

# SENATE NO. 442

## **AN ACT** RELATIVE TO THE APPOINTMENT FOR A VACANCY IN THE OFFICE OF CONGRESSIONAL SENATOR

*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 7 of chapter 53 of the General Laws as appearing in the 2002 Official  
2 Edition, is hereby amended by striking after the word “secretary, in line 43, the following  
3 words:- , except that, for special elections for senator or representative in congress, every  
4 nomination paper shall be submitted to the registrars of the city or town where the signers  
5 appear to be voters at or before 5:00 p.m. of the fourteenth day preceding the day on which it  
6 must be filed with the state secretary, and certification of nomination papers of candidates shall  
7 be completed no later than the 72 weekday hours before the final hour for filing those papers  
8 with the state secretary.

9 SECTION 2. Section 10 of said chapter 53, as so appearing, is hereby amended by striking after  
10 the words "office of", in line 10, the following words:- senator or.

11 SECTION 3. Section 28 of said chapter 53, as so appearing, is hereby amended by striking out,  
12 in lines 3 and 4, the words “elections for senator or representative in congress shall be held on  
13 the sixth.” and inserting in place thereof the following words:- congressional elections shall be  
14 held on the fifth

15 SECTION 4. Section 46 of said chapter 53, as so appearing, is hereby amended by striking after  
16 the word "secretary", in line 8, the following words:- , “except that, for special elections for  
17 senator or representative in congress, every nomination paper shall be submitted to the registrars  
18 of the city or town where the signers appear to be voters at or before 5:00 p.m. of the fourteenth

19 day preceding the day on which it must be filed with the state secretary, and certification of  
20 nomination papers of candidates shall be completed no later than the 72 weekday hours before  
21 the final hour for filing those papers with the state secretary.”

22 SECTION 5. Section 139 of chapter 54, of the General Laws, as so appearing, is hereby  
23 amended by adding the following section:- 139A Upon failure to choose a senator in congress  
24 or upon a vacancy in said office, the vacancy shall be filled for the unexpired term of the  
25 following biennial state election provided said vacancy occurs not less than seventy days prior  
26 to the date of the primaries for nominating candidates to be voted for at such election, otherwise  
27 at the biennial state election next following. Pending such election the governor shall make a  
28 temporary appointment to fill the vacancy, and the person so appointed shall serve until the  
29 election and qualification of the person duly elected to fill such vacancy.

30 SECTION 6. Said chapter 54 is hereby further amended by striking out section 140 (a) and  
31 inserting in place thereof the following section:-

32 Section 140. (b) Upon failure to choose a representative in congress or upon a vacancy in said  
33 office, the governor shall cause precepts to be issued to the aldermen in every city and the  
34 selectmen in every town in the district, directing them to call an election on the day appointed  
35 therein for the election of such representative.

36 If at the time a representative is elected at the biennial state election, there exists a vacancy in  
37 said office, said representative shall also be deemed to have been elected to serve out such  
38 vacancy.