

SENATE No. 435

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 promoting democracy in primary elections.

PETITION OF:

NAME:

Rebecca L. Rausch

DISTRICT/ADDRESS:

Norfolk, Worcester and Middlesex

SENATE No. 435

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 435) of Rebecca L. Rausch for legislation to promote democracy in primary elections. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act promoting 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, as appearing in the 2020 Official Edition,
2 is hereby amended by striking out section 28 and inserting in place thereof the following
3 section:-

4 Section 28: Primary election dates and locations

5 (1) (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 an
10 even-numbered year, the state primary shall be held on a date set by the state secretary within 7
11 days of the second Tuesday in June.

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

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

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

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

26 (5) Notwithstanding the provisions of any general or special law, town charter or by-law
27 to the contrary, if the date for holding a preliminary, primary, or town election or annual town
28 meeting falls within thirty days before or after the presidential primary, the town executive body,
29 after consulting the town clerk may, by majority vote, establish a date between February first and
30 May thirty-first for holding such preliminary, primary or town election or annual town meeting.

31 Any preliminary, primary or town election or annual meeting shall be held on the date or dates
32 established and shall be called as provided by sections nine A and ten of chapter thirty-nine.

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