot-box.

SECTION 88. Whoever wilfully or maliciously destroys or injures a ballot-box, or the mechanism thereof, shall be punished by imprisonment not exceeding one year and by a fine not exceeding five hundred dollars.

Ballot-boxes to be furnished to election officers before opening of the polls.

SECTION 89. City and town clerks shall send to the election officers of each precinct or town before the opening of the polls on the day of any state or city election, or meeting at which such ballot-box is required by law to be used, the ballot-box furnished by the secretary of the Commonwealth, with such ballot-box seals and other ballot-boxes as may be approved by the

board of aldermen or selectmen, as the case may be. At the opening of the polls in each precinct or town, and before any ballots are received, the ballot-box shall be publicly opened and shown to be empty, and the election officers shall, by personal examination, ascertain that the same is empty, after which the box shall immediately be locked or fastened, a record of the condition of the box register made by the clerk, and the key taken, if one be used, and retained by the constable or police officer in attendance at said precinct. The ballot-box shall not be removed from the public view, after it is so shown to be empty, until all ballots have been removed therefrom and the box has been re-locked or sealed. No ballot shall be removed from the ballot-box in any precinct or town while the polls are open, and the box shall not be opened except that, in order to make room for the deposit of all ballots, the warden may, in the presence of all the election officers, open the box and pack and press down the ballots therein. In towns not divided into voting precincts and having more than six hundred voters the ballot-box may be opened and ballots taken therefrom and counted whenever in the unanimous judgment of the selectmen and town clerk it is necessary or advisable so to do. The wardens of each precinct shall have charge of the ballot-boxes and ballot-box seals, and shall, at the close of each election, return the same, either personally or by the hand of the police officer or constable in attendance at the precinct, to the city or town clerk. The clerk of each city and of each town divided into voting precincts, respectively, shall furnish to the clerks of the several precincts a seal of suitable device, the design for which shall include the number or designation of the precinct for which it is furnished, and said seal shall be used in sealing the envelopes as required by law at any election. The precinct clerk shall retain the custody of the precinct seal, and he shall, at the end of the term for which he was appointed or whenever he ceases to hold said office, deliver the same, together with the records of the precinct and other documents, to the city or town clerk.

SECTION 90. The presiding officers at meetings held for the election of town or other officers, or for taking the vote upon proposed amendments to the constitution, upon questions submitted to all the voters of the Common-

Ballot-box to be examined at the opening of the polls, etc.

Ballots may be taken from boxes and counted, in towns of more than 600 voters and not divided into precincts.

Wardens to have charge of ballot-boxes and seals.

Check-lists to be furnished at elections and when voting upon questions submitted to the people.

wealth or of any city, and upon the license question, shall be provided with a complete list of the persons qualified to vote at such meeting; and no person shall vote at an election, or in taking any such vote, whose name has not been previously placed on such list, nor until the presiding officers find and check his name thereon, unless such person present a certificate from the registrars of voters as provided by law.

Person wishing to vote to give his name, etc., to be announced and repeated in a loud voice.

SECTION 91. Whenever any person offers to vote he shall give his name, and if requested so to do, his residence, to the warden or presiding election officer, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and if such name is found upon the check-list by the election officer having charge thereof, he shall, in a loud and distinct tone of voice, clear and audible, repeat said name, and the voter may then deposit his ballot in the box, with the official endorsement uppermost and in sight, and his name shall be immediately checked on said list. The officers in charge of the box and the list respectively shall be of different political parties.

Duties of selectmen, etc., when vote is challenged.

SECTION 92. When in any state or city election the right of any person offering to vote is challenged for any cause recognized by law, the selectmen, warden or presiding officer shall require the name and residence of the person so offering to vote to be written upon the ballot so offered and challenged, either by himself or by some one in his behalf, and the selectmen, warden or presiding officer shall add thereto the name of the person challenging the same and the cause assigned therefor, before such ballot shall be received: *provided*, that nothing contained in this section shall be so construed as to permit election officers to receive any vote which by law they are required to refuse.

Penalties.

SECTION 93. Whoever wilfully or negligently violates any of the provisions of the preceding section shall be punished by fine of not less than twenty nor more than two hundred dollars or by imprisonment in the jail not exceeding one year.

Regulations may be made in regard to seals and boxes.

SECTION 94. The board of aldermen of any city may pass such regulations in regard to the use of the seals and ballot-boxes and the manner of receiving, counting and returning the votes as they may deem expedient, provided such regulations are not incon-

sistent with the provisions of law; and if any person wilfully neglects or refuses to comply with any of such regulations, he shall be punished by fine not exceeding one hundred dollars or by imprisonment in the house of correction not exceeding six months.

SECTION 95. The votes cast at state and city elections shall be received, sorted and counted by the selectmen and town clerk or by the election officers, as the case may be, with the assistance of the tellers, if any, and public declaration made thereof in open town, ward or precinct meetings. As soon as the polls are closed the selectmen and town clerk or election officers, with the assistance of the tellers, if any, shall proceed to canvass the votes: such canvass shall be public, and shall not be adjourned nor postponed until it shall have been fully completed. As soon as the polls are closed, a record shall be made by the clerk of the condition of the ballot-box register: the officers in charge of the check-lists shall, in the presence of the other officers and the public, count in a distinct and audible voice the names checked on said lists and announce the whole number thereof; the ballot-box, without being removed from the public view, shall then be opened by the wardens or presiding officers, the ballots shall be taken therefrom and audibly counted one by one, and when the count is completed the whole number of ballots cast shall be announced, and the counting of the number of votes received by each person voted for shall then proceed. In towns not divided into voting precincts and having more than six hundred voters the counting of the check-lists may be made after the counting of the ballots. All ballots, after being removed from the box, shall be kept within the unobstructed view of the voters present at the place of meeting until they are placed in the envelope as required by law. The total number of ballots cast, the names of persons voted for, the number of votes received for each person, and the title of the office for which he is proposed, together with the number of blank ballots for each office, shall be entered in words at length by the town, ward or precinct clerks in their respective records. The precinct clerks shall forthwith deliver certified copies of such records to the city or town clerks, who shall forthwith enter the same in the city or town records.

Votes at state and city elections, to be received, etc., and public declaration made in open town, etc., meeting.

Ballots to be kept within view.

Person having the highest number of votes to be declared to be elected.

SECTION 96. In all elections of civil officers by the people, the person or persons having the highest number of votes shall be deemed and declared to be elected; but no persons receiving the same number of votes shall be deemed to be elected, if thereby a greater number would be elected than required by law.

Presiding officer in open meeting to cause ballots to be secured in envelope, sealed and endorsed.

SECTION 97. Moderators of meetings held for the election of town clerk, selectmen, assessors, treasurer, collector of taxes or school committee, at which all of said officers are voted for upon one ballot, and selectmen and wardens who preside at elections for state or city officers, shall cause the ballots cast for such officers, after the same have been sorted, counted, declared and recorded, to be secured in an envelope in open town, ward or precinct meeting, as the case may be, and sealed with a seal provided for the purpose, and with the private seal of any election officer who may desire to affix the same; and a majority of the election officers in each town or precinct shall endorse upon the envelope for what officers and in what polling place the ballots were cast, the date of the election, and a certificate that all the ballots cast by the voters of said town or precinct, as the case may be, for such officers and none other, are contained in said envelope. The moderator, selectmen and wardens shall forthwith personally deliver, or transmit by the constable or police officer in attendance at such elections, the ballots, sealed as aforesaid, to the city or town clerk.

Check-lists used at elections to be enclosed in envelope, sealed and endorsed.

SECTION 98. In every state or city election the selectmen, wardens or presiding officer of each town, ward or precinct shall cause the check-lists used at such election to be enclosed and sealed in an envelope and transmitted in the same manner as the ballots cast at such elections are required to be secured and transmitted: *provided, however*, that in towns not divided into voting precincts the check-lists shall be retained by the selectmen until they are transmitted to the registrars of voters, as hereinafter provided. The selectmen and election officers, respectively, shall certify on such envelope to the identity of the check-lists so enclosed. The city clerk may furnish a copy of a check-list after it has been used in any precinct, upon the application of not less than ten legal voters resident within the ward of which the precinct forms a part. The selectmen of a

Copy of check-list may be furnished.

town not divided into voting precincts may furnish a copy of a check-list after it has been used in any election, upon the application of not less than ten legal voters resident in the town. The town clerk of a town divided into voting precincts may furnish a copy of a check-list after it has been used in any precinct, upon the application of not less than ten legal voters resident therein. Immediately upon such copy being furnished the check-list shall be again sealed up, with a new certificate attached, by which the identity and original condition shall be certified by a majority of the selectmen, or by the city or town clerk, as the case may be.

Copy of check-list may be furnished.

SECTION 99. Whoever wilfully or negligently violates any provision of the two preceding sections shall be punished by fine not exceeding two hundred dollars or by imprisonment in the jail not exceeding one year.

Penalties.

SECTION 100. Selectmen and town and city clerks shall preserve in their custody the check-lists used at any election for the same length of time as is required by law for the preservation of ballots. And as soon as may be thereafter they shall transmit said lists to the clerk of the board of registrars of voters of their respective towns and cities, and said board shall preserve them, for future reference in such manner as they may deem best.

Preservation of check-lists.

SECTION 101. City and town clerks shall receive the envelopes containing the ballots thrown at any election, sealed as hereinbefore provided, and shall retain them in their care until the requirements of law have been complied with; and as soon as may be thereafter, said clerks shall cause such ballots to be destroyed without examining them, or permitting them to be examined by any person whatsoever, and shall make an entry in the records of the city or town that they have been so destroyed; and any such clerk who examines such ballots, or permits them to be examined, shall be punished by fine not exceeding two hundred dollars.

City and town clerks to retain ballots until requirements of law have been complied with.

SECTION 102. The mayor and aldermen and the clerk of each city shall forthwith after an election examine the returns made by the election officers of each ward or precinct in such city, and if any error appears therein they shall forthwith notify said election officers thereof, who shall forthwith make a new and additional return, under oath, in conformity to truth, which additional return, whether made upon notice or by such

Examination of returns in cities.

officers without notice, shall be received by the mayor and aldermen or city clerk at any time before the expiration of the day preceding that on which by law they are required to make their returns or to declare the results of the election in said city; and all original and additional returns so made shall be examined by the mayor and aldermen, and made part of their returns of the results of such election. In counting the votes in an election, no returns shall be rejected when the votes given for each candidate can be ascertained.

Upon notice of a contested election, clerk to retain envelope containing ballots.

SECTION 103. If within thirty days next following the day of an election, a person who received votes for any office at said election serves by himself, his agent or attorney, upon the clerk of any city or town, a statement in writing claiming an election to such office, or declaring an intention to contest the election of any other person who has received, or who may receive, a certificate of election for the same, such clerk shall retain the envelope containing the ballots thrown at such election, sealed as provided by law, subject to the order of the body to which either of said persons may claim or be held to have been elected, or of the board required by law finally to examine the returns and issue certificates of election, or until such claim is withdrawn or such election is decided by the authority competent to finally determine the same. In all such cases said body or board may order the clerk of such city or town to appear before them and bring with him the envelopes containing the ballots cast at said election. Said clerk shall appear according to said order, and said body or board may open said envelopes, recount the ballots therein and amend the returns relating thereto in accordance with the result of such recount.

Statement to be sent to aldermen when election returns are believed to be erroneous.

SECTION 104. If within six days next following the day of any election for state or city officers, ten or more qualified voters of any ward of a city or of a town not divided into voting precincts, or of any voting precinct in a town having more than one such precinct, file with the city or town clerk a statement in writing that they have reason to believe that the returns of the selectmen, or of the election officers of certain precincts in said ward or town, are erroneous, specifying wherein they deem them in error, said clerk shall forthwith transmit such statement to the selectmen, board of aldermen or the com-

mittee thereof appointed to examine the returns of said election. Such selectmen, board of aldermen or their committee shall thereupon, and within eight days next following the day of election, open the envelope or envelopes and examine the ballots thrown in said town or precinct, as the case may be, and determine the questions raised: *provided, however*, that when an election is held to fill a vacancy in the senate or house of representatives, the statement of errors shall be filed within two days and the recount of ballots shall be made within three days following the day of said election. They shall then again seal the envelope or envelopes with the seal of the city or town or a seal provided for that purpose, and endorse upon the envelope or envelopes a certificate that the same has been opened and again sealed by them in conformity to law; and the envelope or envelopes sealed as aforesaid shall be returned to the city or town clerk, who, upon the certificate of the selectmen, board of aldermen, or of their committee, shall alter and amend such of the town or precinct returns as have been proved to be erroneous; and such amended returns shall stand as the true returns of the town or precinct. The city or town clerk shall amend the city or town records in accordance with such amended returns, and copies of such records of votes cast at any state election shall be made and returned as herein provided for original returns. Selectmen may appoint tellers in the manner hereinbefore provided to assist them in recounting ballots under the provisions of this section.

Ballots to be examined and questions raised to be determined.

Proviso.

SECTION 105. If within fourteen days after the day of the municipal election in any city, ten or more qualified voters in said city shall file with the city clerk a statement in writing that they have reason to believe that the returns of ballots cast under the provisions of section five of chapter one hundred of the Public Statutes are erroneous, said clerk shall forthwith transmit said statement to the board of aldermen of said city, and said board shall within ten days thereafter recount said ballots, and declare the result, and their record of said recount shall stand as the true result of the vote cast in said city under said section.

Recount of ballots after municipal elections in cities.

SECTION 106. In all cases whenever a recount of ballots cast at any election is claimed, the officers, board or committee charged with the duty of recounting such

Notice to be given to the contesting candidates.

ballots shall, before proceeding to recount such ballots, give notice in writing to the several contesting candidates interested in and liable to be affected by such recount, of the time when and the place where such recount is to be made, and each of such contesting candidates may appear and be present during such recounting, either in person or by an agent appointed in writing by him in his stead.

Result of an election not to be declared until time for requesting a recount has expired.

SECTION 107. The board of aldermen shall not declare the result of an election until the time for filing a request for a recount of ballots has expired, or, in case of such request having been made, until the said ballots have been examined and the returns amended, if found erroneous; any provision in the charter of any city or in any act in amendment thereof to the contrary notwithstanding. Upon the expiration of the time allowed for filing such request for a recount of ballots, if no such request has been filed, or after the ballots have been examined in accordance with such request and such returns as are found erroneous have been amended, as provided in the preceding sections, the board of aldermen shall forthwith declare the result of the election, and the city clerk shall thereupon issue certificates of their election to the persons appearing from such returns to be elected.

Copies of records of votes at state elections to be transmitted to the secretary, etc.

SECTION 108. City and town clerks shall within ten days from the day of an election for electors of president and vice-president, representatives in congress, governor, lieutenant-governor, councillors, senators, secretary, treasurer and receiver-general, auditor, attorney-general, commissioners of insolvency, sheriffs, registers of probate and insolvency, district-attorneys or clerks of the courts, transmit copies of the records of the votes, attested by them, certified by the mayor and aldermen or selectmen, and sealed up, to the secretary of the Commonwealth; they shall in like manner, within ten days after an election for county treasurer or register of deeds, transmit such copies of the records of the votes to the county commissioners of their several counties; and within ten days after an election for county commissioners, transmit such copies of the records of the votes to the clerks of the courts for their several counties; but in the county of Suffolk the return of votes for register of deeds shall be made to the board of aldermen of Boston,

and in Revere and Winthrop the returns of votes for county commissioners shall be made to the clerk of the courts for the county of Middlesex.

SECTION 109. City and town clerks shall certify to the secretary of the Commonwealth within fifteen days after the day of an election for state, city or town officers the total number of names of persons checked on the lists of voters as having voted in each town or voting precinct at such elections.

Number of names of persons checked on lists to be certified to the secretary.

SECTION 110. Proof that a return of votes was properly directed to the person to whom it was required to be transmitted or delivered, and mailed within the time fixed by law for such transmission or delivery, shall be a bar to any complaint for delinquency.

Proof of return of votes, properly directed, shall be a bar to complaint for delinquency.

SECTION 111. When a return of votes from a city or town is received at the office of the secretary of the Commonwealth not sealed up as by law required, he shall forthwith give notice thereof to the returning officers; who upon the receipt of such notice shall make a copy of their record of the votes of said election, and transmit the same, certified by them under oath to be correct, to the secretary, and sealed up as required by law in the case of original returns. If such copy is received by the secretary before the day on which by law the returns are to be opened and the votes counted, and if, upon opening said copy by the governor and council, the legislature, or any person authorized so to do, the original return is found in substantial conformity therewith, it shall not be rejected because of informality.

When return of votes is received unsealed, sealed copy of record to be transmitted.

SECTION 112. The secretary shall furnish to the several cities and towns blank forms and envelopes for all certificates, transcripts and returns required to be made to his office under this act, with such printed directions on the envelopes as he deems necessary for the guidance and direction of such officers in making the returns according to law.

Blank forms, envelopes, etc., to be furnished to cities and towns.

SECTION 113. A memorandum of the date of the reception of all returns of votes at the secretary's office shall be made at said office on the envelopes containing them; and if a return required to be sealed up is received unsealed, the secretary shall make a memorandum of such fact upon said return.

Memorandum to be made of date of reception.

SECTION 114. The secretary upon receiving the returned copies of the records of votes shall transmit

Returns to be transmitted to

governor and council with seals unbroken.

them as received with their seals unbroken to the governor and council; and the governor with five at least of the council shall as soon as may be examine them; and he shall issue his summons to such persons as appear to be chosen to the offices of governor, lieutenant-governor, councillors, secretary, treasurer and receiver-general, auditor, attorney-general, and senators; and to such persons as appear to be chosen members of congress, commissioners of insolvency, sheriffs, registers of probate and insolvency district-attorneys and clerks of the courts, he shall forthwith transmit a certificate of such choice, signed by the governor and countersigned by the secretary.

Abstract of returns of votes to be furnished to newspapers, upon application.

SECTION 115. Upon the completion of the examination of the copies of the records of votes by the governor and council, and the determination of the persons severally appearing to be elected in accordance therewith, the secretary of the Commonwealth shall furnish to such newspapers in the Commonwealth as shall apply for the same an abstract of the returns of votes. All copies of records of votes, whether original or corrected, shall be placed and remain on file in the office of the secretary of the Commonwealth, and be there open to inspection by any interested person who may apply therefor.

Examination of returns by governor and at least five members of the council.

SECTION 116. The governor shall in the presence of at least five councillors make and subscribe a certificate of the examination of the returns of votes for governor, lieutenant-governor, and councillors, required by article sixteen of the amendments of the constitution, and of the result of said examination.

Returns to be placed in envelopes after examination and laid before the senate and house of representatives.

SECTION 117. After such examination, the returns shall be replaced in their respective envelopes, which with the returns and such certificate, the governor shall deliver to the secretary, and the secretary on the first Wednesday of January shall lay the same, together with schedules showing the number of ballots which appear to have been cast for each person voted for, before the senate and house of representatives.

Number of assessed polls of registered voters and the number who voted to be reported to the legislature.

SECTION 118. The secretary of the Commonwealth shall report to the legislature, on or before the first day of February of each year, the number of assessed polls, the number of registered voters at the date of the last preceding city, town and state elections, and the total number of persons who voted at such elections in each

city, town or voting precinct. Said report shall be one of the series of public documents, and fifteen hundred copies shall be printed annually.

SECTION 119. On the first Wednesday of the month succeeding an election for county commissioner or special commissioners, the board of examiners for the county for which the election was held shall meet; and the clerk of the courts shall present the returned copies of votes at such election: and the board shall open and examine them, and notify each person chosen of his election. If such board or clerk wilfully neglects to perform any duty required of them under this section, each of them so neglecting shall forfeit a sum not exceeding two hundred dollars.

Examination of returns of votes for county commissioner, etc.

Penalty.

SECTION 120. The board shall within three days after such examination file such copies in the office of the clerk; and any one of them wilfully detaining in his custody such a copy three days after the time for filing it has expired shall forfeit fifty dollars, and the same sum for each succeeding day of such detention; and the clerk shall notify the attorney-general of every neglect so to file and of every such detention. The board shall also forthwith notify the secretary of the Commonwealth of the name and residence of every person so chosen, and the date when his term of service will expire; and shall give the like notice of any vacancy in either of said offices.

Penalty for wilfully withholding return.

Secretary to be notified of person chosen and of vacancy.

SECTION 121. County commissioners shall, on the first Wednesday of the month next succeeding an election for county treasurer or register of deeds in their county, open and examine the returned copies of records of votes at such election and notify the person chosen of his election; they shall also forthwith notify the secretary of the Commonwealth of the name and residence of every person so chosen and the date when his term of service will expire; and shall give the like notice of any vacancy in either of said offices. In Suffolk county the board of aldermen of Boston, within ten days after an election for register of deeds for said county, shall so open and examine the votes of such election and give notice as above provided.

Examination of returns of votes for county treasurer and register of deeds; secretary to be notified.

SECTION 122. If, upon examination of the returned copies of records of votes, it shall appear to the governor and council, board of examiners or county commissioners

If copy is incomplete, etc., new copy to be made and transmitted.

New return to be made within seven days.

that any such copy is incomplete or erroneous, they may order a new copy of the record to be made and transmitted in the manner provided for making and transmitting the original return. Said new copy shall be returned by the clerk of the city or town within seven days after the date of the order requiring the same to be made, and if adjudged to be correct and in conformity to the requirements of law shall thereupon have the same force and effect as an original return correctly made and transmitted. The provisions of law applicable to the filing of original returns of votes by boards of examiners shall apply to the filing of such new returns.

Statements relative to election not to be made prior to public declaration of vote.

SECTION 123. Prior to the public declaration of the vote at an election, no statement shall be made by any selectman, clerk, warden, inspector, teller or other election officer, of the number of ballots cast, the number of voters present, the number of votes given for any person or for any officer, the name of any person who has voted, the name of any person which has been voted on, or of any other fact tending to show the state of the polls.

Penalties.

SECTION 124. Any selectman, clerk, warden, inspector, teller or other election officer who violates the provisions of the preceding section shall be punished by fine not exceeding one hundred dollars or by imprisonment in the house of correction for twenty days.

Precinct officers to have full authority to preserve order at and around polling place.

SECTION 125. Precinct officers shall possess full authority to maintain regularity and order and to enforce obedience to their lawful commands during an election and during the canvass of the votes after the closing of the polls, and shall have full authority to preserve peace and good order at and around the polling place and to keep the access thereto open and unobstructed, and may require any police officers, constables or other persons present to communicate their orders and directions and to assist in the performance of the duties in this section enjoined.

Police officers to be stationed at polling places.

SECTION 126. It shall be the duty of the selectmen of each town and of the chief executive officer of the police force of each city to detail a sufficient number of constables or police officers, who shall be stationed at each polling place on the day of election, to preserve order and to protect each and all of said election officers and supervisors from any interference with or obstruction in

the performance of their respective duties, and to aid in enforcing the provisions of law relating to elections.

SECTION 127. If any person shall refuse to obey the lawful commands of the election officers, or, by disorderly conduct in their presence or hearing, shall interrupt or disturb their proceedings, they may make an order directing any constable or police officer, or other person, to take the person so offending into custody and detain him until the final canvass of the votes shall be completed, but such order shall not prohibit the person so taken into custody from voting at such election.

Person offend-  
ing to be taken  
into custody,  
but not pro-  
hibited from  
voting.

SECTION 128. If any person shall wilfully disobey any lawful commands of the election officers, or shall wilfully and without lawful authority obstruct, hinder or delay any voter on his way to any polling place where an election is to be held, or while he is exercising or attempting to exercise the right of voting, or shall aid or assist in such obstruction or delay, he shall be punished by fine not exceeding two hundred dollars or by imprisonment in the house of correction for not more than one year.

Penalty, for  
disobeying  
orders of elec-  
tion officers or  
obstructing  
voter.

SECTION 129. Whoever knowing that he is not a qualified voter at an election wilfully votes for any officers to be then chosen, or whoever so votes more than once on his own name, or whoever so votes in more than one town or voting precinct, his name having been registered more than once or in more than one town or voting precinct, shall be punished by fine not less than three hundred dollars or by imprisonment in jail for not less than three nor more than twelve months.

for illegal  
voting.

SECTION 130. Whoever wilfully aids or abets any one not legally qualified in voting or attempting to vote at an election, shall forfeit a sum not exceeding two hundred dollars for every such offence, or shall be punished by imprisonment in jail for not less than one nor more than twelve months.

for aiding in  
illegal voting.

SECTION 131. Whoever, with intent to cheat or defraud, alters any ballot cast for any officer at any election held for the choice of public officers; and whoever, with such intent, deposits any ballot in the ballot-box used at such election or in the envelope used for the preservation of any state or city ballots cast at such election; and whoever, with such intent, removes any ballot from such ballot-box or envelope, shall be punished by fine not

for altering,  
etc., ballot, with  
intent to cheat,  
etc.

exceeding five hundred dollars or by imprisonment in the jail not exceeding three years.

Penalty for vot-  
ing under  
another name.

SECTION 132. Whoever, in an assembly of people met for a lawful purpose at which an alphabetical list of voters is used in voting, votes or attempts to vote under any name other than his own, shall be punished by fine not exceeding fifty dollars or by imprisonment in the jail not exceeding thirty days.

for illegal  
voting.

SECTION 133. Whoever votes or attempts to vote upon any name other than his own at any state, city or town election, or whoever knowingly gives more than one ballot at one time of balloting at such election, shall be punished by imprisonment in the house of correction for not less than three months nor more than one year.

for aiding or  
abetting in ille-  
gal voting.

SECTION 134. Whoever aids and abets any person in the commission of the offences described in the preceding section shall be punished by fine not exceeding one thousand dollars or by imprisonment in the house of correction not exceeding one year.

for giving  
false answers.

SECTION 135. Whoever wilfully gives a false answer to the selectmen or moderator presiding at an election shall forfeit for each offence a sum not exceeding one hundred dollars.

for attempt-  
ing to influence  
voters by  
bribes, etc.

SECTION 136. Whoever by bribery, or threatening to discharge from his employment, or to reduce the wages of, or by a promise to give employment or higher wages to, a person, attempts to influence a qualified voter to give or withhold his vote in an election, shall be punished by fine not exceeding three hundred dollars or by imprisonment in the jail or house of correction for a term not exceeding one year, or both, at the discretion of the court.

for bribery at  
elections.

SECTION 137. Whoever pays, gives or bestows, or directly or indirectly promises, any gift or reward to secure the vote of any person for any officer to be voted for at any state, city or town election, shall be punished by fine of not less than fifty nor more than one thousand dollars or by imprisonment in the house of correction for not less than three months nor more than one year, or both, at the discretion of the court.

for disorderly  
conduct.

SECTION 138. Whoever is disorderly at a meeting held for an election mentioned in this act shall forfeit a sum not exceeding twenty dollars.

SECTION 139. Whoever in a town, ward or precinct meeting, smokes or has in his possession a lighted pipe, cigarette or cigar, or carries into any such meeting or keeps therein any intoxicating liquor, shall be deemed guilty of disorderly conduct, and the moderator, warden or other presiding officer at such meeting shall order such person to remove such pipe, cigarette, cigar or liquor, or to withdraw himself from such place of meeting; and, on his refusing or declining to obey such order, shall direct any police officers, constables or other persons present, to take him from the meeting and confine him in some convenient place until the meeting is adjourned. The person so refusing shall for every such offence forfeit a sum not exceeding twenty dollars.

Presiding officer to require person smoking or having liquor to withdraw.

Penalty for disobedience.

SECTION 140. If a city or town officer wilfully neglects or refuses to perform the duties required of him respecting elections by the provisions of this title he shall for each offence forfeit a sum not exceeding two hundred dollars.

Penalty, on officers for neglect or refusal.

SECTION 141. The clerk of any city or town who fails to make return of the votes given therein in conformity with the provisions of law shall be liable to a fine of not less than five nor more than fifty dollars.

on clerks for failure to make return of votes.

SECTION 142. The provisions of this title relating to cities, except section one hundred and seven, shall not be deemed to repeal or modify any provisions of law inconsistent therewith and now in force by virtue of statutes relating to particular cities: *provided, however*, that all elections in cities which, by any statute, are appointed to be held on a Monday, shall be held on the Tuesday next following such Monday.

Specific provisions in city charters to remain in force.

Proviso.

SECTION 143. No person entitled to vote at a state election shall be employed upon the day on which any state election occurs in any manufacturing, mechanical or mercantile establishment in this Commonwealth, except such establishment as may lawfully conduct its business on the Lord's day, during the period of two hours after the opening of the polls in the town, ward or precinct in which such person is entitled to vote: *provided*, such person shall make application for leave of absence during such time.

Time to be allowed for voting of employees.

Proviso.

SECTION 144. Every owner, superintendent or overseer in any such establishment who employs or permits to be employed any person in violation of the preceding

Penalty.

section shall forfeit not less than twenty nor more than fifty dollars for each offence.

Election laws of Boston not repealed.

SECTION 145. The provisions of this title shall not be deemed to repeal the special laws relating to elections in the city of Boston.

### TITLE III.

#### OFFICERS TO BE VOTED FOR AT STATE ELECTIONS.

Provisions applicable to state elections to apply.

SECTION 146. The provisions of law applicable to State elections shall apply to the election of the officers herein referred to except as hereinafter provided.

#### GOVERNOR, ETC.

Election of governor and other state officers.

SECTION 147. The governor, lieutenant-governor, councillors, secretary, treasurer and receiver-general, auditor, attorney-general, and senators and representatives in the the general court, shall be elected annually on the Tuesday next after the first Monday of November, as prescribed in the constitution.

Warrants for meetings for election of representatives.

SECTION 148. Warrants for meetings for the election of representatives shall direct that the voters in cities, towns, wards and precincts be notified to bring in their votes on one ballot for the representatives to which their several districts are entitled, and shall specify the number thereof.

Transcript of records to be made.

SECTION 149. In cities, towns, wards and precincts composing a part of a representative district, the selectmen and town clerks and election officers, in open town, ward and precinct meetings, and the mayor and aldermen and city clerks, shall forthwith, upon the vote for representative being recorded, make out under their hands, and seal up and deliver to their respective clerks a true transcript of such record.

Place at which clerks shall assemble, etc., to be designated.

SECTION 150. The officers or boards authorized by the constitution to apportion the representation assigned to the several counties, at their meeting for such purpose, shall designate a place in each representative district, not contained in or consisting of one town or city, at which the clerks of cities, towns, wards and precincts composing such district shall assemble for the purpose of ascertaining the results of elections. Such place of meeting may be changed once in two years by the same authority, after a hearing on the petition of two of such

clerks. Due notice of such designation or change shall be given by said officers or boards to the secretary of the Commonwealth and to every city, town, ward and precinct in the district.

SECTION 151. The clerks of cities, towns, wards and precincts composing such district shall meet at noon on the tenth day following an election for representatives, at the place so designated: *provided, however*, that such clerks shall meet on the fourth day following an election for representatives to fill a vacancy. Such clerks shall examine and compare such transcripts and ascertain what persons have been elected. If any error appears in a transcript or return the clerks shall forthwith give notice thereof to the officers required to make the return, and such officers shall forthwith, in conformity to the truth and under oath, make a new return, which, whether made with or without such notice, shall be received and examined by said clerks within two days after the time appointed for the meeting; and for that purpose the meeting may be adjourned not exceeding two days. No return shall be rejected when the number of votes given for each candidate can be ascertained.

Meeting of clerks to determine choice of representative.

SECTION 152. Such clerks shall at such meeting make out under their hands a complete return of the names of all persons for whom votes were given in the district, and the number of votes for each person, and a record of the return shall be made in the book of records of their respective cities, towns, wards or precincts within four days after the day of the meeting.

Clerks to make return and record.

SECTION 153. When it is ascertained who is elected representative in a district composed of one town or city, or one or more wards or precincts of a city, the selectmen, or mayor and aldermen, shall make out duplicate certificates thereof, and shall transmit them within fifteen days after the day of election, one to the office of the secretary of the Commonwealth and the other by a constable or other authorized officer to the person elected.

Duplicate certificates to be made and transmitted within fifteen days after election.

SECTION 154. When the clerks of cities, towns, wards and precincts composing a district, at their meeting for the purpose, ascertain that a representative is elected in their district, they or a majority of them shall make out duplicate certificates thereof, and shall transmit them within fifteen days after the day of election, one to

Duplicate certificates to be made and transmitted within fifteen days after election.

the office of the secretary of the Commonwealth and the other by a constable or other authorized officer to the person elected.

Return of votes to be transmitted within fifteen days after election.

SECTION 155. City and town clerks shall transmit to the secretary of the Commonwealth, within fifteen days after the day of an election for representatives in the general court, attested copies of the records of votes cast for all candidates for said office in each voting precinct or in each town not divided into voting precincts.

Form of certificate.

SECTION 156. Such certificates of election shall be in substance as follows : —

Commonwealth of Massachusetts, county of . Pursuant to a law of this Commonwealth, the qualified voters of Representative District Number , in their several meetings on the day of November instant, for the choice of representatives in the general court, did elect , being inhabitants of said district, to represent them in the general court to be holden on the first Wednesday of January next.  
Dated at the day of  
in the year one thousand eight hundred and .

Such certificates shall have a return thereon, signed by the officer authorized to give such notice, and stating that notice of the choice was given to the persons therein mentioned, and that said persons were summoned to attend the general court accordingly.

If no choice, certificate to be sent, etc.

SECTION 157. If it appears that no choice of representative has been effected by reason of two or more persons having the same number of votes, so that no person has a plurality, a certificate of the fact shall be transmitted to the secretary of the Commonwealth by the same officers and in the same manner as is hereinbefore provided for one of the certificates of election in cases when an election is made.

Proceedings in case of a vacancy.

SECTION 158. When a vacancy occurs in a representative district, the speaker of the house of representatives shall, in the precept which he may issue by order of the house giving notice of such vacancy, appoint a time for an election to fill the same. Upon the reception of such precept, the mayor and aldermen of a city and the selectmen of the towns comprising the district shall issue their warrants for an election on the day named in the precept; and similar proceedings shall be had in filling such vacancy as in the original election of representatives.

SECTION 159. The blank forms for certificates and returns required under this title shall have printed thereon sections one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty-six and one hundred and fifty-seven of this act, and the first four sections of chapter two of the Public Statutes.

Certificates and returns to contain certain provisions of law.

SECTION 160. In all returns of elections the whole number of ballots given in shall be distinctly stated in words at length: *provided*, that the omission to state the whole number of ballots shall not make the return invalid in any case in which the true result of the election can be ascertained from the other parts of the return, or by a recount made in conformity with the provisions of law.

Whole number of ballots to be stated.

Proviso.

SECTION 161. A selectman giving a certificate of election to a person voted for as representative to the general court, not in accordance with the declaration of the vote in open town-meeting at the time of the election, or in accordance with a recount of votes, shall forfeit three hundred dollars.

Penalty, on selectmen for false certificate.

SECTION 162. A clerk wilfully signing a certificate not in conformity with the result of an election, as appearing by the transcripts and returns or by a recount of votes, shall forfeit a sum not exceeding three hundred dollars.

on clerks for false certificate.

SECTION 163. Towns and cities may provide suitable compensation to clerks and selectmen for services performed by them under the requirements of this act.

Compensation of clerks and selectmen.

SECTION 164. In case of a vacancy in the office of city or town clerk, or any disability in such clerk to perform the duties required by this title, the selectmen, mayor and aldermen, or board of aldermen, may appoint a clerk pro tempore, who shall be sworn and perform such duties.

Clerk, pro tempore.

#### REPRESENTATIVES IN CONGRESS.

SECTION 165. The mayor and aldermen and selectmen of the several cities and towns shall, as provided in this act, call meetings to be held on the Tuesday next after the first Monday in November in the year one thousand eight hundred and ninety, and thence afterwards, biennially, on the Tuesday next after the first Monday in November, for the voters to give their votes for representatives in congress.

Election of representatives in congress.

Representatives  
in Congress,  
envelopes for  
returns of votes  
for.

SECTION 166. The clerks in making their returns of votes for representatives in congress shall transmit them in envelopes expressing on the outside the district in which the votes were given.

proceedings  
in case of no  
choice.

SECTION 167. In case of no choice in a congressional district, the governor shall cause precepts to issue to the mayor and aldermen and selectmen of the several cities and towns in the district, directing them to call a new meeting on the day appointed in such precept for the voters to give their votes for a representative in congress. The precept shall be accompanied with a list of all the persons voted for in the district who received fifty votes or more according to the next preceding return and shall show the number of votes for each of such persons; similar proceedings shall be had thereon and the same returns made as in an original election; and the like proceedings shall be repeated as often as occasion may require.

proceedings  
in case of a  
vacancy.

SECTION 168. When a vacancy happens in the representation of this Commonwealth in congress, the governor shall cause precepts to issue for a new election in the district where the vacancy exists; and similar proceedings shall be had thereon as in an original election.

Penalty on offi-  
cers for neglect  
or refusal.

SECTION 169. If any city or town officer wilfully neglects or refuses to perform any duty required of him by the provisions of this title he shall forfeit for each offence a sum not exceeding two hundred nor less than thirty dollars.

#### ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

Electors of  
president and  
vice-president,  
number.

SECTION 170. In each year when the election of president and vice-president of the United States takes place there shall be chosen as many electors of president and vice-president as the Commonwealth is at such time entitled to.

election of.

SECTION 171. The mayor and aldermen and selectmen of the several cities and towns shall, in the manner hereinbefore provided in this act, call meetings to be held on the Tuesday next after the first Monday in November of such year for the voters to give their votes for the whole number of electors to which the Commonwealth is entitled.

SECTION 172. The names of all the candidates for electors shall be printed on each ballot as provided by chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-nine; and each group of candidates shall contain the name of at least one inhabitant of each congressional district into which the Commonwealth shall be then divided and shall designate the congressional district to which he belongs.

Electors of president and vice-president, arrangement of names of candidates on ballot.

SECTION 173. The governor and council shall within ten days after the returns of votes for electors have been transmitted to the secretary of the Commonwealth, as provided in this act, open and examine such returns and count the votes and declare by proclamation, to be printed in at least one newspaper in each county of the Commonwealth, the names of the several persons who have received not less than one-fifth of all the votes cast and the number of votes received by each person; and the several persons who have received the highest number of votes so returned and whose election shall not have been contested and notice of such contest given to the governor within fourteen days of the date of such proclamation shall be deemed and taken to be elected; and the governor shall thereupon transmit to each person so chosen a certificate of his election.

governor and council to examine returns of votes and to make proclamation.

candidates to receive certificates if election is not contested.

SECTION 174. If upon examination of the returns of votes it appears that a majority of the whole number of electors are not chosen, the governor shall forthwith by proclamation call the legislature together, which shall, by joint ballot of the senators and representatives assembled in one room, choose as many electors as may be necessary to complete the full number.

proceedings when a majority are not chosen.

SECTION 175. The electors shall convene at the state house in Boston on the Saturday preceding the second Monday in January following their election, at three o'clock in the afternoon. In case of the death or absence of an elector, or in case the number of electors is deficient, the electors present shall forthwith elect from the citizens of the Commonwealth so many persons as shall supply the deficiency.

time and place of meeting.

SECTION 176. The electors so convened shall on said second Monday in January vote by ballot for one person for president and one person for vice-president of the United States; one of whom at least shall not be an inhabitant of this Commonwealth. They shall name in

to vote, certify and transmit lists to seat of government.

Electors of president and vice-president.

their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president and vice-president, and of the number of votes given for each; which lists they shall sign and certify, and transmit, sealed up, to the seat of the government of the United States, directed to the president of the senate; and they shall in all respects proceed conformably to the constitution and laws of the United States.

compensation.

SECTION 177. Each elector shall receive three dollars a day for attendance, and the same compensation for travel as is allowed to a member of the general court.

Candidate who received one-fifth of votes cast may apply to S. J. C. to be declared elected.

SECTION 178. Any person who, by the proclamation of the governor as hereinbefore provided, appears to have received not less than one-fifth of the votes cast in an election for electors of president and vice-president of the United States may apply to the supreme judicial court in the county of Suffolk for a declaration of his election as elector.

Petition to be filed within seven days from date of proclamation, to give names, etc.

SECTION 179. Such application shall be made by petition in writing, to be filed within seven days from the date of the proclamation provided for in section one hundred and seventy-three of this act. The petition shall set forth the names of the person or persons whose election is contested and the grounds for such contest. The petitioner shall, upon filing such petition and before any proceedings are had thereon, recognize to the Commonwealth, in such sum and with such sureties as the court shall order, to pay all costs incurred in the prosecution of such petition in case he shall not prevail in the same.

Notice of substance of petition and day of hearing to be given to governor, and other candidates.

SECTION 180. Upon the filing of said petition and the giving of the said recognizance, the said court shall order due notice of the petition to be given, in such manner as it may direct, to the governor of the Commonwealth and to the person or persons whose elections are contested, said notice to be published in such newspapers, being at least one in each county of the Commonwealth, as the court shall order. Such notice shall contain a short statement of the substance of the petition and shall designate the day fixed by the court for the hearing of the same, which day shall be not less than three nor more than seven days from the filing of the petition.

SECTION 181. At the day fixed for the hearing the petitioner shall appear and produce his evidence, and the person or persons whose election is contested may appear and produce evidence on their part. Either party may appear himself or by his authorized agent or attorney, and no other person shall be entitled to be made a party to the proceedings on such petition or to be heard personally or by counsel thereon: *provided*, that if more than one petition be pending or more than one election be contested, the court may order the cases to be heard together or apart as in its judgment may seem best.

Petitioner to appear and candidate whose election is contested may appear, etc.

SECTION 182. The court shall thereupon hear the case or cases, and finally determine all questions of law or fact involved. The burden of proof in every case shall be upon the petitioner, and the hearing shall be confined to the grounds stated in the petition, which shall not be amended after it has been filed. No *ex parte* affidavit shall be competent evidence in such hearing. No person shall be excused from testifying or producing papers or documents on the ground that such testimony or production will tend to criminate himself: *provided*, that no person so testifying shall be liable to any suit or prosecution, civil or criminal, for any matters or causes in respect of which he shall be so examined or to which his testimony shall relate. The court shall have the same powers to compel the attendance of witnesses which it now has in suits at common law, and nothing in this act shall be held to limit the power of the court to make such rules and regulations as to the conduct of the proceedings as it may deem proper, not inconsistent with the provisions of this act, and the court shall have all powers necessary to the complete carrying out and performance of the authority conferred upon it by this act.

Court to determine all questions of law or fact involved.

Proviso.

SECTION 183. The court shall adjudge in each case which of the parties to the proceedings is entitled to the office of elector, and shall cause such adjudication to be entered of record in such form and manner as it shall direct, and shall forthwith certify said adjudication to the governor of the Commonwealth; and such adjudication so certified shall be final and conclusive that the person therein stated to have been elected is duly elected; and the governor shall forthwith transmit to such person a certificate of his election, and every such certificate shall

Court to adjudge which party is entitled to the office.

recite that it is issued pursuant to an adjudication under this act, referring to this act by the date of its passage.

If petitioner fails to prosecute petition, court to adjudge that he has so failed, and to certify adjudication to governor.

SECTION 184. If any petitioner shall fail to duly appear and prosecute his petition against any person who has been made a respondent thereto, according to the requirements of this act and of such rules or orders as the court shall make, the court shall adjudge that he has so failed, and shall cause such adjudication to be entered of record in such form and manner as it shall direct, and shall forthwith certify such adjudication to the governor of the Commonwealth; and the same shall be a final and conclusive bar to the claim of the petitioner against such respondent as fully and completely as if such claim had been heard and determined on its merits; and the governor shall issue his certificate as provided in the preceding section.

Costs to be taxed under the direction of the court.

SECTION 185. The costs of all proceedings under this act shall be taxed under the direction of the court, and if more than one case is heard together the costs shall be apportioned under the same direction, and in every case in which the petitioner shall not finally prevail the costs shall be paid by him, and in every case in which the petitioner shall finally prevail the costs shall be borne by the Commonwealth, and the same shall be paid out of the treasury of the Commonwealth upon the warrant of the governor and council.

Final hearing and determination to be by a majority of the justices.

SECTION 186. The final hearing and determination under this act shall be by a majority of the justices of the court, but any single justice may exercise any other of the powers given to the court by this act.

Periods of time, how to be reckoned.

SECTION 187. All periods of time mentioned in sections one hundred and seventy-three, one hundred and seventy-nine and one hundred eighty of this act shall be reckoned exclusive of the day from which they begin to run and inclusive of their last day, and Sundays and holidays shall be included.

#### DISTRICT AND COUNTY OFFICERS.

Election of district and county officers.

SECTION 188. District-attorneys, clerks of the courts, registers of probate and insolvency, sheriffs, commissioners of insolvency, county commissioners, special commissioners, county treasurers and registers of deeds, shall be chosen by ballot on the Tuesday next after the first Monday of November in the years in which said

officers are respectively to be elected, except as herein-after provided. Those persons now holding said offices shall continue to hold the same during the terms for which they are elected, unless sooner removed as provided by law.

#### DISTRICT-ATTORNEYS.

SECTION 189. In the year eighteen hundred and ninety-two and every third year thereafter, there shall be elected by the voters in each of the districts into which the Commonwealth is divided for the administration of the criminal law a district-attorney, who shall be a resident within the district. The officers so elected shall hold their offices for three years from the first Wednesday of January following their election.

Election of district-attorneys.

#### CLERKS OF THE COURTS.

SECTION 190. In the year eighteen hundred and ninety-one and every fifth year thereafter, there shall be elected by the voters in the county of Suffolk a clerk of the supreme judicial court for said county, and two clerks of the superior court for said county, one for the civil and one for the criminal business, and by the voters in each of the other counties a clerk of the courts for the county, who shall act as clerk of the supreme judicial court, the superior court and the county commissioners. Such clerks shall hold their offices for five years from the first Wednesday of January following their election, unless sooner removed as provided by law.

clerks of courts.

#### REGISTERS OF PROBATE AND INSOLVENCY.

SECTION 191. In the year eighteen hundred and ninety-three and every fifth year thereafter, there shall be elected by the voters in each county a register of probate and insolvency for the county, who shall hold his office for five years from the first Wednesday of January following his election.

registers of probate and insolvency.

#### SHERIFFS AND COMMISSIONERS OF INSOLVENCY.

SECTION 192. In the year eighteen hundred and ninety-two and every third year thereafter, there shall be elected by the voters in each county a sheriff for the county, and in the county of Worcester four commissioners of insolvency, and in each of the other counties three

sheriffs and commissioners of insolvency.

commissioners of insolvency. Each of said officers shall hold his office for three years from the first Wednesday of January following his election.

COUNTY COMMISSIONERS AND SPECIAL COMMISSIONERS.

Election of county commissioners.

SECTION 193. The voters in the county of Middlesex with those of the towns of Revere and Winthrop, and the voters in each of the other counties except Suffolk and Nantucket, shall annually elect one county commissioner for the county, who shall hold his office for three years and until his successor is elected and qualified. There shall be three county commissioners in each county except Suffolk and Nantucket.

special commissioners.

SECTION 194. In the year eighteen hundred and ninety-two and every third year thereafter, there shall be elected by the voters in the county of Middlesex with those of the towns of Revere and Winthrop, and by the voters in each of the other counties except Suffolk and Nantucket, two special commissioners for the county, who shall hold their offices for three years and until their successors are elected and qualified.

Not more than one commissioner to be chosen from the same place.

SECTION 195. Not more than one of the county commissioners and special commissioners in each county shall be chosen from the same city or town. When at any election two persons residing in the same city or town have a plurality of votes, whereby one would otherwise be elected county commissioner and the other special commissioner, or both, to either of those offices, the one who has the highest number of votes shall be elected; and when both have an equal number, neither of them shall be deemed elected. When a person residing in a city or town in which a county commissioner or special commissioner who is to remain in office resides has a plurality of the votes, he shall not be elected.

COUNTY TREASURERS AND REGISTERS OF DEEDS.

Election of county treasurer and register of deeds.

SECTION 196. In the year eighteen hundred and ninety-one and every third year thereafter, there shall be elected by the voters in each county, except Suffolk and Nantucket, a suitable person residing therein to be treasurer of the county, who shall hold his office for three years and until his successor is elected and qualified. At the same times there shall be elected by the voters in

each district for the registry of deeds, and in each county not divided into such districts, a suitable person residing therein to be register of deeds for such district or county, who shall hold his office for three years and until his successor is elected and qualified, unless sooner removed as provided by law.

#### FAILURES TO ELECT.

SECTION 197. If on the days aforesaid there is a failure to elect a district-attorney, clerk of the courts, register of probate and insolvency, sheriff or commissioner of insolvency, in any district or county, the governor shall by proclamation declare such failure and order a new election to be had on such day as he shall appoint, and shall continue so to order such elections until a choice is effected.

Proceedings in case of failure to elect, district-attorney, clerk of courts, register of probate and insolvency, sheriff or commissioner of insolvency.

SECTION 198. If on said days there is a failure to elect a county commissioner or special commissioner for any county, the board of examiners shall forthwith issue their warrant to the mayor and aldermen and selectmen of the cities and towns in such county, or, in the county of Middlesex, to the mayor and aldermen and selectmen of the cities and towns in said county and of Revere and Winthrop, requiring them on a day mentioned in their warrant, which shall be within twenty days after issuing the same, to call meetings of the voters in their respective places for completing such elections, and they shall continue so to issue their warrants until a choice is effected. At each election the examiners shall furnish the mayor and aldermen and selectmen with a list of the persons not elected, who at the preceding election received more than twenty-five votes.

commissioners and special commissioners.

SECTION 199. If on said days there is a failure to elect a county treasurer or register of deeds for any county or district, the county commissioners shall forthwith issue their warrant to the mayor and aldermen and selectmen of the several cities and towns in such county or district, requiring them on a day mentioned in the warrant to call meetings of the voters in their respective places for completing such elections, and they shall continue so to issue their warrants until a choice is effected. The commissioners shall in such cases meet and count the votes at such times as they shall adjourn to for that purpose.

county treasurer and register of deeds.

## VACANCIES.

Election to fill vacancy, in office mentioned in § 197.

SECTION 200. If a person elected to either of the offices mentioned in section one hundred and ninety-seven is removed therefrom or otherwise vacates the same, an election to fill such office for the remainder of his term shall be ordered by the governor, and shall be had on the Tuesday next after the first Monday of November.

commissioner, or special commissioner.

SECTION 201. A vacancy in the office of county commissioner or special commissioner of any county may be filled at any time when the board of examiners think it expedient; and they shall issue their warrant therefor to the mayor and aldermen and selectmen of the cities and towns of such county, or in the county of Middlesex to the mayor and aldermen and selectmen of the cities and towns therein, and of Revere and Winthrop, and the person chosen shall fill the office for the remainder of the term.

county treasurer or register of deeds.

SECTION 202. If a person elected county treasurer or register of deeds resigns or otherwise vacates the office, an election to fill the same for the remainder of the term shall be had on the Tuesday next after the first Monday of November upon the order of the county commissioners, who shall issue their warrant therefor as in the case of failure to elect.

Penalty on officers for neglect.

SECTION 203. If the mayor and aldermen or selectmen of any place wilfully neglect to comply with a warrant or order issued under either of the six preceding sections, each of them so neglecting shall forfeit a sum not exceeding two hundred dollars.

Appointment to fill vacancy in office of treasurer.

SECTION 204. If the office of county treasurer becomes vacant by the death, removal from the county, or incapacity of the treasurer or otherwise, the county commissioners shall appoint some suitable person, resident in the county, to fill the vacancy.

sheriff, or commissioner of insolvency.

SECTION 205. If a vacancy occurs in the office of sheriff or commissioner of insolvency in any county, the governor with the advice and consent of the council may appoint and commission some person to fill the same, who shall hold his office until another is elected and qualified.

register of deeds.

SECTION 206. In case of the death, resignation or removal of a register of deeds in the county of Suffolk,

the superior court, and in any other county the county commissioners at a meeting held at the place of their next regular meeting, shall forthwith appoint on their records some suitable person residing within the district to be register of deeds until the vacancy is filled by a new election as herein provided.

SECTION 207. County commissioners and boards of examiners shall forthwith send to the secretary of the Commonwealth a copy of any warrant for an election issued by them under the provisions of this title.

Copy of warrant for election to be sent to the secretary.

#### TITLE IV.

##### TOWN-MEETINGS AND THE ELECTION OF TOWN OFFICERS.

SECTION 208. Every male citizen of twenty-one years of age and upwards (except paupers, persons under guardianship and persons excluded by article twenty of the amendments to the constitution) who has resided within the Commonwealth one year and within the town in which he claims a right to vote six months next preceding a meeting for the transaction of town affairs, and who has been duly registered as a voter in said town, and who has paid, by himself or by his parent, master or guardian, a state or county tax assessed upon him in any town within two years next preceding such meeting; and also every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote at such town-meetings upon all questions concerning town affairs; and no other person shall be entitled to vote at such meeting; but nothing herein contained shall defeat the right of women, duly qualified and assessed, to vote for members of school committees.

Qualification of voters in town affairs.

Women may vote for school committee.

SECTION 209. The annual meeting of each town shall be held in February, March, or April; and other meetings at such times as the selectmen may order. Meetings may be adjourned from time to time, and to any place within the town.

Annual and other meetings; may be adjourned.

SECTION 210. Every town-meeting shall be held in pursuance of a warrant under the hands of the selectmen, directed to the constables or to some other persons appointed by the selectmen for that purpose, who shall forthwith notify such meeting in the manner prescribed by the by-laws or by a vote of the town. The selectmen

Warrants for meetings; may include two or more meetings.

may by the same warrant call two or more distinct town-meetings for distinct purposes.

Contents of warrants, etc.

SECTION 211. The warrant shall express the time and place of the meeting and the subjects to be there acted upon; the selectmen shall insert therein all subjects which may, in writing, be requested of them by any ten or more voters of the town, and nothing acted upon shall have a legal operation unless the subject-matter thereof is contained in the warrant.

If selectmen refuse, meeting may be called by a justice of the peace.

SECTION 212. If the selectmen unreasonably refuse to call a meeting, a justice of the peace, upon the application of ten or more legal voters of the town, may call such meeting by a warrant under his hand directed to the constables of the town, if any, otherwise to any of the persons applying therefor, directing them to summon the inhabitants qualified to vote in town affairs to assemble at the time and place and for the purposes expressed in the warrant.

If majority of selectmen vacate office, others may call meeting.

SECTION 213. If, by reason of death, resignation, or removal from town, a major part of the selectmen thereof vacate their office those who remain in office may call a town-meeting.

#### MODERATORS.

Moderator to be chosen.

SECTION 214. At every town-meeting, except for the election of state officers, a moderator shall first be chosen.

Conduct of meeting during the election of moderator.

SECTION 215. During the election of a moderator the town clerk if present shall preside, if he is absent or if there is no town clerk the selectmen shall preside, if neither the selectmen nor the town clerk are present the justice of the peace calling said meeting shall preside; and the town clerk and selectmen and said justice of the peace when so presiding shall have the powers and perform the duties of a moderator.

When check-list is to be used.

SECTION 216. In the election of town officers, whose election is not required by statute to be by ballot, the check-list shall be used or not as the town at its meeting shall determine; except that the check-list shall be used in the election of moderators of town-meetings held for the choice of town officers.

Moderators, powers and duties.

SECTION 217. The moderator shall preside in the meeting, may in open meeting administer the oaths of office to any town officer chosen thereat, shall regulate the business and proceedings of the meeting, decide all questions of order and make public declaration of all

votes passed. When a vote so declared by him is, immediately upon such declaration, questioned by seven or more of the voters present, he shall make the vote certain by polling the voters or by dividing the meeting, unless the town has by a previous vote or by its by-laws otherwise provided.

SECTION 218. No person shall speak in a town-meeting without leave of the moderator, nor while another person is speaking by his permission; and all persons shall at his request be silent.

No person to speak without permission.

SECTION 219. Whoever at any election of town officers, knowing that he is not a qualified voter, wilfully votes for any officer then to be chosen shall be punished by a fine not exceeding one hundred dollars for each offence.

Penalty for illegal voting.

SECTION 220. If a person behaves in a disorderly manner and after notice from the moderator persists therein, the moderator may order him to withdraw from the meeting; and on his refusal may order the constables or any other persons to take him from the meeting and confine him in some convenient place until the meeting is adjourned. The person so refusing to withdraw shall for such offence forfeit a sum not exceeding twenty dollars.

Disorderly conduct, penalty.

SECTION 221. A moderator or other presiding officer who at a town-meeting, before the poll is closed and without the consent of the voter, with a view to ascertain the candidate voted for by him, reads, examines, or permits to be read or examined the names written on such voter's ballot, shall forfeit a sum not exceeding fifty dollars.

Penalty on presiding officer for reading, etc., ballot before the poll is closed.

SECTION 222. Moderators and town clerks when required to preside at town-meetings may appoint tellers to aid them in checking the names of voters, or in assorting and counting votes. Such tellers shall be sworn to the faithful discharge of their duties by the town clerk, who shall make a record of the taking of such oath. Every such teller shall be subject to the same penalties to which the officer so appointing him is subject in the performance of the duties in which such tellers assists.

Tellers, appointment, to be sworn, powers and duties.

SECTION 223. The moderator of a town-meeting shall receive the votes of all persons whose names are borne on the list of voters as certified by the registrars of voters; and shall not be answerable for refusing the

Moderator to receive votes of registered voters.

vote of a person whose name is not on said list, unless such person presents a certificate from the registrars of voters as provided in title one of this act.

Ballots to be deposited open and unfolded.

SECTION 224. No vote shall be received by the presiding officers at any election provided for in this title unless presented for deposit in the ballot-box by the voter in person, open and unfolded, and so that such officers can know that only one ballot is presented.

Ballots cast by women in voting for school committee.

SECTION 225. Ballots cast by women qualified to vote for school committee, shall contain the words:— For school committee, only.— clearly written, printed or stamped upon the back thereof; and only such ballots so endorsed shall be received from women so voting. Ballots containing such endorsement shall be counted only in the choice of members of school committee, and for no other office or purpose.

Statement of errors, filed with clerk within two days after meeting, to be sent to moderator.

SECTION 226. If within two days next following the day of an election in a town for town clerk, selectmen, assessors, treasurer, collector of taxes or school committee, at which all of said officers are voted for upon one ballot, ten or more qualified voters of such town file with the town clerk a statement in writing that they have reason to believe that an error was made in ascertaining or declaring the result of any such election, specifying wherein they deem such error to have been made, said clerk shall forthwith transmit such statement to the moderator. Such moderator shall thereupon, and within three days next following the day of such election, open the envelope or envelopes containing the ballots cast for candidates for the office, the election to which is disputed, and determine the questions raised. If upon such determination it shall appear that some person was elected other than the person declared to have been elected, the moderator shall forthwith file a certificate of such fact, signed by him, stating therein the number of votes cast for each candidate for the office, the election to which is disputed, as determined by the recount, with the town clerk, who shall record the same in his book of records of town-meetings, directly following his record of the meeting at which said election was held, and shall within twenty-four hours after such filing cause a copy of such certificate, attested by him, to be delivered to or left at the residence of the person declared in open town-meeting to have been elected, and to the person who by such

Moderator to determine question raised.

Duties of moderator and clerk when another person appears to have been elected.

certificate appears to have been elected. The person who by such certificate appears to have received the highest number of votes shall be deemed to have been elected. Moderators may appoint teller in accordance with the provisions of section two hundred and twenty-two of this act to assist them in recounting ballots under the provisions of this section. The candidate or candidates whose election is disputed and the opposing candidate or candidates may be present, with council, at any recount made under the provisions of this section.

Tellers may be appointed.

Candidates may be present with counsel.

SECTION 227. The provisions of this act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments; and the repeal by this act of any provision of law shall not affect any act done, liability incurred, or any right accrued and established, or any suit or prosecution, civil or criminal, pending or to be instituted to enforce any right or penalty or punish any offence under the authority of the repealed laws.

How act is to be construed.

## TITLE V.

### REPEALS.

SECTION 228. Chapters seven, eight, nine, ten, and sections fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two and sixty-three of chapter twenty-seven of the Public Statutes, chapters twenty-eight and two hundred and sixty of the acts of the year eighteen hundred and eighty-two, chapters forty-two and two hundred and twenty-nine of the acts of the year eighteen hundred and eighty-three, chapters two hundred and ninety-eight and two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four, chapters five, one hundred and seven, one hundred and eight, one hundred and forty-two, two hundred and twenty-nine, two hundred and forty-six, two hundred and forty-eight, two hundred and sixty-one, two hundred and sixty-two, two hundred and sixty-eight, two hundred and seventy-one and three hundred and fifty-one of the acts of the year eighteen hundred and eighty-five, chapters forty-nine, sixty-eight, seventy-eight, two hundred and sixty-two and two hundred and sixty-four of the acts of the year eighteen

Repeal.

Repeal.

hundred and eighty-six, chapters one hundred and forty-seven, two hundred and forty-nine, two hundred and seventy-two, three hundred and seventy-one and four hundred and thirty-two of the acts of the year eighteen hundred and eighty-seven, chapters one hundred and forty-six, one hundred and sixty-four, two hundred, two hundred and three, two hundred and six, three hundred and fifty-three, three hundred and eighty-two and four hundred and thirty-four of the acts of the year eighteen hundred and eighty-eight, chapters sixty-nine, one hundred and ninety-six, and sections one, three, four and five of chapter four hundred and four of the acts of the year eighteen hundred and eighty-nine, chapters one hundred and seventy-five, two hundred and nineteen, two hundred and twenty-three and three hundred and five of the acts of the year eighteen hundred and ninety, and all acts and parts inconsistent herewith are hereby repealed.

[Approved June 21, 1890.]

Chap. 424

AN ACT TO AUTHORIZE THE CITY OF FITCHBURG TO BORROW MONEY FOR THE PURCHASE OF LAND AND THE ERECTION OF A HOSPITAL.

*Be it enacted, etc., as follows:*

May borrow \$100,000 for the purpose of establishing a hospital.

SECTION 1. The city of Fitchburg is hereby authorized to borrow the sum of one hundred thousand dollars and to issue its notes or certificates of indebtedness therefor at a rate of interest not exceeding four per centum per annum, and said money shall be expended for the purchase of land and the erection of a hospital building in said city as contemplated in the bequest made therefor in the will of Gardner S. Burbank late of said Fitchburg, deceased: *provided*, that from the sum received under said will by said city, or by any person or corporation in its behalf, no allowance shall be made for any interest paid, or discount allowed, on account of money borrowed and expended as aforesaid; *provided, further*, that the indebtedness so created by said city shall not be included in determining the amount of debt said city is authorized to incur under existing provisions of law.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved June 21, 1890.