

Chap. 436 AN ACT TO PROVIDE FOR PRINTING AND DISTRIBUTING BALLOTS
AT THE PUBLIC EXPENSE, AND TO REGULATE VOTING AT STATE
AND CITY ELECTIONS.

Be it enacted, etc., as follows:

Ballots for national, state, district, county and city officers to be printed and distributed at public expense.

SECTION 1. All ballots cast in elections for national, state, district and county officers in cities and towns after the first day of November in the year eighteen hundred and eighty-nine, and all ballots cast in municipal elections in cities after that date, shall be printed and distributed at public expense, as hereinafter provided. The printing of the ballots and cards of instructions to voters shall in municipal elections in cities be paid for by the several cities respectively, and in all other elections the printing of the ballots and cards of instruction, and the delivery of them to the several cities and towns, shall be paid for by the Commonwealth. The distribution of the ballots to the voters shall be paid for by the cities and towns respectively. 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 municipal election so held in a city, and the term "city officer" shall apply to any person to be chosen by the qualified voters at such an election.

Certain terms defined.

NOMINATIONS OF CANDIDATES.

Names of candidates nominated by convention, etc., to be placed upon ballots.

SECTION 2. Any convention of delegates, and any caucus or meeting of qualified voters, as hereinafter defined, and individual voters to the number and in the manner hereinafter specified, may nominate candidates for public office, whose names shall be placed upon the ballots to be furnished as herein provided.

One candidate for each office may be nominated by convention, etc.

SECTION 3. Any convention of delegates representing a political party which, at the election next preceding, polled at least three per cent. of the entire vote cast in the state, or in the electoral district or division thereof for which the nomination is made, or any convention of delegates who have been selected in caucuses called and held in accordance with a special statute providing therefor, and any caucus so called and held in any such electoral

district or division, may for the state or for the district or division for which the convention or caucus is held, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomination for each office therein to be filled at the election. Every such certificate of nomination shall state such facts as may be required as above for its acceptance, and as are required in section five of this act; shall be signed by the presiding officer and by the secretary of the convention or caucus, who shall add thereto their places of residence; and shall be sworn by them to be true to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination.

Certificate of nomination.

SECTION 4. Nominations of candidates for any offices to be filled by the voters of the state at large may be made by nomination papers signed in the aggregate for each candidate by not less than one thousand qualified voters of the state. Nominations of candidates for electoral districts or divisions of the state may be made by nomination papers signed in the aggregate for each candidate by qualified voters of such district or division, not less in number than one for every one hundred persons who voted at the next preceding annual election in such district or division, but in no case less than fifty. In the case of a first election to be held in a town or ward newly established, the number of fifty shall be sufficient for the nomination of a candidate who is to be voted for only in such town or ward; and in the case of a first election in a district or division newly established, other than a town or ward, the number of fifty shall be so sufficient. Each voter signing a nomination paper shall add to his signature his place of residence, and each voter may subscribe to one nomination for each office to be filled, and no more. Women qualified to vote for members of the school committee may sign nomination papers for candidates for the school committee. The nomination papers shall before being filed be respectively submitted to the registrars of voters of the cities or towns in which the signers purport to be qualified voters, and each registrar to whom the same is submitted shall forthwith certify thereon what number of the signatures are names of qualified voters both in the city or town for which he is a registrar and in the district or division for which the nomination is made; one of the signers to each such separate paper shall swear that the statements there-

Nominations of candidates for state at large.

Nominations for electoral districts or divisions of the state.

Nominations at first election in town, etc.

Women may sign nomination papers for school committee.

Certificate of registrars.

One signer to swear that statements are true.

in are true, to the best of his knowledge and belief, and the certificate of such oath shall be annexed.

Certificates of nomination to specify office, etc.

SECTION 5. All certificates of nomination and nomination papers shall, besides containing the names of candidates, specify as to each, (1) the office for which he is nominated; (2) the party or political principle which he represents, expressed in not more than three words; (3) his place of residence, with street and number thereon, if any. In the case of electors of president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the party or political appellation.

Nominations for state offices to be filed with secretary of the Commonwealth.

SECTION 6. Certificates of nomination and nomination papers for the nomination of candidates for state offices shall be filed with the secretary of the Commonwealth at least fourteen days previous to the day of the election for which the candidates are nominated. Such certificates and papers for the nomination of candidates for the offices of mayor and of aldermen in cities shall be filed with the city clerks of the respective cities at least ten days previous to the day of such election, and for the nomination of candidates for all other city offices at least six days previous to the day of such election.

Nominations for city offices to be filed with city clerk.

Objections to nominations to be considered, etc.

SECTION 7. The certificates of nomination and nomination papers being so filed, and being in apparent conformity with the provisions of this act, shall be deemed to be valid, unless objection thereto is duly made in writing. Such objections or other questions arising in relation thereto in the case of nominations of state officers shall be considered by the secretary of the Commonwealth and the auditor and attorney-general, and the decision of the majority of these officers shall be final. Such objections or questions arising in the case of nominations of city officers shall be considered by the board of registrars of voters together with the city clerk, if not a member of such board, and the city solicitor, and the decision of a majority of these officers shall be final. In case such objection is made notice shall forthwith be mailed to the candidates affected thereby, addressed to their residences as given in the certificates of nomination or nomination papers.

Any person presented as a candidate may withdraw his name.

SECTION 8. Any person whose name has been presented as a candidate may cause his name to be withdrawn from nomination, by request in writing signed by him

and acknowledged before an officer qualified to take acknowledgments of deeds, and filed with the secretary of the Commonwealth ten days or with the proper city clerk five days, as the case may be, previous to the day of election, and no name so withdrawn shall be printed upon the ballots. No nomination published and posted as herein provided shall be subsequently omitted as invalid.

SECTION 9. All certificates of nomination and nomination papers when filed shall be open under proper regulations to public inspection, and the secretary of the Commonwealth and the several city clerks shall preserve the same in their respective offices not less than five years.

Certificates of nomination, etc., to be open to public inspection.

FORM OF BALLOTS.

SECTION 10. Every general ballot, or ballot intended for the use of all male voters, which shall be printed in accordance with the provisions of this act, shall contain the names, residences, together with street and number, if any, and the party or political designation of all candidates whose nominations for any offices specified in the ballot have been duly made and not withdrawn in accordance herewith, and shall contain no other names. Except that in the case of electors of president and vice-president of the United States the names of the candidates for president and vice-president may be added to the party or political designation. The names of candidates for each office shall be arranged under the designation of the office in alphabetical order, according to surnames, except that the names of candidates for the offices of electors of president and vice-president shall be arranged in groups, as presented in the several certificates of nomination or nomination papers. There shall be left at the end of the list of candidates for each different office as many blank spaces as there are persons to be elected to such office, in which the voter may insert the name of any person, not printed on the ballot, for whom he desires to vote as candidate for such office. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people, such questions shall be printed upon the ballot after the list of candidates. Special ballots in cities, containing only the names of candidates for the school committee, shall also be prepared in like manner and printed for the use of women qualified according to law to vote for

Form of ballots.

Form of ballots. members of the school committee. The ballots shall be so printed as to give to each voter a clear opportunity to designate by a cross mark [X] in a sufficient margin at the right of the name of each candidate, his choice of candidates and his answer to the questions submitted, and on the ballot may be printed such words as will aid the voter to do this, as "vote for one", "vote for three", "yes", "no", and the like. The ballot shall be of the length now required by law and two or more times such width. Before distribution the ballots shall be so folded in marked creases that their width and length when folded shall be those of the ballot now required by law. On the back and outside, when folded, shall be printed "Official Ballot for", followed by the designation of the polling place for which the ballot is prepared, the date of the election, and a fac simile of the signature of the secretary of the Commonwealth or city clerk who has caused the ballot to be printed. The special ballots printed in cities for the use of women qualified to vote for school committee shall contain the additional endorsement that they are for such use only. Except as otherwise herein provided, ballots shall be printed in accordance with the existing provisions of law.

SECTION 11. All ballots when printed shall be folded as hereinbefore provided and fastened together in convenient numbers in books or blocks, in such manner that each ballot may be detached and removed separately. A record of the number of ballots printed and furnished to each polling place shall be kept and preserved by the secretary of the Commonwealth and the several city clerks.

SECTION 12. There shall be provided for each voting place, at which an election is to be held, two sets of such general ballots, each of not less than one hundred for every fifty and fraction of fifty registered male voters therein, and likewise two sets of such special ballots, each of not less than one hundred, for every fifty and fraction of fifty women qualified to vote for school committee therein; and it shall be the duty of the registrars of voters in each city or town in which an election for state officers is to be held, to certify to the secretary of the Commonwealth fourteen days previous to any such election, the number of male registered voters in each voting precinct or in each town which is not divided into voting precincts, and in cities the number of women so registered as voters.

Ballots to be fastened together in books or blocks.

Record to be kept of number furnished.

Two sets of ballots to be furnished at each voting place.

Number of voters to be certified to the secretary.

INFORMATION TO VOTERS.

SECTION 13. The secretary of the Commonwealth, in case of a state election, and the several city clerks, in case of city elections, shall prepare full instructions for the guidance of voters at such elections, as to obtaining ballots, as to the manner of marking them, and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled, and they shall respectively cause the same, together with copies of sections twenty-seven, twenty-eight, twenty-nine and thirty of this act to be printed in large, clear type, on separate cards, to be called cards of instructions; and they shall respectively furnish the same and the ballots for use in each such election. They shall also cause to be printed on tinted paper, and without the fac simile endorsements, ten or more copies of the form of the ballot provided for each voting place at each election therein, which shall be called specimen ballots, and shall be furnished with the other ballots provided for each such voting place.

Full instructions for guidance of voters to be prepared and furnished.

SECTION 14. The secretary of the Commonwealth shall, six days at least previous to the day of any election of state officers, transmit to the registrars of voters in each city and town in which such election is to be held, printed lists containing the names, residences, and party or political appellations of all candidates nominated as herein provided for such election and to be voted for at each polling place in each such city and town respectively, substantially in the form of the general ballot to be so used therein; and the registrars of voters shall immediately cause the lists for each town or voting precinct, as the case may be, to be conspicuously posted in one or more public places in such town or voting precinct. The secretary of the Commonwealth shall likewise cause to be published prior to the day of any such election, in at least two newspapers, if there be so many, published in each county, representing, so far as practicable, the political parties which, at the preceding election, cast the largest and next largest number of votes, a list of all the nominations made as herein provided and to be voted for in such county, so far as may be, in the form in which they shall appear upon the general ballots.

Secretary of the Commonwealth to transmit to registrars of voters printed list of names, etc., of candidates.

List of nominations to be published in newspapers representing certain political parties

SECTION 15. The city clerk of each city shall four days at least prior to the day of any city election therein,

City clerk to post printed list of candidates, etc.

cause to be conspicuously posted in one or more public places in each voting precinct of such city a printed list containing the names, residences, and party or political appellations of all candidates nominated, as herein provided, and to be voted for in such precinct, substantially in the form of the general ballot to be so used therein; and he shall likewise cause to be published, prior to the day of such election, in at least two newspapers, if there be so many, published in such city, representing the political parties which cast at the preceding election the largest and next largest number of votes, a list of all the nominations made, as herein provided, and to be voted for in such city, so far as may be, in the form in which they shall appear upon the general ballots.

List of nominations to be published, etc.

DELIVERY OF BALLOTS TO CITIES AND TOWNS.

Two sets of general and special ballots, with cards of instruction, to be furnished to city and town clerks.

SECTION 16. The secretary of the Commonwealth shall send, separately and at different times or by different methods, the two sets of general and special ballots, together with the specimen ballots and cards of instruction printed by him, as herein provided, to the several city and town clerks, so as to be received by them, one set forty-eight hours at least previous to the day of election, and the other set twenty-four hours at least previous thereto. The same shall be sent in sealed packages, with marks on the outside clearly designating the polling place for which they are intended and the number of ballots of each kind enclosed; and the respective city and town clerks shall on delivery to them of such packages return receipts therefor to the secretary. The secretary shall keep a record of the time when, and the manner in which the several packages are sent, and shall preserve for the period of one year the receipts of the city and town clerks.

To be sent in sealed packages.

Record to be kept.

Ballots and cards of instruction printed by city clerks.

SECTION 17. The two sets of ballots together with the specimen ballots and cards of instruction printed by the city clerks, as herein provided, shall be packed by them in separate sealed packages, with marks on the outside clearly designating the polling precincts for which they are intended, and the number of ballots of each kind enclosed.

City and town clerks to send to officers of

SECTION 18. The several city and town clerks shall send to the election officers of each voting place before

the opening of the polls on the day of election one set of the ballots so prepared, sealed and marked for such voting place, and a receipt of such delivery shall be returned to them from the presiding or senior election officer present, which receipt, with a record of the number of ballots sent, shall be kept in the clerks' office. At the opening of the polls in each polling place the seals of the packages shall be publicly broken, and the packages shall be opened by the presiding election officer, and the books or blocks of ballots shall be delivered to the ballot officers hereinafter provided for. The cards of instruction shall be immediately posted at or in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and not less than three such cards and not less than five specimen ballots shall be immediately posted in or about the polling room, outside the guard rails. The second set of ballots shall be retained by the respective clerks until they are called for or needed for the purposes of voting, and, upon the requisition in writing of the presiding election officer of any voting place, the second set of ballots shall be furnished to such voting place in the manner above provided as to the first set.

each voting place before opening of polls one set of ballots prepared and sealed.

Seals to be publicly broken at opening of polls.

Specimen ballots and cards of instruction to be posted.

Second set of ballots to be retained by clerks until called for.

SECTION 19. In case the ballots to be furnished to any city or town or voting place therein, in accordance with the provisions of this act, shall fail for any reason to be duly delivered, or in case after delivery they shall be destroyed or stolen, it shall be the duty of the clerk of such city or town to cause other ballots to be prepared substantially in the form of the ballots so wanting and to be furnished; and upon receipt of such other ballots from him, accompanied by a statement under oath that the same have been so prepared and furnished by him, and that the original ballots have so failed to be received or have been so destroyed or stolen, the election officers shall cause the ballots so substituted to be used in lieu of the ballots wanting, as above.

Upon failure of delivery other ballots to be prepared and furnished.

ADDITIONAL ELECTION OFFICERS.

SECTION 20. Two inspectors, with two deputy inspectors, additional to those now provided for, shall be appointed in each voting precinct in cities and in towns divided into voting precincts, and the provisions of law

Additional inspectors to be appointed.

Ballot clerks.

relative to inspectors and deputy inspectors shall be applicable to such additional officers. Two of the inspectors acting in each voting precinct shall be detailed to act as ballot clerks. In towns not divided into voting precincts, two inspectors, with deputy inspectors, shall be appointed, in accordance with the provisions of law applicable to such officers in towns so divided, and the two inspectors thus serving shall act as ballot clerks. The two ballot clerks detailed and appointed as above in each voting precinct and town shall have the charge of the ballots therein, and shall furnish them to the voters in the manner hereinafter set forth. A duplicate list of the qualified voters in each precinct and each town not divided into precincts shall be prepared for the use of the ballot clerks, and all the provisions of law relative to the preparation, furnishing and preservation of check-lists shall apply to such duplicate lists.

Duplicate
check-list to be
prepared for bal-
lot clerks.

VOTING SHELVES OR COMPARTMENTS.

Voting shelves
or compart-
ments to be
provided.

SECTION 21. The officers in each city or town whose duty it is to designate and appoint polling places therein shall cause the same to be suitably provided with a sufficient number of voting shelves or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others, and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes and of such voting shelves or compartments. The arrangement shall be such that neither the ballot-boxes nor the voting shelves or compartments shall be hidden from view of those just outside the said guard rail. The number of such voting shelves or compartments shall not be less than one for every seventy-five voters qualified to vote at such polling place, and not less than three in any town or precinct thereof, and not less than ten in any voting precinct of a city. No persons other than the election officers and voters admitted as hereinafter provided, shall be permitted within said rail, except by authority of the election officers for the purpose of keeping order and enforcing the law. Each voting shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots.

Not to be less
than one for
every seventy-
five voters.

Admission
within the rail.

PREPARATION OF BALLOTS.

SECTION 22. Any person desiring to vote shall give his name, and, if requested so to do, his residence, to one of the ballot clerks, 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 ballot officer having charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard rail as above provided. The ballot clerk shall give him one, and only one, ballot, and his name shall be immediately checked on said list. If the voter is a woman, she shall receive a special ballot containing the names of candidates for school committee only. Besides the election officers, not more than four voters in excess of the number of voting shelves or compartments provided shall be allowed in said enclosed space at one time.

Manner of receiving ballot.

Number of voters allowed within the guard rail.

SECTION 23. On receipt of his ballot the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the voting shelves or compartments so provided and shall prepare his ballot by marking in the appropriate margin or place, a cross [X] opposite the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor, and marking a cross [X] opposite thereto; and, in case of a question submitted to the vote of the people, by marking in the appropriate margin or place, a cross [X] against the answer which he desires to give. Before leaving the voting shelf or compartment the voter shall fold his ballot, without displaying the marks thereon, in the same way it was folded when received by him, and he shall keep the same so folded until he has voted. He shall vote in the manner now provided by law before leaving the enclosed space, and shall deposit his ballot in the box with the official endorsement uppermost. He shall mark and deposit his ballot without undue delay and shall quit said enclosed space as soon as he has voted. No such voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to remain within said enclosed space more than ten minutes, nor to occupy a voting shelf or compartment for more than five minutes in case all of such shelves or compartments are in use, and other

Preparation of ballot.

Manner of depositing ballot.

Time allowed within the rail.

voters are waiting to occupy the same. No voter not an election officer whose name has been checked on the list of the ballot officers, shall be allowed to re-enter said enclosed space during said election. It shall be the duty of the presiding election officer for the time being to secure the observance of the provisions of this section.

Presiding election officer to secure observance of provisions.

Ballot not to be removed before close of polls.

If ballots are spoiled others to be furnished.

SECTION 24. No person shall take or remove any ballot from the polling place before the close of the polls. If any voter spoils a ballot he may successively obtain others one at a time, not exceeding three in all, upon returning each spoiled one. The ballots thus returned shall be immediately cancelled, and together with those not distributed to the voters, shall be preserved and with the check-list used by the ballot clerks, which shall be certified by them to be such, shall be secured in an envelope, sealed, and sent to the several city and town clerks, as required by law in the case of the ballots cast, and the other check-list used.

Voter who is blind, etc., can receive assistance in marking ballot.

SECTION 25. Any voter who declares to the presiding election officer that he was a voter prior to the first day of May in the year eighteen hundred and fifty-seven, and cannot read, or that by blindness or other physical disability he is unable to mark his ballot, shall, upon request, receive the assistance of one or two of the election officers in the marking thereof, and such officer or officers shall certify on the outside thereof that it was so marked with his or their assistance, and shall thereafter give no information regarding the same. The presiding officer may in his discretion require such declaration of disability to be made by the voter under oath before him, and he is hereby qualified to administer the same.

When ballots shall not be counted.

SECTION 26. If a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. No ballot without the official endorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not counted shall be marked "defective" on the back thereof, and shall be preserved.

Ballots not counted to be marked "defective" and be preserved.

PENALTIES.

SECTION 27. A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or who shall make a false statement as to his inability to mark his ballot, or any person who shall interfere, or attempt to interfere with any voter when inside said enclosed space or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he marks or has marked his ballot, shall be punished by fine of not less than five dollars nor more than one hundred dollars; and election officers shall report any person so doing to the police officer in charge of the polls, whose duty it shall be to see that the offender is duly brought before the proper court.

Penalty for allowing ballot to be seen, etc., or attempting to interfere with voter marking his ballot, etc.

SECTION 28. Any person who shall, prior to an election, wilfully deface or destroy any list of candidates posted in accordance with the provisions of this act, or who, during an election, shall wilfully deface, tear down, remove or destroy any card of instruction or specimen ballot printed or posted for the instruction of voters, or who shall during an election wilfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or shall wilfully hinder the voting of others, shall be punished by fine of not less than five dollars nor more than one hundred dollars.

Penalty for defacing list of candidates, etc., or wilfully hindering the voting of others.

SECTION 29. Any person who shall falsely make or wilfully deface or destroy any certificate of nomination or nomination paper, or any part thereof or any letter of withdrawal; or file any certificate of nomination or nomination paper or letter of withdrawal, knowing the same or any part thereof to be falsely made; or suppress any certificate of nomination or nomination paper, or any part thereof which has been duly filed; or forge or falsely make the official endorsement on any ballot; or wilfully destroy or deface any ballot, or wilfully delay the delivery of any ballots, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the jail not more than one year, or by both such fine and imprisonment.

Penalty for defacing certificate of nomination, etc.

SECTION 30. Any public officer upon whom a duty is imposed by this act, who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way

Penalty on officer for neglect.

as to hinder the objects of this act, shall be punished by fine of not less than five nor more than one thousand dollars, or by imprisonment in jail for not more than one year, or by both such fine and imprisonment.

Approved May 29, 1888.

Chap.437 AN ACT TO PROVIDE FOR A NEW DIVISION OF WARDS IN CITIES.

Be it enacted, etc., as follows:

New division of wards in cities.

SECTION 1. A city may, in the year eighteen hundred and ninety-five, and in every tenth year thereafter, before the first day of May in such year, by vote of its city council, make a new division of its territory into such number of wards as may be allowed by its charter; and the boundaries of such wards shall be so arranged that the wards shall contain, as nearly as can be ascertained, and as nearly as may be consistent with well-defined limits to each ward, equal numbers of legal voters.

Division into voting precincts.

SECTION 2. The board of aldermen of any city, whose territory has thus been divided into new wards, shall, prior to the first Monday of July in the year in which such new division has been made, divide such city into voting precincts in the manner prescribed by and in accordance with the provisions of sections three and four of chapter two hundred and ninety-nine of the acts of the year eighteen hundred and eighty-four.

List of voters to be furnished to city council, etc., by registrars of voters.

SECTION 3. For the purpose of furnishing to the city council and board of aldermen the information necessary to make a new division into wards and voting precincts, in accordance with the preceding sections, the registrars of voters in each city shall, immediately after the municipal election in the year eighteen hundred and ninety-four, and in each tenth year thereafter, prepare, and, prior to the tenth day of February next ensuing, deliver to the city clerk of such city, a list of all the male voters therein who were registered for such municipal election, which list shall be so made and arranged as to show the numbers of such registered voters who reside in each lot or block surrounded by streets within the limits of such city, and in any other subdivisions of the city which the city council or board of aldermen may prior to the first day of February designate.

At election of national, etc., officers in year

SECTION 4. For the purpose of the annual meeting for the election of national, state, district and county