

Initiative Petition for a Law Relative to Primary Elections

Be it enacted by the People, and by their authority:

SECTION 1. Chapter 53 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking section 1 and replacing with the following:-

Section 1. Primary elections

(a) A voter-nomination primary election shall be conducted to select the candidates for senator in congress, representative in congress, governor and lieutenant governor, secretary of the commonwealth, attorney general, auditor, treasurer and receiver general, governor's councillor, senator in general court, representative in general court, district attorney, county treasurer, sheriff, register of probate, register of deeds and clerk of courts. All voters may vote at a voter-nominated primary election for any candidate for the above named offices without regard to the political party preference disclosed by the candidate or the voter, provided that the voter is otherwise qualified to vote for candidates for the office in question. The candidates who are the top two vote-getters at a voter-nominated primary election for the above named offices shall, regardless of party preference, shall be considered nominated and shall be the candidates printed on the ballot at the ensuing general election.

(b) A voter-nomination primary election shall be conducted to select the candidates for county commissioner. All voters may vote at a voter-nominated primary election for any candidate for the above named offices without regard to the political party preference disclosed by the candidate or the voter, provided that the voter is otherwise qualified to vote for candidates for the office in question. If there are two commissioners to be elected, the candidates who are the top four vote-getters at a voter-nominated primary election for county commissioner shall, regardless of party preference, shall be considered nominated and shall be the candidates printed on the ballot at the ensuing general election.

(c) This provisions of this section shall not apply to presidential primaries.

1. <u>JAM</u>	2. <u>RST</u>	3. _____	4. _____
5. _____	6. _____	7. _____	8. _____
9. _____	10. _____	11. _____	12. _____
13. _____	14. _____	15. _____	16. _____
17. _____	18. _____	19. _____	20. _____

SECTION 2. Chapter 53 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking section 2 and replacing with the following:-

Section 2. Candidates of political parties for all elective offices, except presidential elector, shall be nominated and members of political committees, except as provided in sections one and four of chapter fifty-two, shall be elected in voter-nominated primaries. The state secretary shall not conduct presidential primaries in any biennial state election year for a political party which has enrolled fewer than five percent of the total number of registered voters in the commonwealth as of the most recent count submitted to the state secretary under section thirty-eight A, and whose state committee files with the state secretary a writing so requesting, not later than August first preceding a year in which a presidential primary is to occur. All nominations and elections in primaries and caucuses shall be by direct plurality vote. No candidates shall be nominated, and no member of a political committee or convention delegate elected, in any other manner than is provided in this chapter or chapter fifty-two.

SECTION 3. Chapter 53 of the General Laws, as appearing in the 2016 Official Edition, is further amended by striking section 33 and replacing with the following:-

Section 33. For presidential primaries, ballots for each party shall be printed on paper of a different color from that on which the ballots for any other party are printed. At least three facsimile copies of the ballot for each party, printed on colored paper, shall be provided for each polling place as specimen ballots.

SECTION 4. Chapter 53 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking section 34 and replacing with the following: -

Section 34. At the top of each ballot shall be printed the words "Official Primary Ballot". There shall also be printed on the ballot the number of the precinct and ward or the name of the town for which the ballot is prepared, the date of the primary and for state primaries a facsimile of the signature of the state secretary.

1. <u>JAM</u>	2. <u>RJ.T</u>	3. _____	4. _____
5. _____	6. _____	7. _____	8. _____
9. _____	10. _____	11. _____	12. _____
13. _____	14. _____	15. _____	16. _____
17. _____	18. _____	19. _____	20. _____

Names of candidates for each elective office shall be printed in their order as drawn by the state secretary or his designee. The drawing shall take place no later than 48 weekday hours after the deadline for filing withdrawals and objections to nomination papers. In drawing for position on the ballots, the candidates shall have the opportunity to be present in person or by one representative each.

At a presidential primary, names of candidates for state committee who are either elected or appointed incumbents shall be placed first in alphabetical order, and names of other candidates for said office shall follow in like order.

At a presidential primary, names of candidates for ward and town committees shall be arranged in groups in such order as may be determined by lot, under the direction of the state secretary, who shall notify each state committee and give a representative of each such committee an opportunity to be present. When necessary, groups may be printed on the ballot in two or more columns; provided, however, that only one heading designating the number of members to be elected to such committee shall be printed.

Against the name of a candidate for an elective office, for a ward or town committee, or for state committee, shall be printed the street and number, if any, of his residence.

Against the name of a candidate for an elective office shall be printed the statement contained in the nomination paper placing him in nomination, except where vacancies caused by death, withdrawal or physical disability are filled.

Except where vacancies caused by death, withdrawal or physical disability are filled, no names shall be printed on a ballot other than those presented on nomination papers. On ballots at city and town preliminary elections except where charters or general or special laws provide otherwise, names of candidates for offices of which they are the elected incumbents, or the incumbents chosen by vote of the board of aldermen or city council in a city, or the incumbents chosen by joint convention of the board of aldermen or city council and school committee, shall be placed first in alphabetical order

1. <u>JAM</u>	2. <u>RBT</u>	3. _____	4. _____
5. _____	6. _____	7. _____	8. _____
9. _____	10. _____	11. _____	12. _____
13. _____	14. _____	15. _____	16. _____
17. _____	18. _____	19. _____	20. _____

according to their surnames, to be followed by the names of all other candidates for such offices in alphabetical order. A candidate for nomination to the same office in a precinct, ward or district which contains any portion of the territory which he was elected to represent at the last preceding municipal or state election for that office shall be considered an elected incumbent within the meaning of this section. Against the name of each such candidate there shall be printed, if the candidate requests, a statement in not more than eight words setting forth the public offices which he holds or has held. The statement shall clearly indicate that he is a former incumbent thereof if such is the case and, if he is an elected incumbent of an office for which he seeks renomination, that he is a candidate for such renomination; and if he is a veteran, as defined in section one of chapter thirty-one, the word "veteran" may be included in the eight word statement. Immediately following the names of candidates on ballots at city and town preliminary elections except where city charters or general or special laws provide otherwise, blank spaces equal to the number of persons to be chosen shall be provided for the insertion of other names.

Immediately following the names of candidates on ballots at voter-nomination state primaries and presidential primaries, where there are fewer names than there are persons to be chosen, blank spaces shall be provided, equal in number to the deficiency, for the insertion of other names.

The number of persons to be voted for the different offices shall be stated on the ballot.

The form of ballots and the arrangement of printed matter thereon shall be in general the same as that of the official state ballots, except as otherwise provided in this chapter.

SECTION 5. Chapter 53 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking section 34A and replacing with the following:-

Section 34A. Prior to each biennial or special state primary the state secretary shall prepare in such quantities as he may deem necessary the following papers:

- | | | | |
|---------------|--------------|-----------|-----------|
| 1. <u>JAM</u> | 2. <u>RT</u> | 3. _____ | 4. _____ |
| 5. _____ | 6. _____ | 7. _____ | 8. _____ |
| 9. _____ | 10. _____ | 11. _____ | 12. _____ |
| 13. _____ | 14. _____ | 15. _____ | 16. _____ |
| 17. _____ | 18. _____ | 19. _____ | 20. _____ |

(a) Official absent voting ballots, similar in all respects to the official ballot to be used at such primary, and for presidential primaries, printed on paper similar in color to the official ballot of the respective parties. Instructions for the use of said absentee ballots may be printed on the back of the ballots.

(b) Blank forms of application for such ballots, worded substantially as provided by section eighty-seven of chapter fifty-four, except that the application shall indicate that the ballot is to be used at a presidential primary, and shall also indicate the party whose ballot the voter desires to obtain for a presidential primary.

Any form of written communication evidencing a desire that an absent voting ballot be sent to him for use of voting at any regular or special state primary or any presidential primary, and specifying the party whose ballot he desires to obtain for a presidential primary, shall be given the same effect as an application for an absent voting ballot made in the form prescribed by law.

(c) Envelopes conforming substantially to subsections (c) and (d) of section eighty-seven of said chapter fifty-four.

SECTION 6. Chapter 53 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking section 37 and replacing with the following:-

Section 37. The voting lists used at primaries shall contain the party enrollment of the voters whose names appear thereon established as provided in this section, in section thirty-eight, and in section forty-four of chapter fifty-one. Except as provided by section thirty-seven A, a voter desiring to vote in a primary shall give his name, and, if requested, his residence, to one of the ballot clerks, who shall distinctly announce the same, and, if the party enrolment of such voter is shown on the voting list, the name of the party in which he is enrolled.

After marking his ballot the voter shall give his name, and, if requested, his residence, to the officer in charge of the voting list at the ballot box, who shall distinctly announce the same. If the party enrolment of the voter is shown on the

1. JAM	2. RT	3. _____	4. _____
5. _____	6. _____	7. _____	8. _____
9. _____	10. _____	11. _____	12. _____
13. _____	14. _____	15. _____	16. _____
17. _____	18. _____	19. _____	20. _____

voting list he shall also make announcement of such enrolment and the officer in charge of the ballot box shall, before the voter's ballot is deposited, ascertain that it is of the political party in which such voter is enrolled.

The voting lists used at primaries shall be returned to the city or town clerk to be retained in his custody as long as he retains the ballots cast, whereupon such voting lists shall be transmitted to the registrars of voters for preservation for two years, after the expiration of which they may be destroyed. Said officers shall, at any time after the primary, upon receiving a written request therefor signed by any person, furnish a copy of said list to such person upon the payment of a reasonable fee or shall allow such person to examine and copy such list without charge under such supervision as the clerk may reasonably require.

Upon receipt of a written request from a primary candidate or any officer of any ward, town or city committee or duly organized political committee for a copy of the party enrolment list of voters in any city or town, the board of registrars or the election commissioners, as the case may be, shall provide said list and shall furnish at once the said list, free of charge, to the party requesting the same and they shall also furnish a copy of said list to any person on payment of a reasonable fee, not to exceed the cost of printing or copying such list.

SECTION 7. Section 37A of chapter 53, as appearing in the 2016 Official Edition, of the General Laws is hereby repealed.

SECTION 8. Section 38 of chapter 53, as appearing in the 2016 Official Edition, of the General Laws is hereby repealed.

SECTION 9. Chapter 54 of the General Laws is hereby amended by striking out section 25B, and inserting in place thereof the following section: –

Section 25B. (a) The election officers and registrars of every city or town shall allow any qualified voter, as defined in section 1 of chapter 51, to cast a ballot for any biennial state election or any primary during the early voting period as set forth in this section including, but not limited to, any city or town election held at any time.

1. <u>JAM</u>	2. <u>BT</u>	3. _____	4. _____
5. _____	6. _____	7. _____	8. _____
9. _____	10. _____	11. _____	12. _____
13. _____	14. _____	15. _____	16. _____
17. _____	18. _____	19. _____	20. _____

(b) Any qualified voter wanting to early vote by mail may file with his or her local election official an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. No application shall be deemed to be seasonably filed unless it is received in the office of the local election official before noon on the last day of the early voting period as prescribed in subsection (c).

(c) The voting period for early voting shall run from the eleventh business day preceding any election or primary in subsection (a) general election three days prior to the election or primary; provided, however, that if the eleventh business day before the election or primary falls on a legal holiday the early voting period shall begin on the first business day prior to the legal holiday.

(d) Early voting shall be conducted during the usual business hours of each local election official. A city or town may, in its discretion, provide for additional early voting hours beyond the hours required by this subsection, including weekend hours.

(e) All early voting ballots voted by mail shall be received by the local election official before the hour fixed for closing the polls.

(f) Each city and town shall establish an early voting site that shall include the election office for the city or town; provided, however, that if the city or town determines that the office is unavailable or unsuitable for early voting, the registrars of each city or town shall identify and provide for an alternative centrally-located, suitable and convenient public building within each city or town as an early voting site. A city or town may also provide for additional early voting sites at the discretion of the registrars for that city or town. Each early voting site shall be accessible to persons with disabilities.

(g) The designation of an early voting site shall be made not less than 14 days prior to the beginning of the voting period established in subsection (b). Not less than 7 days prior to the beginning of the early voting period the registrars for

1. <u>JAM</u>	2. <u>RT</u>	3. _____	4. _____
5. _____	6. _____	7. _____	8. _____
9. _____	10. _____	11. _____	12. _____
13. _____	14. _____	15. _____	16. _____
17. _____	18. _____	19. _____	20. _____

each city or town shall post the location of the early voting sites as well as the applicable dates and hours. Notice shall be conspicuously posted in the office of the city clerk or on the principal official bulletin board of each city or town, on any other public building considered necessary, on the city or town's website, if any, and on the website of the state secretary.

(h) At least 21 days prior to each election or primary referred to in subsection (a), the state secretary shall deliver to each city or town, in quantities as the state secretary determines necessary, the following papers: (1) official early voting ballots, similar to the official ballot to be used at the election or primary; and (2) envelopes of sufficient size to contain the ballots specified in clause (1) bearing on their reverse the voter's affidavit in compliance with the requirements of subsection (j).

(i) An early voting ballot along with an envelope shall be provided to each qualified voter who participates in early voting.

(j) A qualified voter casting a ballot at an early voting site shall complete an affidavit under the regulations promulgated pursuant to this chapter, which shall include a notice of penalties under section 26 of chapter 56.

(k) Prior to the beginning of early voting, the local election officials for each city or town shall prepare a list for the early voting sites, containing the names and residences of all persons qualified to vote at each voting site, as the names and residences appear upon the annual register, and shall reasonably transmit the applicable list to the election officers at each early voting site designated by the registrars.

(l) The presiding official at the early voting site shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters "EV" designating an early voter.

(m) The registrars shall prepare lists of all voters casting ballots during the early voting period and update the voter list in a manner prescribed by the state secretary.

1. <u>JAN</u>	2. <u>RT</u>	3. _____	4. _____
5. _____	6. _____	7. _____	8. _____
9. _____	10. _____	11. _____	12. _____
13. _____	14. _____	15. _____	16. _____
17. _____	18. _____	19. _____	20. _____

(n) The counting of early voting ballots including, but not limited to, informing election officers and any challengers present under section 85A shall be set by regulations promulgated under this chapter. All envelopes referred to in this section shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

(o) The state secretary shall promulgate regulations to implement this section including, but not limited to, a process for establishing additional early voting locations and a process for applying for, receiving, separating, compiling, recording and securing early voter ballots.

(p) Section 72 shall not apply to this section; provided, however, that a city or town may opt to detail a sufficient number of police officers or constables for each early voting site at the expense of the city or town to preserve order, protect the election officers and supervisors from any interference with their duties and aid in enforcing the laws relating to elections.

(q) No early voting ballot cast under this section shall be counted if the officer charged with the duty of counting the ballot is cognizant of the fact that the voter has died prior to the opening of the polls on the day of the election or primary.

SECTION 10. Chapter 54 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after section 25B, as appearing in the 2016 Official Edition, the following section:-

Section 25C. The local election officials of a city or town that accepts this subsection shall allow a qualified voter, as defined in section 1 of chapter 51, to cast a ballot for a municipal election that is not held at the same time as a biennial state election during the early voting period as set forth in this section. A municipality that accepts this section shall thereafter provide early voting for all municipal elections for a period of not more than ten business days and not less than five business days, which must be set forth in the acceptance. This subsection shall only take effect in a city or town upon the approval of the legislative body and the acceptance by the voters of the city or town on a ballot question at the next regular municipal election. The acceptance must include

1. <u>JAM</u>	2. <u>RT</u>	3. _____	4. _____
5. _____	6. _____	7. _____	8. _____
9. _____	10. _____	11. _____	12. _____
13. _____	14. _____	15. _____	16. _____
17. _____	18. _____	19. _____	20. _____

SECTION 11. This act shall take effect upon its passage.

SECTION 12. If any provision of this act or application therefor to any person or circumstance is judged invalid, the invalidity shall not affect other provisions of application of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

1. <u>JAM</u>	2. <u>BT</u>	3. _____	4. _____
5. _____	6. _____	7. _____	8. _____
9. _____	10. _____	11. _____	12. _____
13. _____	14. _____	15. _____	16. _____
17. _____	18. _____	19. _____	20. _____

I have personally reviewed the final text of the **Initiative Petition for a Law Relative to Primary Elections**, fully subscribe to its contents, and agree to be one of the original signers of the petition.


Signature

8/5/19
Date

JOSEPH A. McDONOUGH
Printed Name

35 PIERMONT ST, QUINCY MA. 02170
Residential Address (street #, street name, city or town, zip)

I have personally reviewed the final text of the **Initiative Petition for a Law Relative to Primary Elections**, fully subscribe to its contents, and agree to be one of the original signers of the petition.


Signature

8-5-19
Date

ROBERT J. TOMANTE
Printed Name

37 LAWSON ST QUINCY MASS 02171
Residential Address (street #, street name, city or town, zip)