

HOUSE No. 575

The Commonwealth of Massachusetts

PRESENTED BY:

James J. Dwyer, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the regulating of primary elections.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

James J. Dwyer

30th Middlesex

William Campbell, Woburn City Clerk

Woburn City Hall

10 Common Street

Woburn, MA 01801

HOUSE No. 575

By Mr. Dwyer of Woburn (by request), a petition (accompanied by bill, House, No. 575) of James J. Dwyer and William Campbell, Woburn City Clerk for legislation to further regulate primary elections. Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the regulating of primary elections.

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. Chapter 52 of the General Laws, is hereby amended by striking out section
2 2, as

3 appearing in the 2008 Official Edition, and inserting in place thereof the following
4 section:-

5 Section 2. In every ward and town there shall be a ward or town committee selected or
6 appointed

7 by and from among the members of the party who either have enrolled on or before
8 January first

9 of the year in which their selection or appointment is made, or are newly registered voters
10 in

11 their city or town enrolled in that political party and have not been enrolled in another
12 political

13 party during the calendar year preceding the year in which their selection or appointment
14 is

15 made. Each state committee shall adopt a system set forth in written rules and procedures

16 covering all aspects of the ward and town committee member selection process and a
17 copy of

18 such rules and procedures shall be filed with the state secretary on or before October first
19 of the
20 year preceding the year in which presidential electors are to be elected. Ward and town
21 committee members shall shall be selected or appointed no later ten days following the
22 day on
23 which the presidential primaries are held and shall hold office for a period of four years
24 ending
25 on the thirtieth day following the day on which the presidential primaries are next held
26 and until
27 their successors shall have organized. If any member changes his residence from the ward
28 or
29 town in which he was selected or appointed during the said four years, he shall cease to
30 be a
31 member at the end of the calendar year during which said residence is changed. If any
32 member,
33 whether originally selected or appointed or chosen to fill a vacancy, cancels or changes
34 his party
35 enrolment he shall forthwith cease to be a member of said committee.
36 For the purposes of this chapter, notwithstanding the fact that ward lines in a city have
37 been
38 redistricted subsequent to a presidential primary, members of ward committees selected
39 or
40 appointed from wards in existence at the time of a presidential primary shall continue to
41 represent said wards until their successors shall have been selected or appointed and
42 organized
43 2
44 under the redistricted ward lines at the time of a presidential primary next following said
45 redistricting.

46 SECTION 2. Chapter 52 of the General Laws is hereby amended by striking out section
47 4, as so

48 appearing, and inserting in place thereof the following section:-
49 Section 4. Each city, ward and town committee shall within ten days following the day on
50 which
51 the presidential primaries are held and following the selection or appointment of its
52 members,
53 meet and organize by the choice of a chairman, a secretary, a treasurer and such other
54 officers as
55 it may decide to elect. At such meeting a ward or town committee may add to its selected
56 or
57 appointed members; provided, that by so doing the total number of members shall not be
58 made to
59 exceed the number determined under section nine. Ward and town committees may
60 appoint
61 associate members by vote at any meeting. Associate members shall not have the right to
62 vote
63 but shall have such other powers and duties as the ward or town committee may
64 determine. In
65 case there is a failure of selection or appointment of a ward or town committee, the city
66 committee or the state committee, respectively, of the political party which said ward or
67 town
68 committee represents shall appoint from among the voters qualified therefor the members
69 of
70 such committee and shall call a meeting for its organization, in such call appointing a
71 time for
72 holding the same and naming a person to preside thereat. If a ward committee or a city or
73 town
74 committee fails to meet within the time prescribed by this section and organize, the city
75 committee or the state committee, respectively, of the political party which such ward,
76 city or

77 town committee represents shall call a meeting for its organization, in such call
78 appointing a time

79 for holding the same and naming a person to preside thereat. In the event that a ward or
80 town

81 committee fails to meet at the time appointed as aforesaid and organize, the selection or
82 appointment of each of its members shall be void and the same proceedings shall be had
83 as is

84 herein provided in the case of a failure of selection or appointment.

85 SECTION 3. Chapter 52 of the General Laws is hereby amended by striking out section
86 9, as so

87 appearing, and inserting in place thereof the following section:-

88 Section 9. Ward and town committees, respectively, shall fix the number of members of
89 ward

90 and town committees to be selected or appointed as set forth in the manner provided in
91 section 2,

92 not less than three nor more than thirty-five for each ward and each town. Notice of the
93 number

94 of committee members to be selected or appointed shall be given by the ward or town

95 committee, as the case may be, to the state secretary and the chairman of the respective
96 state

97 committee on or before December first of the year preceding the year in which said
98 persons are

99 to be selected or appointed. In case a ward or town committee fails to fix the number of
100 members

101 or a ward or town committee or to give such notice, the number of members of such ward
102 or

103 town committee to be selected or appointed shall be the number of members last so fixed
104 or

105 assigned.

106 SECTION 4. Section 2 of chapter 53 of the General Laws, as so appearing, is hereby
107 amended

108 by striking out in the first sentence the words “not later than August first preceding a year
109 in

110 3

111 which a presidential primary is to occur and otherwise not later than February first of the
112 year of

113 the biennial state election” and inserting after the word “requesting,” the following
114 words:- not

115 later than November first preceding a year in which a biennial state election or
116 presidential

117 primary is to occur.

118 SECTION 5. Section 7 of chapter 53 of the General Laws, as so appearing, is hereby
119 amended

120 by striking out in the second sentence of the second paragraph the words “twenty-eighth”
121 and

122 inserting in place thereof the following words:- twenty-first.

123 SECTION 6. Chapter 53 of the General Laws is hereby amended by striking out section
124 10, as so

125 appearing, and inserting in place thereof the following section:-

126 Section 10. All certificates of nomination and nomination papers of candidates, whether
127 enrolled

128 in a party, a political designation, or unenrolled, for the office of senator in congress,

129 representative in congress, governor, lieutenant governor, attorney general, treasurer and

130 receiver-general, state auditor, state secretary, state representative, state senator,

131 executive

132 council, or county office shall be filed with the state secretary on or before the last

133 Tuesday in

134 February of the year in which a state election is to be held. If there is a special election to

135 fill the

136 office of senator or representative in congress or any other state office, all certificates of
137 nomination and nomination papers shall be filed on or before the ninth Tuesday
138 preceding the
139 day of such election. Nomination papers for presidential elector shall be filed on or
140 before the
141 last Tuesday in February of the year in which a presidential election is to be held.

142 In any city, except Boston, certificates of nomination and nomination papers for any city
143 election
144 shall be filed on or before the sixty-third day preceding such city election. In any city,
145 except
146 Boston, the time for presenting nomination papers for certification to the registrars of
147 voters, and
148 for certifying the same, shall be governed by section seven, notwithstanding any contrary
149 provision in any special law. In any city where preliminary elections for the nomination
150 of
151 candidates for a city office are held, nomination or other like papers required to be filed
152 by such
153 candidates shall be filed on or before the sixty-third day preceding the day of the
154 preliminary
155 election, notwithstanding any contrary provision in any special law.

156 Any provision of general or special law to the contrary notwithstanding, the last day for
157 filing
158 with the town clerk certificates of nomination or nomination papers for the nomination of
159 town
160 offices shall be the sixty-third day preceding the date of the election. In any town, the
161 time for
162 presenting nomination papers for certification to the registrars of voters, and for
163 certifying the
164 same, shall be governed by section seven, notwithstanding any contrary provision in any
165 special

166 law.

167 Any incumbent town meeting member may become a candidate for election by giving
168 written

169 notice thereof to the town clerk not later than twenty-one days prior to the last day and
170 hour for

171 filing nomination papers notwithstanding any contrary provision in any special law.

172 Certificates of nomination and nomination papers shall be filed before five o'clock in the

173 4

174 afternoon of the last day fixed therefor.

175 SECTION 7. Section 18A of chapter 53 of the General Laws, as so appearing, is hereby

176 amended by striking out in the first sentence in the second paragraph the words "thirty-
177 fifth day"

178 and inserting in the first sentence in the second paragraph after the words "no later than
179 the" the

180 following words:- sixty-third day.

181 SECTION 8. Section 18A of chapter 53 of the General Laws, as so appearing, is hereby

182 amended by striking out in the third sentence in the third paragraph the words "thirty-fifth
183 day"

184 and inserting in the third sentence in the third paragraph after the words "held more than"
185 the

186 following words:- sixty-third day.

187 Section 8. Section 21 of chapter 53 of the General Laws, as so appearing, is hereby
188 amended by

189 striking out in the first sentence the words "not later than the first Wednesday of August
190 before

191 the election" and inserting in the first sentence after the words "state secretary" the
192 following

193 words:- not later than the third Wednesday in June before the election.

194 SECTION 9. Section 28 of chapter 53 of the General Laws, as so appearing, is hereby
195 amended

196 by striking out the first paragraph and inserting in place thereof the following paragraph:-

197 State primaries shall be held on the first Tuesday after the first Monday in June preceding

198 biennial state elections and on the ninth Tuesday preceding special state elections,

199 including

200 primaries before special elections for senator or representative in congress. Presidential

201 primaries

202 shall be held on the first Tuesday after the first Monday in June in any year in which

203 presidential

204 electors are to be elected. Notwithstanding any provision of law to the contrary, any town

205 may

206 hold its preliminary or regular town elections on the same date designated as the date to

207 hold a

208 presidential primary, in any year in which presidential electors are to be elected, provided

209 that

210 such election is by a ballot independent of the ballot used at a presidential primary.

211 SECTION 10. Section 34 of chapter 53 of the General Laws, as so appearing, is hereby

212 amended

213 by striking out the fourth paragraph in its entirety.

214 SECTION 11. Section 34 of chapter 53 of the General Laws, as so appearing, is hereby

215 amended

216 by striking out from the fifth paragraph the words “for a ward or town committee,”.

217 SECTION 12. Section 42 of chapter 53 of the General Laws, as so appearing, is hereby

218 amended

219 by striking out the words “on or before June first” and inserting after the words “state

220 secretary

221 the following words:- on or before February first.

222 5

223 SECTION 13. Section 42 of chapter 53 of the General Laws, as so appearing, is hereby
224 amended

225 by striking out the words “at least twenty-one days before the primaries” and inserting
226 after the

227 words “shall give notice” the following words:- at least sixty-three days before the
228 primaries.

229 SECTION 14. Section 46 of chapter 53 of the General Laws, as so appearing, is hereby
230 amended

231 by striking out from the third sentence in the first paragraph the words “, ward, and
232 town”.

233 SECTION 15. Section 48 of chapter 53 of the General laws, as so appearing, is hereby
234 amended

235 by striking out the first, second and third paragraphs and inserting in place thereof the
236 following

237 two paragraphs:-

238 Nomination papers of candidates to be voted on at presidential primaries shall be filed
239 with the

240 state secretary on or before the first Friday in February preceding the day of the
241 primaries.

242 All certificates of nomination and nomination papers of candidates, whether enrolled in a
243 party, a

244 political designation, or unenrolled, for the office of senator in congress, representative in

245 congress, governor, lieutenant governor, attorney general, treasurer and receiver general,
246 state

247 auditor, state secretary, state representative, state senator, executive council, or county
248 office

249 shall be filed with the state secretary on or before the last Tuesday in February of the year
250 in

251 which a state election is to be held. In the case of primaries before special elections, such

252 nomination papers shall be filed on or before the ninth Tuesday preceding the day of the

253 primaries. The state secretary shall forthwith issue to the candidate or other person filing
254 such

255 nomination papers a certificate acknowledging the time and date of the receipt thereof.

256 SECTION 16. Section 57 of chapter 53 of the General Laws, as so appearing, is hereby
257 repealed.

258 SECTION 17. Section 61 of chapter 53 of the General Laws, as so appearing, is hereby
259 repealed.

260 SECTION 18. Section 70B of chapter 53 of the General Laws, as so appearing, is hereby
261 amended by striking out from the fourth sentence the words “, ward and town”.

262 SECTION 19. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby
263 amended by striking out from the first sentence of the first paragraph the words “, ward
264 and
265 town”.

266 SECTION 20. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby
267 amended by striking out from the second sentence in the first paragraph the words “, and
268 6

269 nomination papers for candidates for ward and town committees shall be signed by at
270 least five
271 voters”.

272 SECTION 21. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby
273 amended by striking out the third sentence in the second paragraph.

274 SECTION 22. Section 70E of chapter 53 of the General Laws, as so appearing, is hereby
275 amended by striking out the second paragraph and inserting in place thereof the following
276 paragraph:-

277 The names of candidates for state committee shall be placed last upon the ballot in the
278 manner

279 provided in section thirty-four.

280 SECTION 23. Section 70G of chapter 53 of the General Laws, as so appearing, is hereby
281 amended by striking out the second paragraph.

282 SECTION 24. Section 70G of chapter 53 of the General Laws, as so appearing, is hereby
283 amended by striking out the fourth paragraph.

284 SECTION 25. Section 72A of chapter 53 of the General Laws, as so appearing, is hereby
285 amended by striking out the words “thirty-eighth day” and inserting after the words “not
286 later
287 than the” the following words:- sixty-third day.

288 SECTION 26. Section 42C of chapter 54 of the General Laws, as so appearing, is hereby
289 amended by striking out in the first sentence the words “sixtieth day” and inserting in the
290 first
291 sentence after the words “notice after the” the following words:- sixty-third day.

292 SECTION 27. Section 42C of chapter 54 of the General Laws, as so appearing, is hereby
293 amended by striking out in the second sentence the words “thirty-fifth day” and inserting
294 in the
295 second sentence after the words “written notice after the” the following words:- sixty-
296 third day.

297 SECTION 28. Section 86 of chapter 54 of the General Laws, as so appearing, is hereby
298 amended
299 striking out from the fourth sentence the words “not later than twenty-eight days” and
300 inserting
301 in the fourth sentence in its place thereof the following words:- Not later than sixty-three
302 days.

303 SECTION 29. This act shall take effect upon its passage