

**HOUSE . . . . . No. 01972**

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The Commonwealth of Massachusetts

PRESENTED BY:

*James J. Dwyer and , (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 regulating election primaries.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>William C. Campbell</i>	<i>45 Arlington Road □ Woburn, MA 01801</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>

# HOUSE . . . . . No. 01972

By Messrs. Dwyer of Woburn and Kaufman (by request), a petition (accompanied by bill, House, No. 1972) of Jones and Dwyer for legislation to further regulate primary elections Joint Committee on Election Laws.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act regulating election primaries.

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

1 SECTION 1. Chapter 52 of the General Laws, is hereby amended by striking out section 2, as  
2 appearing in the 2008 Official Edition, and inserting in place thereof the following section:-  
3 Section 2. In every ward and town there shall be a ward or town committee selected or  
4 appointed by and from among the members of the party who either have enrolled on or before  
5 January first of the year in which their selection or appointment is made, or are newly registered  
6 voters in their city or town enrolled in that political party and have not been enrolled in another  
7 political party during the calendar year preceding the year in which their selection or  
8 appointment is made. Each state committee shall adopt a system set forth in written rules and  
9 procedures covering all aspects of the ward and town committee member selection process and a  
10 copy of such rules and procedures shall be filed with the state secretary on or before October  
11 first of the year preceding the year in which presidential electors are to be elected. Ward and

12 town committee members shall hold office for a period of four years ending on the thirtieth day  
13 following the day on which the presidential primaries are next held and until their successors  
14 shall have organized. If any member changes his residence from the ward or town in which he  
15 was selected or appointed during the said four years, he shall cease to be a member at the end of  
16 the calendar year during which said residence is changed. If any member, whether originally  
17 selected or appointed or chosen to fill a vacancy, cancels or changes his party enrolment he shall  
18 forthwith cease to be a member of said committee.

19 For the purposes of this chapter, notwithstanding the fact that ward lines in a city have been  
20 redistricted subsequent to a presidential primary, members of ward committees selected or  
21 appointed from wards in existence at the time of a presidential primary shall continue to  
22 represent said wards until their successors shall have been selected or appointed and organized  
23 under the redistricted ward lines at the presidential primary next following said redistricting.

24 SECTION 2. Chapter 52 of the General Laws is hereby amended by striking out section 4, as so  
25 appearing, and inserting in place thereof the following section:-

26 Section 4. Each city, ward and town committee shall within ten days after the thirtieth day next  
27 following the selection or appointment of its members, meet and organize by the choice of a  
28 chairman, a secretary, a treasurer and such other officers as it may decide to elect. At such  
29 meeting a ward or town committee may add to its selected or appointed members; provided, that  
30 by so doing the total number of members shall not be made to exceed the number determined  
31 under section nine. Ward and town committees may appoint associate members by vote at any  
32 meeting. Associate members shall not have the right to vote but shall have such other powers and  
33 duties as the ward or town committee may determine. In case there is a failure of selection or

34 appointment of a ward or town committee, the city committee or the state committee,  
35 respectively, of the political party which said ward or town committee represents shall appoint  
36 from among the voters qualified therefor the members of such committee and shall call a  
37 meeting for its organization, in such call appointing a time for holding the same and naming a  
38 person to preside thereat. If a ward committee or a city or town committee fails to meet within  
39 the time prescribed by this section and organize, the city committee or the state committee,  
40 respectively, of the political party which such ward, city or town committee represents shall call  
41 a meeting for its organization, in such call appointing a time for holding the same and naming a  
42 person to preside thereat. In the event that a ward or town committee fails to meet at the time  
43 appointed as aforesaid and organize, the selection or appointment of each of its members shall be  
44 void and the same proceedings shall be had as is herein provided in the case of a failure of  
45 selection or appointment.

46 SECTION 3. Chapter 52 of the General Laws is hereby amended by striking out section 9, as so  
47 appearing, and inserting in place thereof the following section:-

48 Section 9. Ward and town committees, respectively, shall fix the number of members of ward  
49 and town committees to be selected or appointed as set forth in the manner provided in section 2,  
50 not less than three nor more than thirty-five for each ward and each town. Notice of the number  
51 of committee members to be selected or appointed shall be given by the ward or town  
52 committee, as the case may be, to the state secretary and the chairman of the respective state  
53 committee on or before December first of the year preceding the year in which said persons are  
54 to be selected or appointed. In case a ward or town committee fails to fix the number of members  
55 of a ward or town committee or to give such notice, the number of members of such ward or  
56 town committee to be elected shall be the number of members last so fixed or assigned.

57 SECTION 4. Section 2 of chapter 53 of the General Laws, as so appearing, is hereby amended  
58 by striking out in the first sentence the words “not later than August first preceding a year in  
59 which a presidential primary is to occur and otherwise not later than February first of the year of  
60 the biennial state election” and inserting after the word “requesting,” the following words:- not  
61 later than November first preceding a year in which a biennial state election or presidential  
62 primary is to occur.

63 SECTION 5. Chapter 53 of the General Laws is hereby amended by striking out section 10, as so  
64 appearing, and inserting in place thereof the following section:-

65 Section 10. All certificates of nomination and nomination papers of candidates, whether enrolled  
66 in a party, a party designation or unenrolled, for the office of senator in congress, representative  
67 in congress, governor, lieutenant governor, attorney general, treasurer and receiver-general, state  
68 auditor, state secretary state representative, state senator, executive council, or county office shall  
69 be filed with the state secretary on or before the last Tuesday in February of the year in which a  
70 state election is to be held. If there is a special election to fill the office of senator or  
71 representative in congress or any other state office, all certificates of nomination and nomination  
72 papers shall be filed on or before the ninth Tuesday preceding the day of such election.

73 Nomination papers for presidential elector shall be filed on or before the last Tuesday in  
74 November of the year in which a presidential election is to be held.

75 In any city, except Boston, certificates of nomination and nomination papers for any city election  
76 shall be filed on or before the sixty-third day preceding such city election. In any city, except  
77 Boston, the time for presenting nomination papers for certification to the registrars of voters, and  
78 for certifying the same, shall be governed by section seven, notwithstanding any contrary

79 provision in any special law. In any city where primaries are held, under authority of general or  
80 special law, for the nomination of candidates for city offices, certificates of nomination and  
81 nomination papers shall be filed not later than the last day fixed for the filing of nomination  
82 papers for such primaries, but in no event later than the sixty-third day preceding such primary.  
83 In any city where preliminary elections for the nomination of candidates for a city office are  
84 held, nomination or other like papers required to be filed by such candidates shall be filed on or  
85 before the sixty-third day preceding the day of the preliminary election, notwithstanding any  
86 contrary provision in any special law.

87 Any provision of general or special law to the contrary notwithstanding, the last day for filing  
88 with the town clerk certificates of nomination or nomination papers for the nomination of town  
89 offices shall be the sixty-third day preceding the date of the election. In any town, the time for  
90 presenting nomination papers for certification to the registrars of voters, and for certifying the  
91 same, shall be governed by section seven, notwithstanding any contrary provision in any special  
92 law.

93 Any incumbent town meeting member may become a candidate for election by giving written  
94 notice thereof to the town clerk not later than twenty-one days prior to the last day and hour for  
95 filing nomination papers notwithstanding any contrary provision in any special law.

96 Certificates of nomination and nomination papers shall be filed before five o'clock in the  
97 afternoon of the last day fixed therefor.

98 SECTION 6. Section 18A of chapter 53 of the General Laws, as so appearing, is hereby  
99 amended by striking out in the first sentence in the second paragraph the words "thirty-fifth day"

100 and inserting in the first sentence in the second paragraph after the words “no later than the” the  
101 following words:- sixty-third day.

102 SECTION 7. Section 18A of chapter 53 of the General Laws, as so appearing, is hereby  
103 amended by striking out in the third sentence in the third paragraph the words “thirty-fifth day”  
104 and inserting in the third sentence in the third paragraph after the words “held more than” the  
105 following words:- sixty-third day.

106 SECTION 8. Section 21 of chapter 53 of the General Laws, as so appearing, is hereby amended  
107 by striking out in the first sentence the words “not later than the first Wednesday of August  
108 before the election” and inserting in first sentence after the words “state secretary” the following  
109 words:- not later than the first Wednesday in June before the election.

110 SECTION 9. Section 28 of chapter 53 of the General Laws, as so appearing, is hereby amended  
111 by striking out the first paragraph and inserting in place thereof the following paragraph:-

112 State primaries shall be held on the first Tuesday in June preceding biennial state elections and  
113 on the ninth Tuesday preceding special state elections, including primaries before special  
114 elections for senator or representative in congress. Presidential primaries shall be held on the first  
115 Tuesday in June in any year in which presidential electors are to be elected. Notwithstanding any  
116 provision of law to the contrary, any town may hold its preliminary or regular town elections on  
117 the same date designated as the date to hold a presidential primary, in any year in which  
118 presidential electors are to be elected, provided that such election is by a ballot independent of  
119 the ballot used at a presidential primary. City and town primaries before all city and town  
120 elections shall be held on the sixty-third day preceding such elections.

121 SECTION 10. Section 34 of chapter 53 of the General Laws, as so appearing, is hereby amended  
122 by striking out the fourth paragraph in its entirety.

123 SECTION 11. Section 34 of chapter 53 of the General Laws, as so appearing, is hereby amended  
124 by striking out from the fifth paragraph the words “for a ward or town committee,”.

125 SECTION 12. Section 42 of chapter 53 of the General Laws, as so appearing, is hereby amended  
126 by striking out the words “on or before June first” and inserting after the words “state secretary  
127 the following words:- on or before February first.

128 SECTION 13. Section 42 of chapter 53 of the General Laws, as so appearing, is hereby amended  
129 by striking out the words “at least twenty-one days before the primaries” and inserting after the  
130 words “shall give notice” the following words:- at least sixty-three days before the primaries.

131 SECTION 14. Section 46 of chapter 53 of the General Laws, as so appearing, is hereby amended  
132 by striking out from the third sentence in the first paragraph the words “, ward, and town”.

133 SECTION 15. Section 47 of chapter 53 of the General Laws, as so appearing, is hereby amended  
134 by striking out from the second sentence the words “, except in the case of primaries before  
135 special elections”.

136 SECTION 16. Section 48 of chapter 53 of the General laws, as so appearing, is hereby amended  
137 by striking out the first, second and third paragraphs and inserting in place thereof the following  
138 three paragraphs:-

139 Nomination papers of candidates to be voted on at presidential primaries, except candidates for  
140 state committees, shall be filed with the state secretary on or before the first Friday in February  
141 preceding the day of the primaries.



142 Nomination papers of candidates for election to state committees at presidential primaries shall  
143 be filed with the state secretary on or before the last Tuesday in November of the year preceding  
144 said presidential primaries.

145 All certificates of nomination and nomination papers of candidates, whether enrolled in a party, a  
146 party designation or unenrolled, for the office of senator in congress, representative in congress,  
147 governor, lieutenant governor, attorney general, treasurer and receiver general, state auditor, state  
148 secretary, state representative, state senator, executive council, or county office shall be filed  
149 with the state secretary on or before the last Tuesday in February of the year in which a state  
150 election is to be held. In the case of primaries before special elections, such nomination papers  
151 shall be filed on or before the ninth Tuesday preceding the day of the primaries. The state  
152 secretary shall forthwith issue to the candidate or other person filing such nomination papers a  
153 certificate acknowledging the time and date of the receipt thereof.

154 SECTION 17. Section 57 of chapter 53 of the General Laws, as so appearing, is hereby amended  
155 by striking out the words “not later than the thirtieth day” and inserting after the words “town  
156 clerk,” the following words:- not later than the ninetieth day.

157 SECTION 18. Section 61 of chapter 53 of the General Laws, as so appearing, is hereby amended  
158 by striking out from the first sentence in the first paragraph the words “not less than thirty-five  
159 days” and inserting in the first sentence in the first paragraph after the words “town clerk” the  
160 following words:- not less than sixty-three days.

161 SECTION 19. Section 70B of chapter 53 of the General Laws, as so appearing, is hereby  
162 amended by striking out from the fourth sentence the words “, ward and town”.

163 SECTION 20. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby  
164 amended by striking out from the first sentence of the first paragraph the words “, ward and  
165 town”.

166 SECTION 21. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby  
167 amended by striking out from the second sentence in the first paragraph the words “, and  
168 nomination papers for candidates for ward and town committees shall be signed by at least five  
169 voters”.

170 SECTION 22. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby  
171 amended by striking out the third sentence in the second paragraph.

172 SECTION 23. Section 70E of chapter 53 of the General Laws, as so appearing, is hereby  
173 amended by striking out the second paragraph and inserting in place thereof the following  
174 paragraph:-

175 The names of candidates for state committee shall be placed last upon the ballot in the manner  
176 provided in section thirty-four.

177 SECTION 24. Section 70G of chapter 53 of the General Laws, as so appearing, is hereby  
178 amended by striking out the second paragraph.

179 SECTION 25. Section 70G of chapter 53 of the General Laws, as so appearing, is hereby  
180 amended by striking out the fourth paragraph.

181 SECTION 26. Section 72A of chapter 53 of the General Laws, as so appearing, is hereby  
182 amended by striking out the words “thirty-eighth day” and inserting after the words “not later  
183 than the” the following words:- sixty-third day.

184 SECTION 27. Section 42C of chapter 54 of the General Laws, as so appearing, is hereby  
185 amended by striking out in the first sentence the words “sixtieth day” and inserting in the first  
186 sentence after the words “notice after the” the following words:- sixty-third day.

187 SECTION 28. Section 42C of chapter 54 of the General Laws, as so appearing, is hereby  
188 amended by striking out in the second sentence the words “thirty-fifth day” and inserting in the  
189 second sentence after the words “written notice after the” the following words:- sixty-third day.

190 SECTION 29. Section 86 of chapter 54 of the General Laws, as so appearing, is hereby amended  
191 striking out from the fourth sentence the words “not later than twenty-eight days” and inserting  
192 in the fourth sentence in its place thereof the following words:- Not later than ninety days.

193 SECTION 30. This act shall take effect upon its passage.