HOUSE DOCKET, NO. 1632 FILED ON: 1/15/2015

HOUSE . . . . . No. 551

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 adoption of the accompanying bill:

An Act relative to the regulating of primary elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James J. Dwyer	*30th Middlesex*

HOUSE DOCKET, NO. 1632 FILED ON: 1/15/2015

HOUSE . . . . . No. 551

By Mr. Dwyer of Woburn, a petition (accompanied by bill, House, No. 551) of James J. Dwyer for legislation to further regulate primary elections. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *575* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the regulating of 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:

SECTION 1. Chapter 52 of the General Laws, is hereby amended by striking out section 2, as appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

Section 2. In every ward and town there shall be a ward or town committee selected or appointed by and from among the members of the party who either have enrolled on or before January first of the year in which their selection or appointment is made, or are newly registered voters in their city or town enrolled in that political party and have not been enrolled in another political party during the calendar year preceding the year in which their selection or appointment is made. Each state committee shall adopt a system set forth in written rules and procedures covering all aspects of the ward and town committee member selection process and a copy of such rules and procedures shall be filled 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 shall be selected or appointed no later ten days following the day
13 on which the presidential primaries are held and shall hold office for a period of four years
14 ending on the thirtieth day following the day on which the presidential primaries are next held
15 and until their successors shall have organized. If any member changes his residence from the
16 ward or town in which he was selected or appointed during the said four years, he shall cease to
17 be a member at the end of the calendar year during which said residence is changed. If any
18 member, whether originally selected or appointed or chosen to fill a vacancy, cancels or changes
19 his party enrollment he shall forthwith cease to be a member of said committee.

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

26 SECTION 2. Chapter 52 of the General Laws is hereby amended by striking out section
27 4, as so appearing, and inserting in place thereof the following section:-

28 Section 4. Each city, ward and town committee shall within ten days following the day on
29 which the presidential primaries are held and following the selection or appointment of its
30 members, meet and organize by the choice of a chairman, a secretary, a treasurer and such other
31 officers as it may decide to elect. At such meeting a ward or town committee may add to its
32 selected or appointed members; provided, that by so doing the total number of members shall not

33 be made to exceed the number determined under section nine. Ward and town committees may
34 appoint associate members by vote at any meeting. Associate members shall not have the right to
35 vote but shall have such other powers and duties as the ward or town committee may determine.
36 In case there is a failure of selection or appointment of a ward or town committee, the city
37 committee or the state committee, respectively, of the political party which said ward or town
38 committee represents shall appoint from among the voters qualified therefor the members of
39 such committee and shall call a meeting for its organization, in such call appointing a time for
40 holding the same and naming a person to preside thereat. If a ward committee or a city or town
41 committee fails to meet within the time prescribed by this section and organize, the city
42 committee or the state committee, respectively, of the political party which such ward, city or
43 town committee represents shall call a meeting for its organization, in such call appointing a time
44 for holding the same and naming a person to preside thereat. In the event that a ward or town
45 committee fails to meet at the time appointed as aforesaid and organize, the selection or
46 appointment of each of its members shall be void and the same proceedings shall be had as is
47 herein provided in the case of a failure of selection or appointment.

48 SECTION 3. Chapter 52 of the General Laws is hereby amended by striking out section
49 9, as so appearing, and inserting in place thereof the following section:-

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

56 to be selected or appointed. In case a ward or town committee fails to fix the number of members
57 or a ward or town committee or to give such notice, the number of members of such ward or
58 town committee to be selected or appointed shall be the number of members last so fixed or
59 assigned.

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

66 SECTION 5. Section 7 of chapter 53 of the General Laws, as so appearing, is hereby
67 amended by striking out in the second sentence of the second paragraph the words "twenty-
68 eighth" and inserting in place thereof the following words:- twenty-first.

69 SECTION 6. Chapter 53 of the General Laws is hereby amended by striking out section
70 10, as so appearing, and inserting in place thereof the following section:-

71 Section 10. All certificates of nomination and nomination papers of candidates, whether
72 enrolled in a party, a political designation, or unenrolled, for the office of senator in congress,
73 representative in congress, governor, lieutenant governor, attorney general, treasurer and
74 receiver-general, state auditor, state secretary, state representative, state senator, executive
75 council, or county office shall be filed with the state secretary on or before the last Tuesday in
76 February of the year in which a state election is to be held. If there is a special election to fill the
77 office of senator or representative in congress or any other state office, all certificates of

78 nomination and nomination papers shall be filed on or before the ninth Tuesday preceding the
79 day of such election. Nomination papers for presidential elector shall be filed on or before the
80 last Tuesday in February of the year in which a presidential election is to be held.

81 In any city, except Boston, certificates of nomination and nomination papers for any city
82 election shall be filed on or before the sixty-third day preceding such city election. In any city,
83 except Boston, the time for presenting nomination papers for certification to the registrars of
84 voters, and for certifying the same, shall be governed by section seven, notwithstanding any
85 contrary provision in any special law. In any city where preliminary elections for the nomination
86 of candidates for a city office are held, nomination or other like papers required to be filed by
87 such candidates shall be filed on or before the sixty-third day preceding the day of the
88 preliminary election, notwithstanding any contrary provision in any special law.

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

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

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

100 SECTION 7. Section 18A of chapter 53 of the General Laws, as so appearing, is hereby
101 amended by striking out in the first sentence in the second paragraph the words “thirty-fifth day”
102 and inserting in the first sentence in the second paragraph after the words “no later than the” the
103 following words:- sixty-third day.

104 SECTION 8. Section 18A of chapter 53 of the General Laws, as so appearing, is hereby
105 amended by striking out in the third sentence in the third paragraph the words “thirty-fifth day”
106 and inserting in the third sentence in the third paragraph after the words “held more than” the
107 following words:- sixty-third day.

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

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

115 State primaries shall be held on the first Tuesday after the first Monday in June preceding
116 biennial state elections and on the ninth Tuesday preceding special state elections, including
117 primaries before special elections for senator or representative in congress. Presidential primaries
118 shall be held on the first Tuesday after the first Monday in June in any year in which presidential
119 electors are to be elected. Notwithstanding any provision of law to the contrary, any town may
120 hold its preliminary or regular town elections on the same date designated as the date to hold a

121 presidential primary, in any year in which presidential electors are to be elected, provided that
122 such election is by a ballot independent of the ballot used at a presidential primary.

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

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

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

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

134 SECTION 14. Section 46 of chapter 53 of the General Laws, as so appearing, is hereby
135 amended by striking out from the third sentence in the first paragraph the words ", ward, and
136 town".

137 SECTION 15. Section 48 of chapter 53 of the General laws, as so appearing, is hereby
138 amended by striking out the first, second and third paragraphs and inserting in place thereof the
139 following two paragraphs:-

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

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

152 SECTION 16. Section 57 of chapter 53 of the General Laws, as so appearing, is hereby
153 repealed.

154 SECTION 17. Section 61 of chapter 53 of the General Laws, as so appearing, is hereby
155 repealed.

156 SECTION 18. Section 70B of chapter 53 of the General Laws, as so appearing, is hereby
157 amended by striking out from the fourth sentence the words “, ward and town”.

158 SECTION 19. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby
159 amended by striking out from the first sentence of the first paragraph the words “, ward and
160 town”.

161 SECTION 20. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby
162 amended by striking out from the second sentence in the first paragraph the words “, and
163 nomination papers for candidates for ward and town committees shall be signed by at least five
164 voters”.

165 SECTION 21. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby
166 amended by striking out the third sentence in the second paragraph.

167 SECTION 22. Section 70E of chapter 53 of the General Laws, as so appearing, is hereby
168 amended by striking out the second paragraph and inserting in place thereof the following
169 paragraph:-

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

172 SECTION 23. Section 70G of chapter 53 of the General Laws, as so appearing, is hereby
173 amended by striking out the second paragraph.

174 SECTION 24. Section 70G of chapter 53 of the General Laws, as so appearing, is hereby
175 amended by striking out the fourth paragraph.

176 SECTION 25. Section 72A of chapter 53 of the General Laws, as so appearing, is hereby
177 amended by striking out the words “thirty-eighth day” and inserting after the words “not later
178 than the” the following words:- sixty-third day.

179 SECTION 26. Section 42C of chapter 54 of the General Laws, as so appearing, is hereby
180 amended by striking out in the first sentence the words “sixtieth day” and inserting in the first
181 sentence after the words “notice after the” the following words:- sixty-third day.

182 SECTION 27. Section 42C of chapter 54 of the General Laws, as so appearing, is hereby
183 amended by striking out in the second sentence the words “thirty-fifth day” and inserting in the
184 second sentence after the words “written notice after the” the following words:- sixty-third day.

185 SECTION 28. Section 86 of chapter 54 of the General Laws, as so appearing, is hereby
186 amended striking out from the fourth sentence the words “not later than twenty-eight days” and
187 inserting in the fourth sentence in its place thereof the following words:- Not later than sixty-
188 three days.

189 SECTION 29. This act shall take effect upon its passage.