

**SENATE . . . . . No. 394**

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**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 adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>

**SENATE . . . . . No. 394**

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 394) of Bruce E. Tarr, Robert L. Hedlund and Donald F. Humason, Jr. for legislation to remove unfair incumbent advantage from the ballot and to change unenrolled to independent. Election Laws.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 338 OF 2013-2014.]

**The Commonwealth of Massachusetts**

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

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:*

1           “SECTION 1. Section 6 of chapter 53 of the General Laws, as appearing in the 2012  
2 Official Edition, is hereby amended by striking, in line 35, the word “Unenrolled” and inserting  
3 in place thereof the following word:- “Undeclared”.

4           SECTION 2. Section 37 of said chapter 53 of the General Laws, as so appearing, is  
5 hereby amended by striking, in lines 14 and 15, the word “unenrolled” each time it appears and  
6 inserting in place thereof, in each instance, the word “undeclared”.

7           SECTION 3. Section 37A of said chapter 53 of the General Laws, as so appearing, is  
8 hereby amended by striking the section in its entirety and inserting in place thereof the following  
9 section:-

10 “53:37A. Absentee ballots; application; undeclared voters; recording upon voting lists

11 Section 37A. A voter desiring to vote by absentee ballot in a primary shall specify on his  
12 application for the ballot the party with which he is enrolled or, if he is undeclared, the party in  
13 whose primary he desires to vote. A city or town clerk shall not supply any voter with the  
14 absentee ballot of more than one party at any one primary. If an enrolled voter requests the ballot  
15 of a party other than the party in which the voter is enrolled, the clerk shall supply the voter with  
16 the absentee ballot of the party in which such voter is enrolled.

17 The officers processing absentee ballots shall cause to be recorded upon the voting lists to  
18 be used at the polling place the political party in whose primary the absentee voter has cast his  
19 ballot if he is undeclared, or the officers charged with the casting of such absentee ballot at the  
20 polling place shall so record on the voting list the political party in whose primary the absentee  
21 voter has cast his ballot if he is undeclared.

22 If the voter was undeclared before selecting a party ballot, he shall continue to be  
23 undeclared and shall be recorded as undeclared in the current annual register of voters.”

24 SECTION 4. Section 38A of said chapter 53 of the General Laws, as so appearing, is  
25 hereby amended by striking, in line 4, the word “unenrolled” and inserting in place thereof the  
26 following word:- “undeclared”.

27 SECTION 5. Section 72 of said chapter 53 of the General Laws, as so appearing, is  
28 hereby amended by striking, in line 6, the word “unenrolled” and inserting in place thereof the  
29 following word:- “undeclared”.

30 SECTION 6. Paragraph 3 of section 41 of chapter 54 of the General Laws, as appearing  
31 in the 2012 Official Edition, is hereby amended by striking the third, fourth and sixth sentences  
32 in their entirety.

33 SECTION 7. Said paragraph 3 of said section 41 of said chapter 54 of the General Laws,  
34 as so appearing, is hereby further amended by striking the words “Unenrolled being used.”, in  
35 line 15, and inserting in place thereof the following words:- “Undeclared being used. There shall  
36 be no designation indicating incumbency.”.

37 SECTION 8. Section 42 of said chapter 54 of the General Laws, as so appearing, is  
38 hereby amended by striking the first paragraph in its entirety and inserting in place thereof the  
39 following:-

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

44 SECTION 9. Paragraph 2 of said section 42 of said chapter 54 of the General Laws, as  
45 so appearing, is hereby amended by striking the first two sentences in their entirety and inserting  
46 in place thereof the following sentence:- “Under the designation of the office, the names of  
47 candidates of political parties, as defined in chapter fifty, for each municipal elective office  
48 shall, except as city charters otherwise provide, be placed on the ballot in random selection; next  
49 and also by random selection the names of all other candidates shall follow.”

50 SECTION 10. Paragraph 3 of said section 42 of said chapter 54 of the General Laws, as  
51 so appearing, is hereby amended by striking the first sentence in its entirety and inserting in

52 place thereof the following sentence:- “The names and addresses of the candidates for regional  
53 district school committees elected district-wide at state elections shall be placed on the ballot by  
54 random selection.”