

HOUSE No. 1972

The Commonwealth of Massachusetts

PRESENTED BY:

James J. Dwyer and Jay R. Kaufman

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 regulating election primaries.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>1/21/2011</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>2/2/2011</i>
<i>William C. Campbell</i>	<i>45 Arlington Road Woburn, MA 01801</i>	

HOUSE No. 1972

By Messrs. Dwyer of Woburn and Kaufman of Lexington, a petition (accompanied by bill, House, No. 1972) of James J. Dwyer and Bradley H. Jones, Jr. for legislation to further regulate primary elections. Election Laws.

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Eleven
—————

An Act regulating election primaries.

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 appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

3 Section 2. In every ward and town there shall be a ward or town committee selected or
4 appointed by and from among the members of the party who either have enrolled on or before
5 January first of the year in which their selection or appointment is made, or are newly registered
6 voters in their city or town enrolled in that political party and have not been enrolled in another
7 political party during the calendar year preceding the year in which their selection or
8 appointment is made. Each state committee shall adopt a system set forth in written rules and
9 procedures covering all aspects of the ward and town committee member selection process and a
10 copy of such rules and procedures shall be filed 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 hold office for a period of four years ending on the thirtieth day
13 following the day on which the presidential primaries are next held and until their successors

14 shall have organized. If any member changes his residence from the ward or town in which he
15 was selected or appointed during the said four years, he shall cease to be a member at the end of
16 the calendar year during which said residence is changed. If any member, whether originally
17 selected or appointed or chosen to fill a vacancy, cancels or changes his party enrolment he shall
18 forthwith cease to be a member of said committee.

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

24 SECTION 2. Chapter 52 of the General Laws is hereby amended by striking out section
25 4, as so appearing, and inserting in place thereof the following section:-

26 Section 4. Each city, ward and town committee shall within ten days after the thirtieth
27 day next following the selection or appointment of its members, meet and organize by the choice
28 of a chairman, a secretary, a treasurer and such other officers as it may decide to elect. At such
29 meeting a ward or town committee may add to its selected or appointed members; provided, that
30 by so doing the total number of members shall not be made to exceed the number determined
31 under section nine. Ward and town committees may appoint associate members by vote at any
32 meeting. Associate members shall not have the right to vote but shall have such other powers and
33 duties as the ward or town committee may determine. In case there is a failure of selection or
34 appointment of a ward or town committee, the city committee or the state committee,
35 respectively, of the political party which said ward or town committee represents shall appoint

36 from among the voters qualified therefor the members of such committee and shall call a
37 meeting for its organization, in such call appointing a time for holding the same and naming a
38 person to preside thereat. If a ward committee or a city or town committee fails to meet within
39 the time prescribed by this section and organize, the city committee or the state committee,
40 respectively, of the political party which such ward, city or town committee represents shall call
41 a meeting for its organization, in such call appointing a time for holding the same and naming a
42 person to preside thereat. In the event that a ward or town committee fails to meet at the time
43 appointed as aforesaid and organize, the selection or appointment of each of its members shall be
44 void and the same proceedings shall be had as is herein provided in the case of a failure of
45 selection or appointment.

46 SECTION 3. Chapter 52 of the General Laws is hereby amended by striking out section
47 9, as so appearing, and inserting in place thereof the following section:-

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

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

63 SECTION 5. Chapter 53 of the General Laws is hereby amended by striking out section
64 10, as so appearing, and inserting in place thereof the following section:-

65 Section 10. All certificates of nomination and nomination papers of candidates, whether
66 enrolled in a party, a party designation or unenrolled, for the office of senator in congress,
67 representative in congress, governor, lieutenant governor, attorney general, treasurer and
68 receiver-general, state auditor, state secretary state representative, state senator, executive
69 council, or county office shall be filed with the state secretary on or before the last Tuesday in
70 February of the year in which a state election is to be held. If there is a special election to fill the
71 office of senator or representative in congress or any other state office, all certificates of
72 nomination and nomination papers shall be filed on or before the ninth Tuesday preceding the
73 day of such election. Nomination papers for presidential elector shall be filed on or before the
74 last Tuesday in November of the year in which a presidential election is to be held.

75 In any city, except Boston, certificates of nomination and nomination papers for any city
76 election shall be filed on or before the sixty-third day preceding such city election. In any city,
77 except Boston, the time for presenting nomination papers for certification to the registrars of
78 voters, and for certifying the same, shall be governed by section seven, notwithstanding any

79 contrary provision in any special law. In any city where primaries are held, under authority of
80 general or special law, for the nomination of candidates for city offices, certificates of
81 nomination and nomination papers shall be filed not later than the last day fixed for the filing of
82 nomination papers for such primaries, but in no event later than the sixty-third day preceding
83 such primary. In any city where preliminary elections for the nomination of candidates for a city
84 office are held, nomination or other like papers required to be filed by such candidates shall be
85 filed on or before the sixty-third day preceding the day of the preliminary election,
86 notwithstanding any contrary provision in any special law.

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

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

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

98 SECTION 6. Section 18A of chapter 53 of the General Laws, as so appearing, is hereby
99 amended by striking out in the first sentence in the second paragraph the words "thirty-fifth day"

100 and inserting in the first sentence in the second paragraph after the words “no later than the” the
101 following words:- sixty-third day.

102 SECTION 7. Section 18A of chapter 53 of the General Laws, as so appearing, is hereby
103 amended by striking out in the third sentence in the third paragraph the words “thirty-fifth day”
104 and inserting in the third sentence in the third paragraph after the words “held more than” the
105 following words:- sixty-third day.

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

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

113 State primaries shall be held on the first Tuesday in June preceding biennial state
114 elections and on the ninth Tuesday preceding special state elections, including primaries before
115 special elections for senator or representative in congress. Presidential primaries shall be held on
116 the first Tuesday in June in any year in which presidential electors are to be elected.
117 Notwithstanding any provision of law to the contrary, any town may hold its preliminary or
118 regular town elections on the same date designated as the date to hold a presidential primary, in
119 any year in which presidential electors are to be elected, provided that such election is by a ballot
120 independent of the ballot used at a presidential primary. City and town primaries before all city
121 and town elections shall be held on the sixty-third day preceding such elections.

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

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

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

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

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

136 SECTION 15. Section 47 of chapter 53 of the General Laws, as so appearing, is hereby
137 amended by striking out from the second sentence the words “, except in the case of primaries
138 before special elections”.

139 SECTION 16. Section 48 of chapter 53 of the General laws, as so appearing, is hereby
140 amended by striking out the first, second and third paragraphs and inserting in place thereof the
141 following three paragraphs:-

142 Nomination papers of candidates to be voted on at presidential primaries, except
143 candidates for state committees, shall be filed with the state secretary on or before the first
144 Friday in February preceding the day of the primaries.

145 Nomination papers of candidates for election to state committees at presidential primaries
146 shall be filed with the state secretary on or before the last Tuesday in November of the year
147 preceding said presidential primaries.

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

157 SECTION 17. Section 57 of chapter 53 of the General Laws, as so appearing, is hereby
158 amended by striking out the words “not later than the thirtieth day” and inserting after the words
159 “town clerk,” the following words:- not later than the ninetieth day.

160 SECTION 18. Section 61 of chapter 53 of the General Laws, as so appearing, is hereby
161 amended by striking out from the first sentence in the first paragraph the words “not less than
162 thirty-five days” and inserting in the first sentence in the first paragraph after the words “town
163 clerk” the following words:- not less than sixty-three days.

164 SECTION 19. Section 70B of chapter 53 of the General Laws, as so appearing, is hereby
165 amended by striking out from the fourth sentence the words “, ward and town”.

166 SECTION 20. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby
167 amended by striking out from the first sentence of the first paragraph the words “, ward and
168 town”.

169 SECTION 21. Section 70D of chapter 53 of the General Laws, as so appearing, is
170 hereby amended by striking out from the second sentence in the first paragraph the words “, and
171 nomination papers for candidates for ward and town committees shall be signed by at least five
172 voters”.

173 SECTION 22. Section 70D of chapter 53 of the General Laws, as so appearing, is hereby
174 amended by striking out the third sentence in the second paragraph.

175 SECTION 23. Section 70E of chapter 53 of the General Laws, as so appearing, is hereby
176 amended by striking out the second paragraph and inserting in place thereof the following
177 paragraph:-

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

180 SECTION 24. Section 70G of chapter 53 of the General Laws, as so appearing, is hereby
181 amended by striking out the second paragraph.

182 SECTION 25. Section 70G of chapter 53 of the General Laws, as so appearing, is hereby
183 amended by striking out the fourth paragraph.

184 SECTION 26. Section 72A of chapter 53 of the General Laws, as so appearing, is hereby
185 amended by striking out the words “thirty-eighth day” and inserting after the words “not later
186 than the” the following words:- sixty-third day.

187 SECTION 27. Section 42C of chapter 54 of the General Laws, as so appearing, is hereby
188 amended by striking out in the first sentence the words “sixtieth day” and inserting in the first
189 sentence after the words “notice after the” the following words:- sixty-third day.

190 SECTION 28. Section 42C of chapter 54 of the General Laws, as so appearing, is hereby
191 amended by striking out in the second sentence the words “thirty-fifth day” and inserting in the
192 second sentence after the words “written notice after the” the following words:- sixty-third day.

193 SECTION 29. Section 86 of chapter 54 of the General Laws, as so appearing, is hereby
194 amended striking out from the fourth sentence the words “not later than twenty-eight days” and
195 inserting in the fourth sentence in its place thereof the following words:- Not later than ninety
196 days.

197 SECTION 30. This act shall take effect upon its passage.