SENATE DOCKET, NO. 449 FILED ON: 1/19/2011

SENATE . . . . . No. 319

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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:

An Act to remove unfair incumbent advantage from the ballot and to change "unenrolled" to "independent"..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	☐ *[District]* ☐
Bradley H. Jones, Jr.	*20th Middlesex*
Michael R. Knapik	☐ *[District]* ☐
Richard J. Ross	*Norfolk, Bristol, and Middlesex*
Robert L. Hedlund	☐ *[District]* ☐

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SENATE . . . . . No. 319

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 319) of Bruce E. Tarr, Bradley H. Jones, Jr., Michael R. Knapik, Richard J. Ross and others for legislation to remove unfair incumbent advantage from the ballot and to change enrolled to independent. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *358* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act to remove unfair incumbent advantage from the ballot and to change "unenrolled" to "independent"..

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

SECTION 1. Section 41 of Chapter 54 is hereby amended by striking it in its entirety and replacing it with the following:-

Section 41. Ballots for the use of voters in a voting precinct, polling place or town shall contain the names of all candidates duly nominated for election therein, and, except as provided in section forty-three, they shall contain the name of no other person.

To the name of each candidate for a state office shall be added the name of the city or town where he resides, with the name of the street and number, if any, of his residence, except as provided in section forty-one A. To the name of each candidate for a city office shall be added the name of the street on which he resides, with his street number, if any and, to the name of each candidate for alderman at large shall also be added the number of the ward where he resides.

To the name of each candidate for a state of city office, except for city elections which are not preceded by primaries, shall be added in the same space his party or political designation. Failure to make a political designation shall result in the term "Independent" being used. There shall be no designation indicating incumbency. To the name of each candidate for a town office upon an official ballot shall be added the name of the street on which he resides, with his

17 number, if any and, except for town elections which are not preceded by primaries or political
18 party caucuses, the political designation contained in the certificate of nomination or nomination
19 papers. The town clerk shall add the words "Caucus Nominee" to the name of any candidate
20 nominated for a town office by a caucus held under the provisions of sections one hundred and
21 seventeen to one hundred and twenty, inclusive, of chapter fifty-three.

22 If a candidate shall receive the nomination of more than one party or more than one
23 political designation for the same office, he may, by writing delivered to the officer or board
24 required by law to prepare the official ballot, direct in what order the several nominations or
25 political designations shall be added to his name upon the official ballot and such directions shall
26 be followed by such officer of the board.

27 For all elections following primaries, such direction shall be filed within the time
28 required by section three of chapter fifty-three for acceptance of a write-in or sticker nomination;
29 and for all other elections, within seventy-two hours next succeeding the last time for filing
30 nomination papers or certificates of nomination.

31 If, during said time, said candidate shall neglect to so direct, said officer or board shall
32 add said nomination or political designations to the name of said candidate upon the official
33 ballot in such order as said officer or board shall determine. The name of any person shall not be
34 printed on the official ballot or on ballot labels more than once as a candidate for the same office
35 nor more than once for any office wherein a full term and partial term running concurrently are
36 to be filled.

37 SECTION 2. Section 42 of Chapter 54 of the General Laws is hereby amended by
38 striking it in its entirety and replacing it with the following:-

39 Section 42. Except as provided in section forty-one A, under the designation of the office,
40 the names of the candidates for office to be filled at a state election shall be placed on the ballot
41 by random selection next and by random selection the names of candidates of political parties, as
42 defined in chapter fifty, and the names of all other candidates shall follow in like order.

43 Under the designation of the office, the names of candidates for each municipal elective
44 office shall, except as city charters otherwise provide, be arranged by random selection, next and
45 my random selection the names of candidates of political parties as defined in chapter fifty, and
46 the names of all other candidates shall follow in like order. The names of candidates for different
47 terms of service in the same office shall be arranged in groups according to the length of their
48 respective terms, and the names of candidates nominated by single wards but to be voted for at
49 large, shall be arranged in groups by wards in like order. Blank spaces shall be left at the end of
50 the list of candidates for each different office equal to the number to be elected thereto, in which
51 the voter may insert the name and address of any person not printed on the ballot for whom he
52 desires to vote for such office; provided, however, that a mistake in stating the address of such
53 person shall not invalidate a vote if the address stated is sufficient to indicate the person for

whom the vote was intended. If the approval of any question is submitted to the voters, it shall be printed on the ballot after the names of the candidates.

The names and addresses of the candidates for regional district school committees elected district-wide at state elections shall be arranged by random selection; and the names and addresses of all other such candidates shall follow in like order. No political or other designation shall appear on the ballot. There shall be printed such direction as shall instruct the voter to vote for the appropriate number of candidates from each community. It the state secretary cannot accommodate all the names on the ballot in a particular community, he may in his discretion print a separate paper ballot for candidates for regional district school committees.

Ballots shall be so printed as to give to each voter an opportunity by a cross (X) in a square at the right of the name and designation of each candidate, or of each group of candidates for governor and lieutenant governor and at the right of each question, his choice of candidates and his answer to such question; and upon the ballots may be printed such directions as will aid the voter; for example, "vote for one," "vote for not more than two," "yes," "no," and the like. On each ballot shall be printed the words ""Official Ballot for", followed by the name of the electoral district, city or town for which the ballot is prepared, and, if the content of the ballot differs within a city or town, the ward and precinct of the city or the precinct of the town, if any, the date of the election, and a facsimile of the signature of the officer who has caused the ballot to be prepared. The state secretary shall prepare a sufficient number of ballots for the use of persons qualified under section one F of chapter fifty-one to vote for electors of president and vice president, upon which there shall be so printed the words ""Official Presidential Elector Ballot for", followed by the date of the election and a facsimile of the signature of the state secretary. A blank space shall be left at the end of the list of candidates for president and vice president in which the voter may insert the surnames of candidates for president and vice president, which are contained in lists submitted to the state secretary as provided by section seventy-eight A.