

SENATE No. 419

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

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 adoption of the accompanying bill:

An Act to promote good democracy in primary elections.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|------------------------------------|--|------------------|
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> | |
| <i>Maria Duaine Robinson</i> | <i>6th Middlesex</i> | <i>1/14/2019</i> |
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | <i>2/21/2019</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> | <i>2/26/2019</i> |

SENATE No. 419

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 419) of Rebecca L. Rausch, Maria Duaine Robinson, Joanne M. Comerford and David Henry Argosky LeBoeuf for legislation to promote good democracy in primary elections. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to promote good democracy in primary elections.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to promote good democracy in primary elections, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 53 of the General Laws is hereby amended by striking out Section
2 28 and inserting in place thereof the following Section:

3 Section 28: Primary election dates and locations

4 (1) Primary Dates.

5 (a) State primaries shall be held on the second Tuesday in June in even-numbered
6 years and on the fourth Tuesday preceding special state elections, except that primaries before
7 special elections for senator or representative in congress shall be held on the sixth Tuesday
8 preceding said elections.

9 (b) If a religious holiday falls on or immediately before the second Tuesday in June in
10 an even-numbered year, the state primary shall be held on a date set by the state secretary within
11 7 days of the second Tuesday in June.

12 (2) Publication. The state secretary shall publish the date of the state primary not later
13 than February 1 of each even-numbered year by: (i) providing notice of the date to the state
14 parties; (ii) filing notice with the state publications and regulations division; (iii) posting the
15 information on the website of the state secretary; and (iv) any other means necessary to ensure
16 proper notification.

17 (3) Presidential Primaries.

18 (a) Presidential primaries shall be held on the first Tuesday in March in any year in
19 which presidential electors are to be elected.

20 (b) The state secretary shall not place on the presidential primary ballot the name of
21 any candidate who has not, at least sixty days in advance of the primary date, made public and
22 readily available the candidate's federal income tax returns, as defined in section 6103(b)(1) of
23 the United States internal revenue code, for the immediately previous four years. The state
24 secretary may promulgate regulations to implement this subparagraph.

25 (c) Notwithstanding any provision of law to the contrary, any town may hold its
26 preliminary or regular town elections on the same date designated as the date to hold a
27 presidential primary, in any year in which presidential electors are to be elected, provided that
28 such election is by a ballot independent of the ballot used at a presidential primary. City and
29 town primaries before all city and town elections shall be held on the twenty-eighth day
30 preceding such elections.

31 (4) Except in Boston, primaries shall be held wholly or partly by wards, precincts or
32 towns, as the city or town executive body may designate.

33 (5) Notwithstanding the provisions of any general or special law, town charter or by-
34 law to the contrary, if the date for holding a preliminary, primary, or town election or annual
35 town meeting falls within thirty days before or after the presidential primary, the town executive
36 body, after consulting the town clerk may, by majority vote, establish a date between February
37 first and May thirty-first for holding such preliminary, primary or town election or annual town
38 meeting. Any preliminary, primary or town election or annual meeting shall be held on the date
39 or dates established and shall be called as provided by sections nine A and ten of chapter thirty-
40 nine.

41 (6) Notwithstanding the provisions of any general or special law to the contrary, if the
42 date for holding a district election falls within thirty days before or after the presidential primary,
43 the prudential committee, if any, otherwise the commissioners, of the district may, by majority
44 vote, establish a date between February first and May thirty-first for holding such district
45 election. Any district election shall be held on the date established and shall be called as
46 provided by section one hundred and nineteen of chapter forty-one. For the purposes of this
47 section, district shall mean a district created by special law or established under the provisions of
48 a general law.