

HOUSE No. 1379.

[Mr. Schofield of Malden gives notice that he will move to substitute this bill for the bill printed as House No. 1359]

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Two

AN ACT

To provide for the Nomination of Senators, Representatives and Elective City Officers and for the Election of Members of the State Committee by Direct Plurality Vote in Caucuses of a Political Party.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Every election of a member of a
2 state committee and every nomination by a polit-
3 ical party of a candidate for senator in a senatorial
4 district of the Commonwealth, except in the
5 Suffolk senatorial districts; for representative to
6 the general court in a representative district com-

7 posed of more than one ward or town, or for a
8 candidate for one or more elective city offices
9 shall, in every city and in every district in which
10 this act is adopted as hereinafter provided, be
11 made only by direct plurality vote in caucuses of
12 the party held in every such ward and town, and
13 the person who in the aggregate of all the ballots
14 cast at all such caucuses in each district or
15 city for such candidate for senator, for repre-
16 sentative or for an elective city office, shall
17 receive the highest number of such votes, shall
18 be the candidate nominated, and the person who
19 in the aggregate of all the ballots cast at all
20 such caucuses in each district for such mem-
21 ber shall receive the highest number of such
22 votes shall be the member elected.

1 SECTION 2. Any state committee of a political
2 party shall, upon the written application filed on
3 or before the first day of August in any year, of
4 not less than one hundred voters in a senatorial
5 district or not less than fifty voters in a repre-
6 sentative district, members of the party repre-
7 sented by such state committee, include in the call
8 for the caucuses to be held for choice of delegates
9 to political conventions which nominate candidates
10 to be voted for at the annual state election, notice
11 that the voters of the party shall determine by
12 ballot at such caucuses whether the provisions of
13 this act shall apply to the direct election of a
14 member of the state committee and the nomina-
15 tion of a candidate for senator or representative

16 in the district named as the case may be, shall be
17 adopted by said political party in the district vot-
18 ing thereon.

1 SECTION 3. Any city committee of a political
2 party shall, upon the written application, filed on
3 or before the first day of September in any year,
4 of not less than fifty voters, members of the party
5 represented by such city committee, include in the
6 call for the caucus called for the election of dele-
7 gates to the political convention which nominates
8 candidates to be voted for at the annual state
9 election, notice that the voters of the party shall
10 determine by ballot whether the provisions of this
11 act applying to the direct nomination of candi-
12 dates for one or more elective city offices shall be
13 adopted by said political party in the city voting
14 thereon.

1 SECTION 4. If a majority of the voters voting
2 in said caucuses in a district or city as the case may
3 be, shall vote to adopt said provisions, all caucuses
4 of said political party in said district or city for the
5 election of a member of the state committee; for
6 the nomination of a candidate for senator or repre-
7 sentative, or any elective city office, as the case
8 may be, shall thereafter be called and conducted
9 according to the provisions of this act.

10 A political party in a city, in a senatorial district
11 (except in the Suffolk districts), or in a representa-
12 tive district which has accepted the provisions of
13 this act may, not less than two years after the

14 date of the caucuses wherein such provisions were
15 adopted, revoke such action at caucuses called
16 and held in the same manner and at the same
17 time as hereinbefore provided. In case a majority
18 of the voters of a political party in a district or
19 city shall vote not to accept the provisions of this
20 act, the question of the adoption of said provisions
21 shall not again be submitted to said voters within
22 two years from the date of the caucuses wherein
23 a majority of said voters voted not to accept said
24 provisions.

25 Notice of the acceptance or revocation of the
26 acceptance of the provisions of this act shall be
27 sent by the city or town clerk of each city and
28 town in a district, or in Boston by the election
29 commissioners, to the secretary of the Common-
30 wealth and to the city or town committee of the
31 political party holding such caucuses.

1 SECTION 5. In cities and towns wherein a
2 political party has accepted the provisions of sec-
3 tions ninety-nine to one hundred thirty-nine in-
4 clusive, of chapter eleven of the Revised Laws,
5 the city or town shall provide and the city or
6 town clerk, or in Boston the election commission-
7 ers, shall prepare ballots to be used in the cau-
8 cuses in which the acceptance or the revocation
9 of the provisions of this act is to be voted upon
10 as hereinbefore provided.

1 SECTION 6. Section one hundred and eight of
2 chapter eleven of the Revised Laws is hereby

3 amended by striking out the period after the word
4 “section” in the tenth line and adding thereafter
5 the following words :— nomination papers for
6 candidates for senator, representative, member
7 of the state committee, alderman or any elective
8 city office, for each senatorial, representative, al-
9 dermanic or other district composed of more than
10 one ward or town, shall be signed by a number of
11 voters equal in the aggregate to not less than five
12 registered voters for each ward or town in any
13 such district.

1 SECTION 7. In cities and towns wherein a
2 political party has not accepted the provisions of
3 sections ninety-nine to one hundred and thirty-
4 one of chapter eleven of the Revised Laws,
5 nomination papers placing in nomination candi-
6 dates for elective offices, for delegates to a con-
7 vention, for caucus officers, and for a ward or
8 town committee, to be voted for at a caucus, shall
9 not be required.

1 SECTION 8. The clerks of the several caucuses
2 shall make return of the results of such ballots,
3 except for an elective city office, to the city and
4 town clerks of their respective cities and towns
5 on or before twelve o'clock, noon, of the day
6 following the last day fixed by law for filing a
7 petition for a recount of ballots, if no such peti-
8 tion has been filed, or if such petition has been
9 filed on or before twelve o'clock, noon, of the day
10 following the day upon which the ballots have

11 been recounted and the results finally determined.
12 As soon as the ballots have been counted they
13 shall be delivered by the said clerks to the city
14 and town clerks of their respective cities and
15 towns. The aforesaid city and town clerks shall
16 constitute a canvassing board, shall meet at
17 the office of the clerk of the city or town
18 having the largest population, according to
19 the last preceding state census, of any city
20 or town within that senatorial or representa-
21 tive district at ten o'clock in the forenoon
22 of the Monday preceding the day on which
23 certificates of nomination for senator and for rep-
24 resentatives to the general court are required
25 by law to be filed with the secretary of the
26 Commonwealth, shall determine and tabulate
27 the results of all such ballots and returns, shall
28 certify to the facts required by law in certificates
29 with the secretary of the Commonwealth on or
30 before the Thursday designated by law for filing
31 such certificates of nomination, shall furnish to
32 the members elected as aforesaid certificates of
33 their election, and shall send to the secretary of
34 the state committee of each political party hold-
35 ing such caucuses the names and residences of such
36 members: *provided, however,* that, except in the
37 city of Boston, in the case of a district for the elec-
38 tion of representatives in the general court lying
39 wholly within one city or composed of one city
40 or of one town the returns shall be made by the
41 clerks of the caucuses to the city or town clerk
42 of their respective cities or towns, in the same

43 manner as hereinbefore provided. Said city or
44 town clerks shall determine and tabulate the
45 results of all such ballots and returns, shall
46 certify to the facts required by law in certificates
47 for nomination of representatives to the general
48 court, and shall file such certificates with the
49 secretary of the Commonwealth, in the time and
50 manner above provided in the case of certificates
51 filed by a canvassing board.

52 The secretary of the Commonwealth shall place
53 on the official ballots to be used at the state
54 election the names of all candidates for senators
55 and representatives nominated as aforesaid.

1 SECTION 9. All ballots and returns for candi-
2 dates for elective city offices shall be returned as
3 ballots and returns of elections in such cities are
4 returned, and the city clerk, or in Boston the
5 election commissioners, shall have the same powers
6 and perform the same duties in relation to the
7 counting, recounting, tabulating and determining
8 the results of the votes cast at such caucuses for
9 such candidates as they have in relation to the
10 votes cast at elections in the several precincts
11 of said city; and said clerk or commissioners shall
12 place on the official ballots to be used at municipal
13 elections in said city the names of all candidates
14 nominated as aforesaid.

1 SECTION 10. All provisions of law relating to
2 the preparation of nomination papers and ballots,
3 to caucuses and elections, to ballots cast at

4 caucuses and elections, to recounts of such bal-
5 lots, and to certificates of nomination of candidates
6 for senator or representative to the general court.
7 or an elective city office shall, so far as they
8 are applicable and not inconsistent with this act,
9 apply to the caucuses aforesaid, the ballots cast
10 thereat, the returns relating to such ballots, the
11 recounts of such ballots, and the certificates of
12 nomination made as aforesaid.

1 SECTION 11. Any vacancy caused by death,
2 withdrawal, or any other cause, of a candidate
3 nominated for a state or city office under the
4 provisions of this act shall be filled as provided
5 in section one hundred and fifty-two of chapter
6 eleven of the Revised Laws: *provided, however,*
7 that in a city, the city committee, and in a sena-
8 torial or representative district, the state com-
9 mittee of such political party, shall be deemed the
10 executive committee.

1 SECTION 12. This act shall take effect upon
2 its passage.