

# SENATE NO. 460

## **AN ACT** TO REMOVE UNFAIR INCOMBENT 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 41 of Chapter 54, as appearing in the 2002 Official Edition, is hereby  
2 amended by striking all of section 41 and replacing it with the following:-- Section 41. Ballot  
3 for the use of voters in a voting precinct, polling place or town shall contain the names of all  
4 candidates duly nominated for election therein, and, except as provided in section forty-three,  
5 they shall contain the name of no other person.

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

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

17 with his number, if any and, except for town elections which are not preceded by primaries or  
18 political party caucuses, the political designation contained in the certificate of nomination or  
19 nomination papers. The town clerk shall add the words "Caucus Nominee" to the name of any  
20 candidate nominated for a town office by a caucus held under the provisions of sections one  
21 hundred and 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  
26 shall 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  
29 nomination; and for all other elections, within seventy-two hours next succeeding the last time  
30 for filing nomination papers or certificates of nomination.

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

37 Section 2. Chapter 54 of the General Laws is hereby amended by removing Section 42 and  
38 replacing it with the following language:

39 Chapter 54: Section 42 Arrangement of the names; blank spaces; name of city or town ect.

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

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

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

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

79 president, which are contained in lists submitted to the state secretary as provided by section  
80 seventy-eight A.