

HOUSE No. 574

The Commonwealth of Massachusetts

PRESENTED BY:

James J. Dwyer

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 Act An relative to state primary elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>

HOUSE No. 574

By Mr. Dwyer of Woburn, a petition (accompanied by bill, House, No. 574) of James J. Dwyer, David T. Vieira and Randy Hunt relative to state primary elections. Election Laws.

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Thirteen
—————

An Act Act An relative to state 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. Chapter 53 of the General Laws is hereby amended by striking out section
107 10, as so

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

109 3

110 Section 10. All certificates of nomination and nomination papers of candidates, whether
111 enrolled

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

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

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

115 executive

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

117 Tuesday in

118 April of the year in which a state election is to be held. If there is a special election to fill

119 the

120 office of senator or representative in congress or any other state office, all certificates of

121 nomination and nomination papers shall be filed on or before the ninth Tuesday

122 preceding the

123 day of such election. Nomination papers for presidential elector shall be filed on or

124 before the

125 last Tuesday in July of the year in which a presidential election is to be held.

126 In any city, except Boston, certificates of nomination and nomination papers for any city

127 election

128 shall be filed on or before the sixty-third day preceding such city election. In any city,

129 except

130 Boston, the time for presenting nomination papers for certification to the registrars of

131 voters, and

132 for certifying the same, shall be governed by section seven, notwithstanding any contrary

133 provision in any special law. In any city where preliminary elections for the nomination

134 of

135 candidates for a city office are held, nomination or other like papers required to be filed
136 by such

137 candidates shall be filed on or before the sixty-third day preceding the day of the
138 preliminary

139 election, notwithstanding any contrary provision in any special law.

140 Any provision of general or special law to the contrary notwithstanding, the last day for
141 filing

142 with the town clerk certificates of nomination or nomination papers for the nomination of
143 town

144 offices shall be the sixty-third day preceding the date of the election. In any town, the
145 time for

146 presenting nomination papers for certification to the registrars of voters, and for
147 certifying the

148 same, shall be governed by section seven, notwithstanding any contrary provision in any
149 special

150 law.

151 Any incumbent town meeting member may become a candidate for election by giving
152 written

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

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

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

158 SECTION 5. Section 18A of chapter 53 of the General Laws, as so appearing, is hereby

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

161 and inserting in the first sentence in the second paragraph after the words "no later than
162 the" the

163 following words:- sixty-third day.

164 SECTION 6. Section 18A of chapter 53 of the General Laws, as so appearing, is hereby
165 amended by striking out in the third sentence in the third paragraph the words “thirty-fifth
166 day”
167 and inserting in the third sentence in the third paragraph after the words “held more than”
168 the
169 4
170 following words:- sixty-third day.

171 Section 7. Section 21 of chapter 53 of the General Laws, as so appearing, is hereby
172 amended by
173 striking out in the first sentence the words “not later than the first Wednesday of August
174 before
175 the election” and inserting in the first sentence after the words “state secretary” the
176 following
177 words:- not later than the third Wednesday in July before the election.

178 SECTION 8. Section 28 of chapter 53 of the General Laws, as so appearing, is hereby
179 amended
180 by striking out the first paragraph and inserting in place thereof the following paragraph:-
181 State primaries shall be held on the second Tuesday in August preceding biennial state
182 elections
183 and on the ninth Tuesday preceding special state elections, including primaries before
184 special
185 elections for senator or representative in congress. Presidential primaries shall be held on
186 the first
187 Tuesday in March in any year in which presidential electors are to be elected.
188 Notwithstanding
189 any provision of law to the contrary, any town may hold its preliminary or regular town
190 elections
191 on the same date designated as the date to hold a presidential primary, in any year in
192 which

193 presidential electors are to be elected, provided that such election is by a ballot
194 independent of

195 the ballot used at a presidential primary.

196 SECTION 9. Section 34 of chapter 53 of the General Laws, as so appearing, is hereby
197 amended

198 by striking out the fourth paragraph in its entirety.

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

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

202 SECTION 11. Section 42 of chapter 53 of the General Laws, as so appearing, is hereby
203 amended

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

206 the following words:- on or before May first.

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

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

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

213 SECTION 13. Section 46 of chapter 53 of the General Laws, as so appearing, is hereby
214 amended

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

217 SECTION 14. Section 48 of chapter 53 of the General laws, as so appearing, is hereby
218 amended

219 by striking out the first, second and third paragraphs and inserting in place thereof the
220 following

221 two paragraphs:-

222 5

223 Nomination papers of candidates to be voted on at presidential primaries, including
224 candidates

225 for state committees, shall be filed with the state secretary on or before the third Tuesday
226 in

227 November of the year preceding said presidential primaries.

228 All certificates of nomination and nomination papers of candidates, whether enrolled in a
229 party, a

230 political designation, or unenrolled, for the office of senator in congress, representative in
231 congress, governor, lieutenant governor, attorney general, treasurer and receiver general,
232 state

233 auditor, state secretary, state representative, state senator, executive council, or county
234 office

235 shall be filed with the state secretary on or before the last Tuesday in April of the year in
236 which a

237 state election is to be held. In the case of primaries before special elections, such
238 nomination

239 papers shall be filed on or before the ninth Tuesday preceding the day of the primaries.
240 The state

241 secretary shall forthwith issue to the candidate or other person filing such nomination
242 papers a

243 certificate acknowledging the time and date of the receipt thereof.

244 SECTION 15. Section 57 of chapter 53 of the General Laws, as so appearing, is hereby
245 repealed.

246 SECTION 16. Section 61 of chapter 53 of the General Laws, as so appearing, is hereby
247 repealed.

248 SECTION 17. Section 70B of chapter 53 of the General Laws, as so appearing, is hereby
249 amended by striking out from the fourth sentence the words “, ward and town”.

250 SECTION 18. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby

251 amended by striking out from the first sentence of the first paragraph the words “, ward
252 and

253 town”.

254 SECTION 19. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby
255 amended by striking out from the second sentence in the first paragraph the words “, and
256 nomination papers for candidates for ward and town committees shall be signed by at
257 least five
258 voters”.

259 SECTION 20. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby
260 amended by striking out the third sentence in the second paragraph.

261 SECTION 21. Section 70E of chapter 53 of the General Laws, as so appearing, is hereby
262 amended by striking out the second paragraph and inserting in place thereof the following
263 paragraph:-

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

266 6

267 provided in section thirty-four.

268 SECTION 22. Section 70G of chapter 53 of the General Laws, as so appearing, is hereby
269 amended by striking out the second paragraph.

270 SECTION 23. Section 70G of chapter 53 of the General Laws, as so appearing, is hereby
271 amended by striking out the fourth paragraph.

272 SECTION 24. Section 72A of chapter 53 of the General Laws, as so appearing, is hereby
273 amended by striking out the words “thirty-eighth day” and inserting after the words “not
274 later

275 than the” the following words:- sixty-third day.

276 SECTION 25. Section 42C of chapter 54 of the General Laws, as so appearing, is hereby
277 amended by striking out in the first sentence the words “sixtieth day” and inserting in the
278 first

279 sentence after the words “notice after the” the following words:- sixty-third day.

280 SECTION 26. Section 42C of chapter 54 of the General Laws, as so appearing, is hereby
281 amended by striking out in the second sentence the words “thirty-fifth day” and inserting
282 in the
283 second sentence after the words “written notice after the” the following words:- sixty-
284 third day.

285 SECTION 27. Section 86 of chapter 54 of the General Laws, as so appearing, is hereby
286 amended
287 striking out from the fourth sentence the words “not later than twenty-eight days” and
288 inserting
289 in the fourth sentence in its place thereof the following words:- Not later than sixty-three
290 days.

291 SECTION 28. This act shall take effect upon its passage.