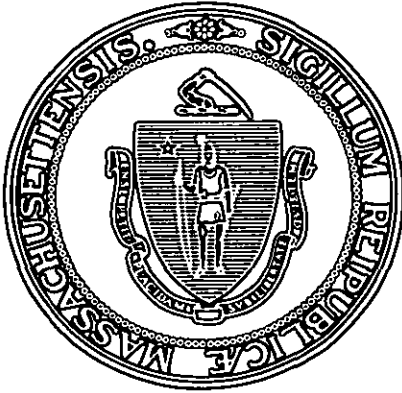


Date Printed: 02/10/2009

JTS Box Number: IFES_50
Tab Number: 6
Document Title: MASSACHUSETTS ELECTION LAWS AND
REGULATIONS 1992 EDITION
Document Date: 1992
Document Country: USA
Document Language: ENG
IFES ID: EL00652



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Massachusetts Election Laws and Regulations 1992 Edition

Michael J. Connolly
Secretary of the Commonwealth

MASSACHUSETTS ELECTION LAWS AND REGULATIONS

1992 EDITION

Reprinted from
1992 Official Edition of the
General Laws of Massachusetts

Elections Division
Office of the Secretary of the Commonwealth
Michael J. Connolly, Secretary

WEST PUBLISHING CO.
ST. PAUL, MINN.
1993

✓ Return to Resource Center
International Foundation
for Electoral Systems
1620 I St. NW, Suite 611
Washington, D.C. 20006

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1992 Official Edition of the General Laws of Massachusetts

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NOTE: Several sections within these chapters of the General Laws have been omitted because they did not directly pertain to elections. Refer to section analysis at the beginning of each chapter.

PART 1.

ADMINISTRATION OF THE GOVERNMENT.

TITLE 1.

JURISDICTION AND EMBLEMS OF THE COMMONWEALTH, THE GENERAL COURT, STATUTES AND PUBLIC DOCUMENTS.

CHAPTER 4.

STATUTES.

Section	Section
4. Mode of acceptance of statute by city, town, municipality or district.	5. Return showing action of body accepting or rejecting statute.
4A. Revocation of acceptance by towns of special acts.	7. Definitions of statutory terms; statutory construction.
4B. Rescission of laws previously accepted by cities, towns or municipalities.	12. Bi-partisan boards; political affiliations of members.

4:4. Mode of acceptance of statute by city, town, municipality or district.

Section 4. Wherever a statute is to take effect upon its acceptance by a city, town, municipality, or district, or is to be effective in cities, towns, municipalities or districts accepting its provisions, such acceptance shall, except as otherwise provided in such statute, be, in a city, by vote of the city council, subject to the provisions of the charter of such city, in a town, by vote of the town at a town meeting, in a municipality having a town council form of government, by vote of the town council, subject to the provisions of the charter of such municipality or, in a district, by vote of the district at a district meeting. For the purpose of this section, a municipality shall mean a town having a town council form of government.

4:4A. Revocation of acceptance by towns of special acts.

Section 4A. At any time after the expiration of three years from the date on which any special act of the general court has been accepted by the voters of a town, and not less than ninety days before the date of an annual meeting, a petition signed by not less than ten per cent of the registered voters of the town may be filed with the selectmen, requesting that the question of revoking the acceptance of any special act be submitted to the voters. Thereupon the selectmen shall cause the question of revocation of the acceptance of such special act to be placed on the ballot at the next annual election. At said election the vote shall be taken in answer to the following question, which shall be placed on the official ballot to be used for the election of town officers:— "Shall the acceptance by the town

of of an act passed by the General Court in the year , 13
 being chapter of the acts of , entitled 'An Act provid- 14
 ing in the town of ' be revoked?' If such revocation is 15
 favored by a majority of the voters voting thereon by ballot, the 16
 acceptance of said act shall be revoked and said act shall become null 17
 and void beginning with the first day of the month next following said 18
 revocation. This section shall not apply in towns having a population 19
 in excess of fifteen thousand inhabitants, nor shall it apply to any 20
 acceptance by a town authorizing but not requiring it to act in any 21
 manner, to any action taken under chapters thirty-one or thirty-two, 22
 to any special act in which other provision is made for revocation, to 23
 any special act which authorizes the making of a capital outlay or 24
 public improvement, nor to any special act involving participation or 25
 membership in a district including a regional school district. No 26
 revocation of a special act hereunder shall affect in any manner any 27
 contractual rights, civil service rights, rights of tenure, or pension or 28
 retirement rights arising from the provisions of such special act. 29

4:4B. Rescission of laws previously accepted by cities, towns or municipalities.

Section 4B. At any time after the expiration of three years from 1
 the date on which a law to take effect upon its acceptance by a city or 2
 town or a municipality as defined in section four, or is to be effective 3
 in such cities, towns or municipalities accepting its provisions, has 4
 been accepted in any such city, town or municipality such statute may 5
 be revoked in the same manner as it was accepted by such city, town 6
 or municipality, but such revocation shall be subject to the following 7
 restrictions: 8

(a) This section shall not apply if such law provides for another 9
 manner of revocation. 10

(b) This section shall not apply to any such law which authorizes, 11
 but does not require, acceptance by a city, town or municipality to act. 12

(c) This section shall not apply to any action taken under chapter 13
 thirty-two or thirty-two B. 14

(d) This section shall not apply to any action taken to establish a 15
 regional district, authority or other entity which involves another city, 16
 town, municipality, district or other governmental entity. 17

(e) This section shall not affect any contractual or civil service 18
 rights which have come into existence between the city, town or 19
 municipality and any officer or employee thereof as a result of the 20
 original acceptance of any such law or the provisions thereof; provid- 21
 ed, however, that such revocation shall apply to the successor to the 22
 incumbent officer or employee, which application shall prevent such 23

contractual or civil service right from automatically continuing with respect to such successor officer or employee. 24 25

If a petition signed by five per cent or more of the registered voters of a city or town is filed in the office of the city or town clerk within sixty days following a vote other than a vote taken by voters on an official ballot to revoke the acceptance of any optional provision of the General Laws, requesting that the revoking of such acceptance be submitted as a question to the voters of such city or town, said vote to revoke shall be suspended from taking effect until such question is determined by vote of the registered voters voting thereon at the next regular city or town election, or if the city council or board of selectmen or other authority charged with calling elections shall so direct, at a special election called for that purpose. Petitions filed requesting the placement of the question or revocation on the ballot for determination by the voters shall be substantially in conformity with the provisions of the law governing the signing of nomination papers for city or town officers, as to the identification and certification of names thereon, and submission to the registrars thereof. A brief summary of the relevant section or sections of the General Laws shall also appear on the official ballot. If such revocation is favored by a majority of the voters voting thereon, the acceptance of said optional law shall be revoked and it shall become null and void beginning with the first day of the month next following said vote of revocation. The question to be placed on a ballot shall be essentially as follows: 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48

“Shall the acceptance by _____(City, Town) of section(s) _____ of chapter _____ of the General Laws be revoked? 49 50 51

YES _ NO _”. 52

If, on the sixty-first day following the date a vote has been taken to revoke the acceptance of an optional provision of the General Laws, and no petition as aforesaid has been filed, the vote to revoke shall become effective forthwith. 53 54 55 56

If at the time a city, town, municipality or district is authorized to revoke its acceptance of a law under the provisions of this section and such city, town, municipality or district has adopted a change in charter or otherwise is required to adopt a different procedure for acceptance of such law other than that procedure used for its original acceptance, then the procedure for acceptance in effect at the time of revocation shall be the manner for revoking such original acceptance. 57 58 59 60 61 62 63

4:5. Return showing action of body accepting or rejecting statute.

Section 5. If a statute is to take effect upon action by a body politic or corporate or by any board or officer of such a body, or to 1 2

become or cease to be operative, in whole or in so far as it affects 3
 such a body, upon action as aforesaid, a return of the result of any 4
 action so taken shall be made by the clerk of such body, or officer 5
 having like powers, to the state secretary within thirty days thereaf- 6
 ter. If a statute prescribes a time within which such action may be 7
 taken, and with the time limited no action is taken thereon, said clerk 8
 or other officer shall, within thirty days after the expiration of the 9
 time so limited, make to the state secretary a return to that effect. 10

4:7. Definitions of statutory terms; statutory construction.

Section 7. In construing statutes the following words shall have 1
 the meanings herein given, unless a contrary intention clearly ap- 2
 pears: 3

First, "Aldermen", "board of aldermen", "mayor and aldermen", 4
 "city council" or "mayor" shall, in a city which has no such body or 5
 officer, mean the board or officer having like powers or duties. 6

* * *

Second A, "Appointing authority", when used in connection with 10
 the operation of municipal governments shall include the mayor of a 11
 city and the board of selectmen of a town unless some other local 12
 office is designated as the appointing authority under the provisions 13
 of a local charter. 14

* * *

Third A, "Board of selectmen", when used in connection with the 17
 operation of municipal governments shall include any other local 18
 office which is performing the duties of a board of selectmen, in 19
 whole or in part, under the provisions of a local charter. 20

* * *

Fifth, "Charter", when used in connection with the operation of city 21
 and town government shall include a written instrument adopted, 22
 amended or revised pursuant to the provisions of chapter forty-three 23
 B which establishes and defines the structure of city and town 24
 government for a particular community and which may create local 25
 offices, and distribute powers, duties and responsibilities among local 26
 offices and which may establish and define certain procedures to be 27
 followed by the city or town government. Special laws enacted by 28
 the general court applicable only to one city or town shall be deemed 29
 to have the force of a charter and may be amended, repealed and 30
 revised in accordance with the provisions of chapter forty-three B 31
 unless any such special law contains a specific prohibition against 32
 such action. 33

Fifth A, "Chief administrative officer", when used in connection with the operation of municipal governments, shall include the mayor of a city and the board of selectmen in a town unless some other local office is designated to be the chief administrative officer under the provisions of a local charter.

Fifth B, "Chief executive officer", when used in connection with the operation of municipal governments shall include the mayor in a city and the board of selectmen in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.

* * *

Eighteenth, "Legal holiday" shall include January first, July fourth, November eleventh, and Christmas Day, or the day following when any of said days occurs on Sunday, and the third Monday in January, the third Monday in February, the third Monday in April, the last Monday in May, the first Monday in September, the second Monday in October, and Thanksgiving Day. "Legal holiday" shall also include, with respect to Suffolk county only, March seventeenth and June seventeenth, or the day following when said days occur on Sunday; provided, however, that the words "legal holiday" as used in section forty-five of chapter one hundred and forty-nine shall not include March seventeenth, or the day following when said day occurs on Sunday.

* * *

Eighteenth B, "Legislative body", when used in connection with the operation of municipal governments shall include that agency of the municipal government which is empowered to enact ordinances or by-laws, adopt an annual budget and other spending authorizations, loan orders, bond authorizations and other financial matters and whether styled a city council, board of aldermen, town council, town meeting or by any other title.

* * *

Twenty-sixth, "Public records" shall mean all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose, unless such materials or data fall within the following exemptions in that they are:

(a) specifically or by necessary implication exempted from disclosure by statute;

(b) related solely to internal personnel rules and practices of the government unit, provided however, that such records shall be withheld only to the extent that proper performance of necessary governmental functions requires such withholding;	144 145 146 147
(c) personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy;	148 149 150 151
(d) inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency; but this subclause shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or may be based;	152 153 154 155 156
(e) notebooks and other materials prepared by an employee of the commonwealth which are personal to him and not maintained as part of the files of the governmental unit;	157 158 159
(f) investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest;	160 161 162 163 164
(g) trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy and upon a promise of confidentiality; but this subclause shall not apply to information submitted as required by law or as a condition of receiving a governmental contract or other benefit;	165 166 167 168 169
(h) proposals and bids to enter into any contract or agreement until the time for the opening of bids in the case of proposals or bids to be opened publicly, and until the time for the receipt of bids or proposals has expired in all other cases; and inter-agency or intra-agency communications made in connection with an evaluation process for reviewing bids or proposals, prior to a decision to enter into negotiations with or to award a contract to, a particular person.	170 171 172 173 174 175 176
(i) appraisals of real property acquired or to be acquired until (1) a final agreement is entered into; or (2) any litigation relative to such appraisal has been terminated; or (3) the time within which to commence such litigation has expired.	177 178 179 180
(j) the names and addresses of any persons contained in, or referred to in, any applications for any licenses to carry or possess firearms issued pursuant to chapter one hundred and forty or any firearms identification cards issued pursuant to said chapter one hundred and forty and the names and addresses on sales or transfers of any firearms, rifles, shotguns, or machine guns or ammunition	181 182 183 184 185 186

therefor, as defined in said chapter one hundred and forty and the names and addresses on said licenses or cards. 187
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[There is no subclause (k).]

(l) test questions and answers, scoring keys and sheets, and other examination data used to administer a licensing examination; provided, however, that such materials are used to administer another examination. 189
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(m) contracts for hospital or related health care services between 193
(i) any hospital, clinic or other health care facility operated by a unit 194
of state, county or municipal government and (ii) a health maintenance organization arrangement approved under chapter one hundred 195
and seventy-six I, a nonprofit hospital service corporation or medical service corporation organized pursuant to chapter one hundred and 196
seventy-six A and chapter one hundred and seventy-six B, respectively, a health insurance corporation licensed under chapter one hundred 197
and seventy-five or any legal entity that is self insured and provides health care benefits to its employees. 198
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Any person denied access to public records may pursue the remedy provided for in section ten of chapter sixty-six. 203
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* * *

Forty-third, "Veteran" shall mean any person, male or female, including a nurse, (a) whose last discharge or release from his wartime service, as defined herein, was under honorable conditions and who (b) served in the army, navy, marine corps, coast guard, or air force of the United States for not less than ninety days active service, at least one day of which was for wartime service, provided, that any person who so served in wartime and was awarded a service-connected disability or a Purple Heart, or who died in such service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his failure to complete ninety days of active service. 252
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"Wartime service" shall mean service performed by a "Spanish War veteran", a "World War I veteran", a "World War II veteran", a "Korean veteran", a "Vietnam veteran", a "Lebanese peace keeping force veteran", a "Grenada rescue mission veteran", a "Panamanian intervention force veteran", a "Persian Gulf veteran", or a member of the "WAAC" as defined in this clause during any of the periods of time described herein or for which such medals described below are awarded. 263
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"Spanish War veteran" shall mean any veteran who performed such wartime service between February fifteenth, eighteen hundred and ninety-eight and July fourth, nineteen hundred and two. 271
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“World War I veteran” shall mean any veteran who (a) performed such wartime service between April sixth, nineteen hundred and seventeen and November eleventh, nineteen hundred and eighteen, or (b) has been awarded the World War I Victory Medal, or (c) performed such service between March twenty-fifth, nineteen hundred and seventeen and August fifth, nineteen hundred and seventeen, as a Massachusetts National Guardsman.

“World War II veteran” shall mean any veteran who performed such wartime service between September sixteenth, nineteen hundred and forty and December thirty-first, nineteen hundred and forty-six —, except that for the purposes of chapter thirty-one it shall mean all active service between the dates of September sixteenth, nineteen hundred and forty and June twenty-fifth, nineteen hundred and fifty.

“Korean veteran” shall mean any veteran who performed such wartime service between June twenty-fifth, nineteen hundred and fifty and January thirty-first, nineteen hundred and fifty-five, both dates inclusive.

“Korean emergency” shall mean the period between June twenty-fifth, nineteen hundred and fifty and January thirty-first, nineteen hundred and fifty-five, both dates inclusive.

“Vietnam veteran” shall mean (1) any person who performed such wartime service during the period commencing August fifth, nineteen hundred and sixty-four and ending on May seventh, nineteen hundred and seventy-five, both dates inclusive, or (2) any person who served at least one hundred and eighty days of active service in the armed forces of the United States during the period between February first, nineteen hundred and fifty-five and August fourth, nineteen hundred and sixty-four; provided, however, that for the purposes of the application of the provisions of chapter thirty-one, it shall also include all active service between the dates May seventh, nineteen hundred and seventy-five and June fourth, nineteen hundred and seventy-six; and provided, further, that any such person who served in said armed forces during said period and was awarded a service-connected disability or a Purple Heart, or who died in said service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his failure to complete one hundred and eighty days of active service.

“Lebanese peace keeping force veteran” shall mean any person who performed such wartime service and received a campaign medal for such service during the period commencing August twenty-fifth, nineteen hundred and eighty-two and ending when the President of the United States shall have withdrawn armed forces from the country of Lebanon.

“Grenada rescue mission veteran” shall mean any person who performed such wartime service and received a campaign medal for such service during the period commencing October twenty-fifth, nineteen hundred and eighty-three to December fifteenth, nineteen hundred and eighty-three, inclusive.

“Panamanian intervention force veteran” shall mean any person who performed such wartime service and received a campaign medal for such service during the period commencing December twentieth, nineteen hundred and eighty-nine and ending January thirty-first, nineteen hundred and ninety.

“Persian Gulf veteran” shall mean any person who performed such wartime service during the period commencing August second, nineteen hundred and ninety and ending on a date to be determined by presidential proclamation or executive order and concurrent resolution of the Congress of the United States.

“WAAC” shall mean any woman who was discharged and so served in any corps or unit of the United States established for the purpose of enabling women to serve with, or as auxiliary to, the armed forces of the United States and such woman shall be deemed to be a veteran.

None of the following shall be deemed to be a “veteran”:

(a) Any person who at the time of entering into the armed forces of the United States had declared his intention to become a subject or citizen of the United States and withdrew his intention under the provisions of the act of Congress approved July ninth, nineteen hundred and eighteen.

(b) Any person who was discharged from the said armed forces on his own application or solicitation by reason of his being an enemy alien.

(c) Any person who has been proved guilty of wilful desertion.

(d) Any person whose only service in the armed forces of the United States consists of his service as a member of the coast guard auxiliary or as a temporary member of the coast guard reserve, or both.

(e) Any person whose last discharge or release from the armed forces is dishonorable.

“Armed forces” shall include army, navy, marine corps, air force and coast guard.

“Active service in the armed forces”, as used in this clause shall not include active duty for training in the army national guard or air

national guard or active duty for training as a reservist in the armed	356
forces of the United States.	357

* * *

4:12. Bi-partisan boards; political affiliations of members.

Section 12. Establishment, cancellation or change of enrollment in	1
a political party shall, for the purposes of any law establishing or	2
limiting the number of members of any board, commission or other	3
body who shall or may be members of any political party or the same	4
political party, take effect two years thereafter. Any enrollment	5
required for appointment to such a board, commission, or other body	6
must have been maintained continuously during the two years imme-	7
diately preceding appointment.	8

TITLE II.

EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH.

CHAPTER 9.

DEPARTMENT OF THE STATE SECRETARY.

Section	Section
7. Repealed, 1992, 403, Sec. 2.	9. Repealed, 1992, 403, Sec. 2.
7A. Repealed, 1992, 403, Sec. 2.	9A. Local election districts review commis-
8. Information available to federal census authorities.	sion; membership; compensation; duties.

9:7. Repealed, 1992, 403, Sec. 2.

9:7A. Repealed, 1992, 403, Sec. 2.

9:8. Information available to federal census authorities.

Section 8. The secretary shall make available for inspection and copying by the federal authorities charged with the taking of the United States census such information in his possession as said authorities may desire. 1
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9:9. Repealed, 1992, 403, Sec. 2.

9:9A. Local election districts review commission; membership; compensation; duties.

Section 9A. There shall be in the department of the state secretary, but not under his supervision or control, a local election districts review commission consisting of the attorney general or his designee, the state secretary or his designee, and a person appointed by the governor. Members designated by the attorney general, the state secretary, and by the governor shall serve during the pleasure of their respective designating officers. Each member of the commission shall receive the sum of twenty-five dollars for each day or part thereof for his service as a commissioner, provided that such payments to any one member shall not exceed two thousand five hundred dollars in any one year, and that such payments shall not be made to any commission member who holds another full-time paid office or position in the service of the commonwealth. Members of the commission shall receive from the commonwealth their necessary expenses incurred in the discharge of their statutory duties. Said commission shall be furnished with any books or records which it may require from any department or agency of the commonwealth or of any of its political subdivisions. Said commission shall oversee and 1
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supervise the division of the cities and towns into wards and precincts 19
as required by chapter fifty-four. Said commission may travel within 20
the commonwealth. The commission shall be provided with suitable 21
offices in the state house, or elsewhere within the city of Boston. 22
The commission may, subject to appropriation, incur such expenses as 23
may be necessary to the execution of duties invested in it by said 24
chapter fifty-four, or by any statute of the commonwealth not incor- 25
porated into the General Laws. 26

CHAPTER 12.

DEPARTMENT OF THE ATTORNEY GENERAL,
AND THE DISTRICT ATTORNEYS.

Section

DISTRICT ATTORNEYS.

12. District attorneys; qualifications; election;
term; appearances.

Section

13. Districts for administration of criminal law
or defense of civil actions.

DISTRICT ATTORNEYS.

12:12. District attorneys; qualifications; election; term; appearances.

Section 12. There shall be a district attorney for each district set
forth in the following section, who shall be a resident therein and a
member of the bar of the commonwealth and shall be elected as
provided by section one hundred and fifty-four of chapter fifty-four.
He shall serve for four years beginning with the first Wednesday of
January after his election and until his successor is qualified.

The district attorney shall appear for a county constituting such
district in all civil actions in which such county is a party under the
provisions of chapter two hundred and fifty-eight.

12:13. Districts for administration of criminal law or defense of civil actions.

Section 13. For the administration of the criminal law, or for the
defense of civil actions brought pursuant to chapter two hundred and
fifty-eight, Suffolk county shall constitute the Suffolk district; Mid-
dlesex county, the northern district; Essex county, the eastern dis-
trict; Norfolk county, the Norfolk district; Plymouth county, the
Plymouth district; Bristol county, the Bristol district; Barnstable,
Nantucket and Dukes counties, the Cape and Islands district; Worces-
ter county, excluding the town of Athol, the middle district; Berkshire
county, the Berkshire district; Hampden county, the Hampden dis-
trict; and Franklin county, including the town of Athol, and Hamp-
shire county, the northwestern district.

TITLE IV.

CIVIL SERVICE, RETIREMENTS AND PENSIONS.

CHAPTER 31.

CIVIL SERVICE.

Section	Section
1. Definitions.	54. Petitions; number of signatures; filing.
52. Towns; civil service offices and positions.	55. Signatures to petitions; certification; objections.
53. Application of chapter to municipalities; school districts; elections.	

31:1. Definitions.

Section 1. In this chapter, the following words and phrases shall have the following meanings, unless the context requires otherwise:—

* * *

“Veteran”, any person who:	158
(1) comes within the definition of a veteran appearing in the forty-third clause of section seven of chapter four; or,	159 160
(2) comes within such definition except that instead of having performed “wartime service” as defined therein, he has been awarded the Congressional Medal of Honor or one of the following campaign badges: Second Nicaraguan Campaign, Yangtze Service, Navy Occupation Service, Army of Occupation or Medal for Humane Action; or,	161 162 163. 164 165
(3) is a person eligible to receive the Congressional Medal of Honor or one of the campaign badges enumerated in clause (2) of this paragraph and who presents proof of such eligibility which is satisfactory to the administrator.	166 167 168 169
A veteran shall not include active duty for training in the army national guard or air national guard or active duty for training as a reservist in the armed forces of the United States.	170 171 172
“Wartime service”, the same meaning as specified in the forty-third clause of section seven of chapter four, or active service in the armed forces of the United States in any campaign for which an award was made of any of the campaign badges enumerated in the definition of “veteran” in this section.	173 174 175 176 177

31:52. Towns; civil service offices and positions.

Section 52. The following offices and positions in towns shall be subject to the civil service law and rules:

- (1) Inspectors of plumbing. 3

(2) Sealers and deputy sealers of weights and measures and inspectors and deputy inspectors of weights and measures, whether they are heads of departments or not, in towns of over ten thousand inhabitants. 4
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(3) Offices and positions allocable to the official service in any town of more than five thousand inhabitants which votes pursuant to the provisions of sections fifty-four and fifty-five to accept the applicability of the civil service law and rules to such service. 8
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(4) Positions allocable to the labor service in any town of more than five thousand inhabitants which votes pursuant to the provisions of sections fifty-four and fifty-five to accept the applicability of the civil service law and rules to such service. 12
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(5) Any municipal office to which the civil service law and rules are made applicable pursuant to section fifty-three. 16
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(6) Any office or position to which the civil service law and rules were applicable immediately preceding the effective date of this chapter. 18
19
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The civil service law and rules shall also be applicable to any of the following in a town which accepts such applicability pursuant to the provisions of sections fifty-four and fifty-five: 21
22
23

(a) The chief of police, or the officer performing similar duties, whatever the title of his office, in any town. 24
25

(b) The chief of the fire department, or the officer performing similar duties, whatever the title of his office in any town. 26
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(c) The police force, the fire force and the call fire force in any town. 28
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(d) Parking meter supervisor in any town. 30

(e) Janitors of school buildings in a town with more than five thousand inhabitants. 31
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(f) Supervisors of attendance in a town with more than five thousand inhabitants. 33
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(g) Clerical positions in the school department of a town with more than five thousand inhabitants. 35
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(h) Sealers and deputy sealers of weights and measures or inspectors and deputy inspectors of weights and measures, whether they are heads of departments or not, in a town with more than five thousand but not more than ten thousand inhabitants. 37
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31:53. Application of chapter to municipalities; school districts; elections.

Section 53. (a) All non-academic positions in the service of a regional school district or of a regional vocational school district shall be subject to the civil service law and rules if the school committee of 1
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such district votes to accept the applicability of said law and rules to
said positions. 4 5

(b) Notwithstanding the provisions of section forty-eight or other
law, a city or town may accept, in accordance with the provisions of
sections fifty-four and fifty-five, the applicability of the civil service
law and rules to any office of such city or town if the incumbent of
such office shall have served therein continuously for not less than
ten years in the case of a city, or for not less than five years in the
case of a town, immediately prior to the filing of a petition pursuant
to section fifty-four if such petition bears the approval in writing of
such incumbent at the time of said filing. The provisions of this
section shall not apply to an office filled by popular vote or the office
of city solicitor, assistant city solicitor, secretary to the mayor, clerk
to the board of selectmen, town counsel, assistant town counsel,
legislative counsel, registrar of voters or election commissioner or
other officer performing similar duties, or public school teacher. 6 7 8 9 10 11 12 13 14 15 16 17 18 19

A question or questions under this clause shall be printed on the
official ballot to be used at a regular municipal election, in substan-
tially the following form:— 20 21 22

QUESTION 1 (Part 1) Shall the city (or town) vote to accept the
applicability of the civil service law and rules to the office of (title of
office)? Yes ...No ... 23 24 25

(Part 2) If it is voted to accept the applicability of the civil service
law and rules to the office of (title of office), shall the city (or town)
vote to provide for the continuance in said office of (name of incum-
bent), the present incumbent thereof, after passing a qualifying
examination? Yes ...No ... 26 27 28 29 30

There shall be a separately numbered question for each office to
which the acceptance of the applicability of the civil service law and
rules is sought under this clause. If more than one such question is
to be submitted to the voters of a city or town at any election, such
questions shall be printed on the official ballot in alphabetical order
according to the surnames of the incumbents of the several offices to
which such questions relate. 31 32 33 34 35 36 37

The civil service law and rules shall be applicable to the office
specified in Part 1 of each such question in answer to which the
majority of the voters voting thereon vote in the affirmative. If Part
2 of such question is so answered in the affirmative the incumbent of
such office at the time of filing such petition shall, if still the
incumbent thereof, be subjected by the administrator to a qualifying
examination for such office, and if he passes said examination, he
shall be deemed to be permanently appointed thereto and to be
tenured therein without being required to serve any probationary
period. If such incumbent does not pass such qualifying examination, 38 39 40 41 42 43 44 45 46 47

or if a majority of the voters voting on said Part 2 of such question do not vote thereon in the affirmative, such incumbent may continue to serve in said office for the remainder of the term, if any, for which he was appointed, but the civil service law and rules shall not be applicable to such incumbent. The status of any such incumbent shall not be subject to section fifty-six.

Nothing in this clause shall prevent a city or town from acting under section fifty-four.

31:54. Petitions; number of signatures; filing.

Section 54. If five per cent or five thousand of the registered voters in a city file with the city clerk a petition requesting that the question of accepting the applicability of the civil service law and rules to either or both of the offices specified in clause (2) of section fifty-one or to any city office as provided in clause (b) of section fifty-three be placed on the official ballot, the clerk shall, if he finds such petition to be in order, place such question on the official ballot for the next regular city election occurring more than sixty days after the filing of such petition.

If five per cent or one thousand of the registered voters in a town authorized under section fifty-two to accept the applicability of the civil service law and rules to the official service or to the labor service, or to both services, or to any one or more of the positions or forces specified in clauses (a) through (h) of said section file with the town clerk a petition requesting that the question of accepting such applicability to either or both of such services, or to any one or more of such positions or forces, be placed on the official ballot, the clerk shall, if he finds such petition to be in order, place such question on the official ballot for the next regular town election occurring more than thirty days after the filing of such petition.

If five per cent of the registered voters in any town file with the town clerk a petition requesting that the question of accepting the applicability of the civil service law and rules to a town office as provided in clause (b) of section fifty-three be placed on the official ballot, the clerk shall, if he finds such petition to be in order, place such question on the official ballot for the next regular town election occurring more than thirty days after the filing of such petition.

31:55. Signatures to petitions; certification; objections.

Section 55. Each person who signs a petition for the placing of a question on the official ballot at a regular municipal election pursuant to the provisions of section fifty-four shall state thereon his name and his place of residence on January first preceding, giving the street and number, if any, or if he became an inhabitant of such city or town after said January first, the place where he first resided thereafter.

Signatures to such petition need not all be on one paper, provided that all papers pertaining to any one office or position shall, when filed with the city or town clerk under the provisions of this section, be fastened together and filed as one instrument with the endorsement thereon of the names of three persons designated as filing the same.

All such papers pertaining to any one office or position shall be submitted to the registrars of voters of such city or town not later than five o'clock in the afternoon of the seventh day preceding the last day prior to the election when such petition may be filed under section fifty-four, for the purpose of their certifying on such petition the names of persons signing the same who are registered voters. The registrars of voters shall, within five days after such submission, ascertain by what number of registered voters such petition has been signed, shall make and certify a statement of their determination in detail, setting forth such number and whether or not such petition has been signed by the number of registered voters required under the provisions of section fifty-four, and shall attach such statement to such petition.

If such a petition, bearing the number of signatures of registered voters required by section fifty-four, as shown by the statement attached thereto of the registrars of voters, is filed with the city or town clerk seasonably for submission to the voters at the next regular municipal election as provided in said section, and the clerk finds that the same is in order, he shall, if said law and rules are not already applicable to the office or position named in the petition, cause the question or questions contained therein to be printed on the official ballot for such election.

Written objections to the validity or sufficiency of any petition which has been filed with the city or town clerk under the provisions of the preceding paragraph or of the signatures on such petition may be filed with the city or town clerk not later than forty-eight hours after the last day prior to said election when such petition may be filed under section fifty-four, and such objections shall be considered by the appropriate board referred to in section seven of chapter fifty-five B. In the consideration of objections under this section such board shall have and exercise all the powers given to it by any provision of law relative to objections to nominations. The notice provided by said section seven shall be sent to the persons filing the petition and to each officer affected thereby. Said board shall make its decision within four days after the expiration of the time for filing such objections and forthwith give notice thereof to the city or town clerk.

The provisions of section sixteen of chapter fifty-three relative to the preservation of nomination papers shall apply to petitions filed with a city or town clerk under this section.

TITLE VI.
COUNTIES AND COUNTY OFFICERS.
CHAPTER 34A.
COUNTY CHARTER PROCEDURES.

Section	Section
1. Short title; definitions.	10. Nonvoting members.
2. Power to adopt or revise county charters.	11. Public hearings; reports; publication of proposed charter.
3. Elections to create charter study commissions; petitions.	12. Report and recommendation; findings and determinations.
4. Election of charter study commission members.	13. Optional forms of government, referendum; special charter, enabling legislation.
5. District candidates for charter commission; nomination.	14. Petitions for adoption or revision of charters.
6. Members of charter commission; boundaries of election districts.	15. Application of optional plans and general laws; abolition or consolidation of agencies; intent of chapter.
7. First meeting; officers; vacancies; expenses.	16. Powers and duties of counties.
8. Function of commission.	21. Applicability.
9. Powers and duties of commission; funds; assistance; tax levy.	

34A:1. Short title; definitions.

Section 1. This chapter may be cited as the "County Charter Procedures Act". As used in this chapter, the terms "board of registrars of voters", "city council", and "board of selectmen" shall include any local authority of different designation performing like duties. 1
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34A:2. Power to adopt or revise county charters.

Section 2. Every county, except Barnstable county, shall have the power to adopt a charter or to revise an existing charter in accordance with procedures prescribed by this chapter. This chapter shall not limit any charter adoption or revision procedures allowed by prior law or the Constitution of the Commonwealth of Massachusetts. 1
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34A:3. Elections to create charter study commissions; petitions.

Section 3. (A.) Whenever authorized by resolution of the county commissioners or by the advisory board on county expenditures, or on petition of the registered voters of any county, except in Barnstable county an election shall be held in the county upon the question, "Shall a charter study commission be created to study the present governmental structure of ... county to consider and make findings concerning the form of government and make recommendations thereon?" 1
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(B.) A petition calling for such an election must be signed by at least five per cent of the number of registered voters residing in said county at the preceding state election. The petition or any resolution of the county commissioners or of the advisory board on county expenditures under this section shall be filed with the state secretary not later than the last Tuesday in February in the year which the question is to appear on the state election ballot. Such petition may consist of a number of separate sheets, but each sheet shall be in substantially the form prescribed therefore in section fourteen and shall be signed in accordance with the instructions contained therein. The state secretary shall furnish forms for such petition to any registered voter of the county requesting the same; no sooner than six months prior to the date by which the petition is to be filed with the state secretary. The signature contained on said petition shall be certified by the board of registrars of voters of the cities and towns in the county prior to the filing of said petition with the state secretary. Such certification shall be performed in the manner prescribed for the certification of signatures on nominating petitions, under section seven of chapter fifty-three. Any petition or separate sheet of a petition submitted for certification shall be processed and returned to the person who submitted it within ten days after the submission. Objections to the sufficiency and validity of the signatures on any such petition as certified by the boards of registrars of voters shall be made in the same manner as provided by law for objections to nominations for county offices. Upon the filing with the state secretary of a petition under section three, the state secretary shall furnish a receipt for the same to the person or persons filing the petition, and within thirty days after the filing of any such petition which contains the necessary number of certified signatures, the state secretary shall notify the city council of each city in such county and the board of selectmen of each town in such county that the question of the adoption or revision of a charter under this chapter is to be submitted to the voters of such county; provided, however, that the provisions of this section for a petition of registered voters shall not apply in the year nineteen hundred and eighty-six.

(C.) When a resolution or petition for the creation of a charter study commission has been duly filed with the state secretary no other resolution or petition and no other proceedings for the adoption of any other charter or form of government available to the county may be filed unless the voters shall decide the aforesaid question in the negative or until the charter study commission created by the voters shall have been discharged.

34A:4. Election of charter study commission members.

Section 4. (A.) At the same election as the public question is submitted, fifteen members of a charter study commission shall be

elected by the county's registered voters. The voting instructions 3
 shall state that the voter may vote on the question and that, regard- 4
 less of how and whether he voted on the charter question, he may 5
 vote for members of the charter study commission who shall serve if 6
 the question is determined in the affirmative. 7

(B.) The ballots to be used in such county at such election shall be 8
 prepared and furnished by the state secretary in accordance with the 9
 requirements of this chapter and of chapter fifty-four. The charter 10
 commission candidates shall appear on the ballot as the last candi- 11
 dates to be elected. The question in subsection (A) of section three 12
 shall be printed on the ballot after the statewide questions on the 13
 ballot. 14

(C.) Said election shall be a statewide general election. 15

34A:5. District candidates for charter commission; nomination.

Section 5. (A.) At-large candidates for the charter commission 1
 shall be registered voters of the county in which they are candidates. 2
 District candidates for the charter commission shall be registered 3
 voters of the district in which they are candidates. 4

(B.) The signatures of three hundred registered voters residing in 5
 such county shall be required to nominate at-large charter commission 6
 members, and signatures of one hundred and fifty registered voters 7
 residing in the district shall be required to nominate district charter 8
 commission members. Nominating papers containing required num- 9
 ber of signatures shall be filed with the state secretary not later than 10
 the tenth Tuesday prior to the election in which charter commission 11
 members are to be chosen. Nominations for charter commission 12
 members shall be governed by the provisions of chapter fifty-three 13
 which are applicable to nominations for state office, except that no 14
 party or political designations shall be used and that the eight-word 15
 statements provided for in section forty-five of chapter fifty-three 16
 shall not be used. The clerk of each city and town in such county 17
 shall furnish to each candidate for charter commission upon request 18
 one copy of the list of registered voters of such city or town and one 19
 copy of the list of residents provided for in section six of chapter fifty- 20
 one. 21

34A:6. Members of charter commission; boundaries of election districts.

Section 6. (A.) A charter commission shall consist of fifteen regis- 1
 tered voters of such county elected by official ballot, without party or 2
 political designation, at an election held in accordance with relevant 3
 provisions of general law and this chapter. In addition, each county 4
 commissioner, or his designee, and the chairman of the county adviso- 5
 ry board, or his designee, shall be non-elected members of the charter 6
 commission. In order to take into account widely differing population 7

sizes of counties, charter commission members shall be elected at large or individually by district or both as follows: where the inhabitants of a county number less than fifty thousand persons, the election of all charter commission members in such county shall be at large; where the inhabitants of a county number at least fifty thousand but less than two hundred thousand persons, five charter commission members shall be elected at large and ten shall be elected by district; where the inhabitants of a county number two hundred thousand persons or more, the election of all charter commission members shall be by district.

The boundaries of the districts, for the purposes of electing charter commission members, shall be determined by the state secretary; not later than June first of the year in which members are to be elected, by dividing the county into districts of contiguous territory so that each representative shall represent an equal number of inhabitants, as nearly as may be.

Such districts shall also be so formed that no town containing less than six thousand inhabitants shall be divided.

(B.) For the purpose of this section, population shall be determined from the latest federal census. The names of the at-large candidates and the names of the candidates from each district nominated in accordance with section five shall be placed on such ballot in alphabetical order, preceded by the instruction in subsection A of section four.

(C.) The provisions of chapter fifty-four regarding votes on amendments to the constitution shall govern the canvassing and counting of votes on the question and the custody and disposition of ballots and related records.

(D.) The secretary shall provide a thirty day comment and review period prior to a final determination of district boundaries.

34A:7. First meeting; officers; vacancies; expenses.

Section 7. The commission member who received the highest number of votes shall convene the first meeting of the charter commission as soon as possible but in no event later than fifteen days after certification of the results of the state election by the governor and governor's council. If said member does not act, the state secretary shall designate another member of the charter commission to convene the first meeting. At that meeting the charter commission shall promptly organize by the election from among its members of a chairman, a vice chairman, a treasurer and a clerk and shall file a notice of such organization with the secretary of the commonwealth. If no notice of organization is received by the state secretary within twenty-four days after the organizational meeting he shall designate a charter commission for such purpose. A charter commission shall

continue to exist until thirty days after the election at which its charter adoption or revision proposal, if any, is required to be submitted to the voters under this chapter or until thirty days after submission to the state secretary of a final report recommending no new charter or revision.

If any member dies, resigns or ceases to be a registered voter of such county or the district of such county from which such member was elected, or if there is a failure to elect any member, the remaining members of the charter commission shall fill the vacancy by choosing a registered voter of such county or district, respectively. The commission may continue to act notwithstanding the existence of any vacancy. Members shall serve without compensation but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.

34A:8. Function of commission.

Section 8. It shall be the function and duty of the charter commission to study the form of government of the county, to compare it with other forms available under the laws of this state, to determine whether or not in its judgment the government of the county could be strengthened, made more clearly responsive or accountable to the people or whether its operation could be more economical or efficient, under a changed form of government.

34A:9. Powers and duties of commission; funds; assistance; tax levy.

Section 9. (A.) A charter commission may adopt rules governing the conduct of its meetings and proceedings and may employ such legal, research, clerical or other employees, who shall not be subject to the provisions of chapter thirty-one, or consultants as its account may permit. In addition to funds made available by a county the charter commission account may receive funds from any other source, public or private, provided, however, that no contribution of more than five dollars shall be accepted from any source other than the county unless the name and address of the person or agency making the contribution, the amount of the contribution and the conditions or stipulations as to its receipt or use, if any, are disclosed in writing filed with the office of the county commissioners. The consent of a charter commission to any such condition or stipulation shall not be binding upon the county. Within thirty days after submission of its final report the charter commission shall file with the office of the county commissioners a complete account of all its receipts and expenditures for public inspection. Any balance remaining in its account shall be credited to such county's surplus revenue account.

(B.) Each such county shall provide its charter commission, free of charge, with suitable office space, and each county, and each city and

town within the county shall provide the county charter commission free of charge, with reasonable access to facilities for holding public hearings. 21
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The board of commissioners and the advisory board on county expenditures shall, upon request of the county charter commission contribute reasonable clerical and other assistance to such commission, to supplement the resources of the commission provided for in this chapter, and each county and each city and town within the county, shall permit the charter commission to consult with and obtain advice and information from county, city, or town officers and employees during ordinary working hours. 24
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Within twenty days after the election of a charter commission the county treasurer shall credit to the account of the charter commission, with or without appropriation, the sum of thirty-five thousand dollars, provided, however that, in no event shall a county or its treasurer provide said commission with more than one-tenth of one per cent of the total county budget unless said appropriation has been approved by the advisory board on county expenditures. 32
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If payment is to be made after the annual tax levy of the county, it shall be provided by transfer from available funds, or by exercise of emergency borrowing powers without, however, any reference of the question to the registered voters of the county. In any other county, such sum shall be levied against the cities and towns in the county in proportion to their respective borrowing limits, as determined under the provisions of chapter forty-four. Such levies shall be met in the manner provided in subsection (b) of section eight of chapter forty-three B. A county through its advisory board on county expenditures may appropriate additional funds for its charter commission provided the aggregate contribution to the charter commission does not exceed five times the initial contribution required under this section. 39
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34A:10. Nonvoting members.

Section 10. (A.) In any county in which a charter commission has been established under this chapter, the members of the advisory board on county expenditures shall have the right to participate in the deliberations of the charter commission, but without the right to vote; except the chairman of the advisory board on county expenditures as provided in section six, on commission recommendations or to endorse or dissent from any report of the commission by virtue of their official advisory role, although this shall in no way be deemed to inhibit their comments as individuals after release of the charter commission report, or as an elected member of a charter commission. 1
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(B.) The secretary of administration or his designee shall serve ex-officio as nonvoting advisor on all charter commissions established under this chapter. It shall be his duty to collect, evaluate and 11
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transmit to each commission such information, advice, plans, and policies as he may deem pertinent to county government and its relationship to the state and municipal government. He shall meet with the commission as frequently as the commission shall request in order to assist the commission in determining the best form to recommend for the county's government.

34A:11. Public hearings; reports; publication of proposed charter.

Section 11. (A.) The charter commission shall hold public hearings, sponsor public forums and otherwise provide for the widest possible dissemination of information and the stimulation of public discussion respecting the purposes and progress of its work.

(B.) The charter commission shall report its findings and recommendations to the citizens of the county on or before the eighteenth calendar month next following the date of its election in the form of a final report which it shall file with the county clerk who shall distribute it to all elected county and municipal officials, all members of the counties' legislative delegation, and the state secretary.

In addition, there shall be printed and made available at least ninety days before the election at cost to the public at large, a number of copies equal to at least one-tenth of one per cent of the county's registered voters.

The commission shall publish in two newspapers of known general circulation within said county on two successive weeks the full text of the proposed charter, together with a summary of its findings and recommendations, a summary of the provisions of the plan, if any, which it recommends for approval, and an analysis of and commentary on such plans.

34A:12. Report and recommendation; findings and determinations.

Section 12. (A.) The charter study commission may report and recommend:

- (i) That a referendum be held to submit to the voters of the county the question of adopting one of the optional forms of the government set forth in sections seventeen, eighteen, and nineteen of this chapter that the commission has designated; or
- (ii) That the charter commission shall petition the legislature for the enactment of a special charter, the text of which shall be appended to the charter commission's report; or
- (iii) That the form of government of the county remain unchanged; or
- (iv) That any or any combination of the following changes be made: (a) that the present form of county government be abolished and which, if any, county agencies or operations should be placed under another state, local or regional governmental system; or (b) that part of the present form of county

government be abolished and which, if any, county agencies or operations should remain as part of county government and which should be abolished, changed or placed under another governmental system; or (c) that all or some of the county agencies or operations be taken over by the state or allowed to exist as part of a regional system.

The commission may also draft and submit to the commissioners whatever recommendations it deems appropriate for the efficient administration of the county. Such recommendations may include a model administrative code. Such recommendations may be adopted by the commissioners in whole or in part whether or not a new charter is recommended by the commission or approved by the voters.

(B.) If the charter commission shall vote to recommend adoption of one of the optional forms set forth in sections seventeen, eighteen, and nineteen of this chapter, it shall also consider and make findings with respect to each of the three subjects set forth below, and determine which plan would provide the best representation of the people of the county. The final report shall set forth said findings and determinations in detail.

(i) Commissioners, number and term. The commission shall make recommendations as to changes if any in the number and terms of service of the county commissioners.

(ii) The commission shall recommend either a continuation of the present system of nonconcurrent terms or the adoption of a new system of concurrent terms.

(iii) Constituencies. The commission can recommend that the commissioners be elected at large or that they be elected by districts.

34A:13. Optional forms of government, referendum; special charter, enabling legislation.

Section 13. (A) If the charter commission shall have recommended the adoption of one of the optional forms of government authorized by this chapter, the charter commission shall notify the state secretary by the first Wednesday in August to place the following referendum question on the election ballot:

“Shall the (designate the caption of section _____ of the County Charter Procedures Act) be adopted for county, with the provision for a board of commissioners of _____ members elected for (concurrent or non-concurrent as the case may be) terms and elected (at large, or from districts)?”

The question shall appear on the ballot at the next biennial state election. At such election, the referendum question shall appear on the ballot in the same manner as other public questions are printed on

the ballot. The attorney general shall prepare the summary to accompany such question. 14
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(B.) If the charter commission shall have proposed a special charter, it shall be the duty of the commission to petition the legislature forthwith for a special law or laws, pursuant to the state constitution and in the manner provided by general enabling legislation thereunder, to carry out the recommendations of the charter commission. 16
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Upon enactment of such enabling legislation, the special charter shall be submitted to the voters of the petitioning county for adoption in a manner provided in subsection (A), or as may otherwise be appropriate. No special charter shall become operative unless approved by a majority of all votes cast on the question. 21
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(C) If the charter commission shall have proposed any recommendations pursuant to clause (iv) of the first paragraph of subsection (A) of section twelve, it shall be the duty of the commission to petition the legislature forthwith for a special law or laws pursuant to the state constitution and in the manner provided by general enabling legislation thereunder, to carry out such recommendations of the charter commission, provided, that upon enactment of such enabling legislation, the legislation implementing such recommendations shall be submitted to the voters of the petitioning county for adoption in a manner provided in said subsection (A) or as may otherwise be appropriate. No such legislation shall become effective until approved by a majority of all votes cast on the question of adoption. 26
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34A:14. Petitions for adoption or revision of charters.

Section 14. (a) The charter may be revised in the same manner as provided for in its original adoption by section three. 1
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(b) A petition for the adoption or revision of a charter shall conform with the requirements of subsection (c) and shall have a sentence in substantially the following form at the top of each page. 3
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Each of the undersigned requests that the county revise its present charter or adopt a new charter, and each of the undersigned certifies that he is a registered voter of said county whose residence addresses at the times set forth below were as shown below, and that he has not signed this petition more than once. 6
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(c) The state secretary shall prescribe the form of all petitions under this chapter. Section seven of chapter fifty-three shall apply to all such petitions. No petition shall contain or be accompanied by any indication of party or political designation. 11
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(d) Duplicate certificates shall be prepared setting forth any charter revisions approved, and shall be signed by the state secretary. One such certificate shall be deposited in the office of the state secretary and another shall be recorded in the records of the county 15
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and deposited among its archives. All courts may take judicial notice 19
of the charter and charter revisions of the county. 20

The executive body of the county shall, at intervals of not greater 21
than ten years, cause the charter of said county as revised to be 22
reprinted for distribution to such registered voters of said county as 23
may apply therefor at the office of the executive body of the county. 24
Acts of the general court which are included in such charter may be 25
referred to by appropriate subject headings and statutory citations 26
instead of being set forth at length. Copies of said document may be 27
sold at a price not to exceed the cost of paper, printing and binding 28
thereof, plus mailing charges if any, as determined by the county 29
executive body. 30

(e) A new charter or charter revision approved by a majority of 31
the voters of the county voting thereon shall take effect on the day 32
specified in such charter or revision. If two or more charter adoption 33
or revision proposals are submitted to the voters in the alternative 34
and are approved, only the alternative proposal receiving the highest 35
number of affirmative votes shall take effect. If two or more charter 36
adoption or revision proposals containing conflicting provisions are 37
submitted to the voters, but not as alternatives, and are approved, all 38
such proposals shall take effect, but the proposal receiving the 39
highest number of affirmative votes shall be construed to prevent all 40
conflicting provisions contained in other proposals from taking effect. 41

**34A:15. Application of optional plans and general laws; abolition or consoli-
dation of agencies; intent of chapter.**

Section 15. (A) Upon adoption by the registered voters of any 1
county, except Barnstable county of any optional form of government 2
set forth in this chapter, the county shall thereafter be governed by 3
the plan adopted, by the provisions of this chapter applicable to all 4
optional plans and by all general laws, subject to provisions of this 5
chapter. 6

(B.) For the purposes of this chapter, a "general law" shall be 7
deemed to be such a law or part thereof, heretofore or hereafter 8
enacted, that: 9

(i) is not inconsistent with this chapter; and (ii) is by its terms 10
applicable to or available to all counties, or, (iii) is applicable to all 11
counties or to any category or class of counties and deals with one or 12
more of the following subjects: the administration of the judicial 13
system, education, elections, health, county public authorities, taxa- 14
tion, finance and welfare. 15

(C.) Except as it relates to judicial or penal administration, or the 16
administration of the registry of deeds nothing in this chapter shall be 17
construed to prevent counties from abolishing or consolidating agen- 18

cies the existence of which has heretofore been mandated by general law provided that if such abolition or consolidation shall alter the obligation of the county to continue services theretofore rendered by such abolished or consolidated agency, said alteration must be approved by the general court prior to taking effect.

(D.) The intent of this chapter is to enable a county that has adopted a charter pursuant to this chapter to cause any duty that has been mandated to it by the General Laws to be performed in the most efficient and expeditious manner, and, absent a clear legislative declaration to the contrary, without regard to organizational structural, or personnel provisions contained in prior general law, and further, the intent of this chapter is to encourage a review of the functions which a county provides.

34A:16. Powers and duties of counties.

Section 16. (A.) Any county that has adopted a charter pursuant to this chapter may, in accordance with the provisions of such charter, and subject to the provisions of general law and the Constitution of the Commonwealth of Massachusetts:

(i) Organize and regulate its internal affairs; create, alter, abolish offices, positions and employments and define functions, powers and duties thereof; establish qualifications for persons holding offices, positions and employments; and provide for the manner of their appointment and removal and for their term, tenure and compensation.

(ii) Adopt, amend, enforce, and repeal ordinances and resolutions notwithstanding the effect of any referendum conducted prior to the county's adoption of its charter pursuant to this chapter.

(iii) Construct, acquire, operate and maintain public improvements, projects or other enterprises for any public purposes, subject to such referendum as may otherwise be imposed by law.

(iv) Exercise powers of eminent domain, borrowing and taxation only as provided by general law;

(v) Exercise all powers of county government in such manner as its board of commissioners and advisory board on county expenditures may determine.

(vi) Sue and be sued, have a corporate seal; contract and be contracted with, buy, sell, lease, hold and dispose of real and personal property; appropriate and expend monies for county purposes;

(vii) Contract with or sign agreements with other governmental units for the provision of joint, coordinated, or cooperative service provision.

(B.) Nothing in this chapter shall be construed to impair or diminish or infringe on the powers and duties of cities and towns under the General Laws. It is the intent of this chapter only to permit cities and towns to employ services and facilities of the county for more effective, efficient and adequate provision of services if and when cities and towns may deem it desirable to do so. Cities and towns are and shall remain the broad repository of local police power in terms of the right and power to legislate for the general health, safety, and welfare of their residents.

(C.) The grant of powers under this act is intended to be as broad as consistent with the construction of the Constitution of the Commonwealth of Massachusetts and the General Laws relating to local government. The grant of powers shall be construed as liberally as possible in regard to the county's right to reorganize its own form of government, to reorganize its structure and to alter and abolish its agencies, subject to the general mandate of performing services whether they be performed by the agency previously established or by a new agency or other department of county government. Based on the need to develop effective services to meet problems which cross city or town boundaries and which cannot be met effectively on an individual basis by the cities and towns, or the state, this chapter shall be construed as intending to give the county power to establish innovative programs and to perform such regional services as the Constitution of the Commonwealth of Massachusetts and the General Laws permit and to establish such other programs and services as may from time to time be permitted.

34A:21. Applicability.

Section 21. The provisions of this act shall not apply to the county of Barnstable.

TITLE VII.

CITIES, TOWNS AND DISTRICTS.

CHAPTER 39.

MUNICIPAL GOVERNMENT.

Section

TOWN MEETINGS.

- 9. Annual town meeting; other meetings; election of officers; times; adjournment; holidays.
- 9A. Election of officers and other matters determined by ballot; meetings; time and place; warrants.
- 10. Warrant; issuance; contents.
- 11. Persons authorized to call meetings upon resignation of selectmen.
- 12. Persons authorized to call meetings upon refusal of selectmen.
- 13. Quorum; application of section.
- 14. Moderators; election; tenure; vacancies; assistant moderators.

Section

- 15. Moderators; powers and duties.
- 16. Appropriation, advisory or finance committees; appointment; tenure; powers and duties.
- 17. Powers of moderator; preservation of order.
- 18. Duties of moderators; reception of votes.
- 20. Precinct voting.
- 21. Canvass of returns.
- 23A. Definitions applicable to secs. 23B and 23C.
- 23B. Open meetings of governmental bodies.
- 23C. Regulation of participation by public in open meetings.
- 24. Application of chapter.

TOWN MEETINGS.

39:9. Annual town meeting; other meetings; election of officers; times; adjournment; holidays.

Section 9. Except as otherwise provided by special law or a charter adopted or revised or amended under Sections two, three, or four of Article LXXXIX of the Amendments to the Constitution of the Commonwealth which may provide for a different time for the election of town officials and other matters to be determined by ballot, the annual meeting of each town shall be held in February, March, April or May; and other meetings may be held at such times as the selectmen may order or the charter or by-law prescribe; provided, however, that, notwithstanding the provisions of this section or of any other law, by-law, or charter to the contrary, a town, by the vote of its board of selectmen or town council may delay the annual town meeting; and provided, further, that such a delayed annual town meeting shall complete its business on or before June thirtieth. Meetings may be adjourned from time to time and meet and adjourn to any place authorized by law provided that officers shall be elected, and matters required by law to be elected or determined by ballot, shall be so elected or determined during the hours during which polls shall remain open as hereinafter provided. If the day set for a town meeting by by-law or otherwise falls on a legal holiday, such meetings shall be held on the day following. A town may by by-law designate

the hour at which the annual town meeting shall be called and subject 21
to section sixty-four of chapter fifty-four by vote or by-law designate 22
the hours during which polls shall remain open in meetings for the 23
election of officers and the determination of other matters that are 24
required by law to be determined by ballot. 25

39:9A. Election of officers and other matters determined by ballot; meetings; time and place; warrants.

Section 9A. Except as otherwise provided by special law or a 1
charter adopted or revised or amended under Sections two, three or 2
four of Article LXXXIX of the Amendments to the Constitution of the 3
Commonwealth, a town may provide by charter or by-law that the 4
election of town officials and other matters to be determined by ballot 5
shall take place in February, March, April or May before or after the 6
annual meeting held for the transaction of other business, provided 7
said annual meeting for the transaction of other business is also held 8
or commences in February, March, April or May. The time and place 9
of holding such election and vote and meeting for the transaction of 10
other business may be stated in one warrant for the annual town 11
meeting if called within thirty-five days of each other and such 12
election and vote shall be deemed parts of the annual town meeting. 13
If the election and other matters to be determined upon by ballot and 14
the annual meeting for the transaction of other business are more 15
than thirty-five days apart, separate warrants shall be used. 16

39:10. Warrant; issuance; contents.

Section 10. Every town meeting or town election, except as herein- 1
after provided, shall be called in pursuance of a warrant, under the 2
hands of the selectmen, notice of which shall be given at least seven 3
days before the annual meeting or an annual or special election and at 4
least fourteen days before any special town meeting. The warrant 5
shall be directed to the constables or to some other persons, who shall 6
forthwith give notice of such meeting in the manner prescribed by the 7
by-laws, or, if there are no by-laws, by a vote of the town, or in a 8
manner approved by the attorney general. The warrant for all town 9
meetings shall state the time and place of holding the meeting and the 10
subjects to be acted upon thereat. The town meeting may be held in 11
one or more places; provided, that if it is held in more than one place, 12
the places are connected by means of a public address system and 13
loud speakers so that the proceedings in all such places may be heard 14
and participated in by all the voters present therein. Whenever the 15
moderator determines that voters are being excluded from the town 16
meeting because there is no room for them in the places provided or 17
that voters in attendance are being deprived of the opportunity to 18
participate therein for any reason whatsoever, he shall either, on his 19
own motion recess the meeting for any period during the day of the 20

meeting or, after consultation with the members of the board of
 selectmen then present, adjourn the same to another date, not later
 than fourteen days following the date of said meeting, when places
 and facilities sufficient to accommodate all voters attending and to
 enable them to participate therein shall be available. The selectmen
 shall insert in the warrant for the annual meeting all subjects the
 insertion of which shall be requested of them in writing by ten or
 more registered voters of the town and in the warrant for every
 special town meeting all subjects the insertion of which shall be
 requested of them in writing by one hundred registered voters or by
 ten per cent of the total number of registered voters of the town
 whichever number is the lesser. The selectmen shall call a special
 town meeting upon request in writing, of two hundred registered
 voters or of twenty per cent of the total number of registered voters
 of the town, whichever number is the lesser; such meeting to be held
 not later than forty-five days after the receipt of such request, and
 shall insert in the warrant therefor all subjects the insertion of which
 shall be requested by said petition. No action shall be valid unless
 the subject matter thereof is contained in the warrant. Two or more
 distinct town meetings for distinct purposes may be called by the
 same warrant.

The written requests of registered voters for the insertion of
 subjects in town meeting warrants shall not be valid unless the
 required number of registered voters not only sign their names but
 also state their residence, with street and number, if any. The
 selectmen shall submit such written requests to the board of regis-
 trars of voters or the board of election commissioners who shall check
 and forthwith certify the number of signatures so checked which are
 names of voters in the town, and only names so checked and certified
 shall be counted. A greater number of names than are required in
 each case need not be certified.

39:11. Persons authorized to call meetings upon resignation of selectmen.

Section 11. If a majority of the selectmen or any less number shall
 vacate their offices, or if the full number shall fail to be elected or
 qualified, the selectmen in office may call a town meeting. If there
 are no remaining selectmen, the town clerk may call it; and, if there
 is no town clerk, a justice of the peace may call it in the manner
 prescribed in the following section.

39:12. Persons authorized to call meetings upon refusal of selectmen.

Section 12. If the selectmen unreasonably refuse to call a town
 meeting, a justice of the peace, upon written application of one
 hundred registered voters or of ten percent of the total number of
 registered voters of the town, may call a meeting by a warrant under

his hand, stating the subjects to be acted upon, directed to the
constables of the town if there are any, otherwise to any of the
persons applying therefor, directing them to summon the inhabitants
qualified to vote in town affairs to assemble at the time and place and
for the purposes expressed in the warrant. In a town having a form
of representative town meeting government a special town meeting
called under this section shall be conducted as a representative town
meeting, and notice thereof shall be given to the town meeting
members as provided by law.

39:13. Quorum; application of section.

Section 13. Towns may prescribe by by-law the number of voters
necessary to constitute a quorum at town meetings; provided, that a
number less than a quorum may from time to time adjourn the same.
This section shall not apply to such parts of meetings as are devoted
exclusively to the election of town officers.

39:14. Moderators; election; tenure; vacancies; assistant moderators.

Section 14. At every town meeting when moderators are not
elected for the term of one or three years, a moderator shall first be
elected. The election of a moderator at a meeting for the choice of
town officers shall be by ballot, and the voting list shall be used
thereat.

Any town or district which has so voted or hereafter so votes may
at any annual election of town or district officers elect from the
registered voters thereof by ballot a moderator to preside at all town
or district meetings. His term of office shall begin as soon as he is
qualified, and shall continue until the next annual town or district
meeting and until his successor is qualified. Any town or district
which has elected a moderator for the term of one year shall thereaf-
ter elect a moderator at every annual election of town or district
officers, unless the town or district votes to discontinue the electing
of moderators for said term.

If a vacancy in the said office occurs during any term, it may be
filled by the voters of the town or district. If a moderator so elected
is absent, a temporary moderator may be elected.

In towns or districts where official ballots are used, the vote to
elect a moderator for the term of one year shall be taken at a meeting
held at least thirty days before the annual town or district meeting at
which the vote is to become operative; and at the first annual meeting
after the town or district has so voted a moderator shall be chosen as
herein provided to serve at that meeting, and the moderator elected
on the official ballot at that meeting shall act at subsequent town or
district meetings until his successor is qualified.

At every town or district meeting until a moderator or temporary moderator is elected, the clerk of the town or district shall preside; but if he is absent or if there is no clerk, the chairman of the selectmen or prudential committee or body exercising similar powers, if present, otherwise the senior member present in point of continuous service, shall preside; but if no selectman or member of said committee or body is present, the justice of the peace calling such meeting, if the meeting is so called, shall preside. Such presiding officer shall have the powers and perform the duties of a moderator.

If, as provided for in section ten, a town meeting is held in separate places equipped with a public address system and loud speaker facilities, the moderator may appoint an assistant moderator to preside at each place of meeting whereat the moderator is not present. The assistant moderator shall have all the powers vested by law in the moderator to preside at and regulate the proceedings in the meeting at which he presides except that he shall not recognize any citizen desiring to address the meeting except after first obtaining permission of the moderator.

The word "district", as used in this section, so far as apt, shall be construed as it is defined in section one A of chapter forty.

39:15. Moderators; powers and duties.

Section 15. The moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes, and may administer in open meeting the oath of office to any town officer chosen thereat. If a vote so declared is immediately questioned by seven or more voters, he shall verify it by polling the voters or by dividing the meeting unless the town has by a previous order or by by-law provided another method. If a two thirds, four fifths or nine tenths vote of a town meeting is required by statute, the count shall be taken, and the vote shall be recorded in the records by the clerk; but if the vote is unanimous, a count need not be taken, and the clerk shall record the vote as unanimous.

A town may pass by-laws, subject to this section, for the regulation of the proceedings at town meetings. Such by-laws shall be approved and published in the manner prescribed by section thirty-two of chapter forty.

In any town having a representative town meeting form of government the town meeting members shall not use the secret ballot when voting in the exercise of the corporate powers of said town or on any motion unless two thirds of the town meeting members present and voting thereon vote that a secret ballot be used.

39:16. Appropriation, advisory or finance committees; appointment; tenure; powers and duties.

Section 16. Every town whose valuation for the purpose of apportioning the state tax exceeds one million dollars shall, and any other town may, by by-law provide for the election or the appointment and duties of appropriation, advisory or finance committees, who shall consider any or all municipal questions for the purpose of making reports or recommendations to the town; and such by-laws may provide that committees so appointed or elected may continue in office for terms not exceeding three years from the date of appointment or election.

In every town having a committee appointed under authority of this section, such committee, or the selectmen if authorized by a by-law of the town, and, in any town not having such a committee, the selectmen, shall submit a budget at the annual town meeting.

39:17. Powers of moderator; preservation of order.

Section 17. No person shall address a town meeting without leave of the moderator, and all persons shall, at the request of the moderator, be silent. If a person, after warning from the moderator, persists in disorderly behavior, the moderator may order him to withdraw from the meeting, and, if he does not withdraw, may order a constable or any other person to remove him and confine him in some convenient place until the meeting is adjourned.

39:18. Duties of moderators; reception of votes.

Section 18. The moderator shall receive the vote of any person whose name is on the voting list or who presents a proper certificate from the registrars of voters.

39:20. Precinct voting.

Section 20. Towns divided into voting precincts may, for their annual town election, establish precinct voting for all town officers to be chosen thereat, by accepting this section at a meeting held seventy days at least before the annual town meeting. The acceptance of this section or corresponding provisions of earlier laws may be revoked by the town at a meeting held seventy days at least before the annual town meeting; and if so revoked this section shall cease to be in force therein. Towns by vote or by-law may authorize voting by precincts at special elections of town officers.

39:21. Canvass of returns.

Section 21. The town clerk and the board of registrars, upon receipt of the returns from the several precincts, shall forthwith canvass the same, and immediately declare the result.

39:23A. Definitions applicable to secs. 23B and 23C.

Section 23A. The following terms as used in sections twenty-three B and twenty-three C shall have the following meanings:—	1 2
“Deliberation”, a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction.	3 4 5
“Emergency”, a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.	6 7
“Executive session”, any meeting of a governmental body which is closed to certain persons for deliberation on certain matters.	8 9
“Governmental body”, every board, commission, committee or sub-committee of any district, city, region or town, however elected, appointed or otherwise constituted, and the governing board of a local housing, redevelopment or similar authority; provided, however, that this definition shall not include a town meeting.	10 11 12 13 14
“Made public”, when the records of an executive session have been approved by the members of the respective governmental body attending such session for release to the public and notice of such approval has been entered in the records of such body.	15 16 17 18
“Meeting”, any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program.	19 20 21 22 23 24
“Quorum”, a simple majority of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body.	25 26 27

39:23B. Open meetings of governmental bodies.

Section 23B. All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.	1 2 3
No quorum of a governmental body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.	4 5 6
No executive session shall be held until the governmental body has first convened in an open session for which notice has been given, a majority of the members have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has cited the purpose for an executive session, and the presiding officer has stated before the	7 8 9 10 11 12

executive session if the governmental body will reconvene after the executive session. 13
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Nothing except the limitation contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and a recorded vote has been taken to hold an executive session. Executive sessions may be held only for the following purposes: 15
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(1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights: 20
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(a) to be present at such executive session during discussions or considerations which involve that individual. 29
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(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session. 31
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(c) to speak in his own behalf. 34

(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights: 35
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(a) to be present at such executive session during discussions or considerations which involve that individual. 44
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(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation. 46
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(c) to speak in his own behalf. 49

(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel. 50
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(4) To discuss the deployment of security personnel or devices.	56
(5) To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.	57 58
(6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.	59 60 61 62
(7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.	63 64
(8) To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.	65 66 67 68 69 70 71 72
This section shall not apply to any chance meeting, or a social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction or advisory power.	73 74 75 76 77 78 79
Except in an emergency, a notice of every meeting of any governmental body shall be filed with the clerk of the city or town in which the body acts, and the notice or a copy thereof shall, at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to such meeting, be publicly posted in the office of such clerk or on the principal official bulletin board of such city or town. The secretary of a regional school district committee shall be considered to be its clerk and he shall file the notice of meetings of the committee with the clerk of each city or town within such district and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town and such secretary shall post such notice in his office or on the principal official bulletin board of the district. If the meeting shall be of a regional or district governmental body, the officer calling the meeting shall file the notice thereof with the clerk of each city and town within such region or district, and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town. The notice shall be printed in easily readable type and shall contain the date, time and place of such meeting. Such filing and posting shall be the responsibility of the officer calling such meeting.	80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99

A governmental body shall maintain accurate records of its meeting, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded roll call votes and shall become a part of the record of said executive sessions. No votes taken in open session shall be by secret ballot.

A meeting of a governmental body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction or by means of videotape equipment fixed in one or more designated locations determined by the governmental body except when a meeting is held in executive session; provided, that in such recording there is no active interference with the conduct of the meeting.

Upon qualification for office following an appointment or election to a governmental body, as defined in this section, the member shall be furnished by the city or town clerk with a copy of this section. Each such member shall sign a written acknowledgment that he has been provided with such a copy.

The district attorney of the county in which the violation occurred shall enforce the provisions of this section.

Upon proof of failure by any governmental body or by any member or officer thereof to carry out any of the provisions for public notice or meetings, for holding open meetings, or for maintaining public records thereof, any justice of the supreme judicial court or the superior court sitting within and for the county in which such governmental body acts shall issue an appropriate order requiring such governmental body or member or officer thereof to carry out such provisions at future meetings. Such order may be sought by complaint of three or more registered voters, by the attorney general, or by the district attorney of the county in which the city or town is located. The order of notice on the complaint shall be returnable no later than ten days after the filing thereof and the complaint shall be heard and determined on the return day or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of this section. In the hearing of such complaints the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in

accordance with and authorized by section eleven A ½ of chapter 145
 thirty A, by section nine G of chapter thirty-four or by this section. 146
 All processes may be issued from the clerk's office in the county in 147
 which the action is brought and, except as aforesaid, shall be returna- 148
 ble as the court orders. 149

Such order may invalidate any action taken at any meeting at which 150
 any provision of this section has been violated, provided that such 151
 complaint is filed within twenty-one days of the date when such action 152
 is made public. 153

Any such order may also, when appropriate, require the records of 154
 any such meeting to be made public, unless it shall have been 155
 determined by such justice that the maintenance of secrecy with 156
 respect to such records is authorized. The remedy created hereby is 157
 not exclusive, but shall be in addition to every other available remedy. 158
 Such order may also include reinstatement without loss of compensa- 159
 tion, seniority, tenure or other benefits for any employee discharged 160
 at a meeting or hearing held in violation of the provisions of this 161
 section. 162

The rights of an individual set forth in this section relative to his 163
 appearance before a meeting in an executive or open session, are in 164
 addition to the rights that an individual may have from any other 165
 source, including, but not limited to, rights under any laws or collec- 166
 tive bargaining agreements, and the exercise or nonexercise of the 167
 individual rights under this section shall not be construed as a waiver 168
 of any rights of the individual. 169

39:23C. Regulation of participation by public in open meetings.

Section 23C. No person shall address a public meeting of a govern- 1
 mental body without permission of the presiding officer at such 2
 meeting, and all persons shall, at the request of such presiding 3
 officer, be silent. If, after warning from the presiding officer, a 4
 person persists in disorderly behavior, said officer may order him to 5
 withdraw from the meeting, and, if he does not withdraw, may order 6
 a constable or any other person to remove him and confine him in 7
 some convenient place until the meeting is adjourned. 8

39:24. Application of chapter.

Section 24. The provisions of this chapter shall be in force only so 1
 far as they are not inconsistent with the express provisions of any 2
 general or special law; and, so far as apt, shall apply to districts as 3
 defined in section one A of chapter forty. 4

CHAPTER 40.

POWERS AND DUTIES OF CITIES AND TOWNS.

PURPOSES FOR WHICH TOWNS
MAY APPROPRIATE MONEY.

Section

6D. Removal of ice and snow from private
ways; submission to electorate; ballot.

PURPOSES FOR WHICH TOWNS MAY APPROPRIATE MONEY.

40:6D. Removal of ice and snow from private ways; submission to electorate; ballot.

Section 6D. Section six C shall be submitted for acceptance to the registered voters of a city at a regular city election if the city council thereof so votes, and of a town at an annual town election upon petition of two hundred registered voters or of twenty per cent of the total number of registered voters, substantially in the form of the following question, which shall be placed on the official ballot used for the election of officers at such city or town election:

Shall the city (or town) vote to accept the provisions of section six C of chapter forty of the General Laws, which authorize cities and towns to appropriate money for the removal of snow and ice from private ways therein open to public use?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes in answer to said question is in the affirmative, then said section shall thereupon take full effect in such city or town, but not otherwise.

CHAPTER 41.

OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS.

Section		Section	
1.	Officers to be elected; tenure.	19E.	Procedure for filling vacancy following death or removal of clerk having permanent tenure, etc.
1A.	District defined.	19F.	Additional compensation for serving as clerk of city council.
2.	Establishment of new board or office; effect; increase or decrease in board membership or number of officers.	19G.	Additional compensation for serving as member of registrars of voters.
3.	City officers; powers and duties.	19H.	Maximum amount of additional compensation for serving as member of board of registrars of voters; acceptance of this section.
4.	Penalty for failure to choose selectmen or assessors.	19I.	Additional compensation for serving in other city or town positions.
4A.	Members of town and district boards eligible to hold other offices, salary.	19J.	Additional compensation for service as registrars of voters board member.
5.	Voting list; use.		
6.	Use of official ballots; towns authorized to provide for.		
7.	Use of official ballot; determination of extent.		
8.	Handling of ballots.		
9.	Handling of ballots after tabulation; sealing.		
10.	Failure to elect; procedure to fill vacancy; notice.	20.	Selectmen; duties and oaths; penalty.
11.	Appointment to fill vacancy in town office.	21.	Authorization for selectmen to act as or appoint other town officers.
	CLERK.	21A.	Removal of persons appointed to positions of chief of police or head of municipal police department.
12.	City clerks; tenure.	22.	Officers appointed by selectmen; tenure; compensation; vacancies.
13.	Bond of town clerk.	23.	Rescission of vote by selectmen; election of other officers; tenure, etc.
13A.	Bond of city clerk.		
13B.	Renewal of licenses and permits; delegation of authority.		
14.	Temporary clerk.		
15.	Town clerks; powers and duties.		
15A.	Certification of appropriations.		
16.	Oaths of town officers; return of certificate.		
17.	Filing of city contracts; penalty for noncompliance.		
18.	Assistant city clerk.		
18A.	Records of city clerk; attestation.		
18B.	Facsimile signatures of city clerk, etc.		
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41:1. Officers to be elected; tenure.

Section 1. Every town at its annual meeting shall in every year when the term of office of any incumbent expires, and except when other provision is made by law or by charter, choose by ballot from its registered voters the following town officers for the following terms of office:

- A town clerk for the term of one or more years. 6
- A town treasurer for the term of one or more years. 7
- One or more collectors of taxes for the term of one or more years, unless the town votes otherwise or votes to authorize its treasurer to act as collector. 8-10
- Three or more selectmen for the term of not more than three years, subject to the provisions of section twenty-one. 11-12
- One or more assessors for the term of not more than three years. 13
- One or more auditors for the term of one or more years, except where such office is abolished as provided in section fifty-five. 14-15
- One or more highway surveyors for the term of one or more years; or one or more road commissioners for the term of one or more years. 16-17
- One or more sewer commissioners for the term of one or more years if the town has provided for such officers, unless the town by vote authorizes its road commissioners to act as sewer commissioners. 18-20
- A tree warden for the term of one or more years, unless the town by vote or by-law provides that he shall be appointed. 21-22
- One or more constables for a term of one or more years, unless the town by vote provides that they shall be appointed. 23-24
- Three or more members of the school committee for terms of not more than three years. 25-26
- Three or more assistant assessors, if the town so votes, for the term of not more than three years. 27-28
- Three or more members of the board of health for the term of one or more years if the town provides for such board, otherwise the selectmen shall act as a board of health. 29-31

All other town officers shall be appointed by the selectmen unless other provision is made by law or by vote of the town. 32 33

In any town or district in which the election date of the officers, authorized under this section, is changed, the officers currently serving shall continue to hold their offices until the appointment or election and qualification of their successors. 34 35 36 37

In any case where three or more members of a board are to be elected for terms of more than one year, as nearly one-third as may be shall be elected annually. 38 39 40

The provisions of this section or any of the following sections of this chapter which authorize or require the fixing of the terms of office of members of any board, commission or body in such a manner that all such terms would not expire at the same time shall not apply with respect to such board, commission or body after the town has voted under section two of chapter fifty-four A to elect the members thereof by the proportional representational method of election. In no case shall the term of any officer exceed five years. 41 42 43 44 45 46 47 48

41:1A. District defined.

Section 1A. Except as otherwise expressly provided, the word "district", as used in this chapter, shall mean a fire, water, sewer, water pollution abatement, refuse disposal, light, or improvement district, or any other district, howsoever named, formed for the purpose of carrying out any of the aforementioned functions, whether established under general law or special act. 1 2 3 4 5 6

41:2. Establishment of new board or office; effect; increase or decrease in board membership or number of officers.

Section 2. Where the town elects a new board or officer to perform the duties of an existing board or officer, the office of such existing board or officer shall terminate upon the qualification of the new board or officer. Where official ballots are used, the establishment of a new board or office, or the fixing of the term of office of town officers where such term is optional, or the increase or reduction of the number of members of a board, shall be determined at a meeting held at least sixty days before the annual town election. In towns not using official ballots the matter may be determined by vote at the annual meeting. Such vote shall continue in effect until rescinded. If a town votes to increase the number of members of any board, such increase shall be made by adding one or more to each class, to hold office according to the tenure of the class to which they are severally chosen, as will within three years effect it, and such vote to increase shall remain in force until the increase under it is accomplished. If a town votes to diminish the number of members of any board, such diminution shall be made by choosing annually such 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17

number as will within three years effect it, and a vote to diminish 18
 shall remain in force until the diminution under it is accomplished. If 19
 a town votes to reduce a board of three members to a single officer, 20
 such vote shall take effect at the following annual town meeting, and 21
 upon election and qualification of such officer the term of said board 22
 shall terminate; provided, however, that in towns where official 23
 ballots are used, unless the vote thus passed is more than sixty days 24
 before the annual town election, it shall not take effect until the next 25
 annual town election. 26

41:3. City officers; powers and duties.

Section 3. Officers of cities shall have the powers and be subject 1
 to the liabilities of the corresponding town officers, if no other 2
 provisions are made relative to them. 3

41:4. Penalty for failure to choose selectmen or assessors.

Section 4. A town which does not choose selectmen or assessors 1
 shall forfeit such amount, not less than one hundred nor more than 2
 five hundred dollars, as the county commissioners of the county 3
 where the town is situated may order. 4

41:4A. Members of town and district boards eligible to hold other offices, salary.

Section 4A. Except as otherwise expressly provided, a district 1
 board, if authorized by vote of the district at an annual district 2
 meeting, or a town board may, if authorized by vote of the town at an 3
 annual town meeting, appoint any member thereof to another town or 4
 district office or position for the term provided by law, if any, 5
 otherwise for a term not exceeding one year. The salary of such 6
 appointee shall be fixed by vote of the town or district, notwithstand- 7
 ing the provisions of section one hundred and eight. In this section, 8
 the word "town" shall not include city. 9

41:5. Voting list; use.

Section 5. The voting list shall be used and the name of every 1
 person voting shall be checked thereon, in the election of all town 2
 officers whose election is by law required to be by ballot; but in the 3
 election of other town officers, the meeting shall determine whether 4
 the voting list shall be used. 5

41:6. Use of official ballots; towns authorized to provide for.

Section 6. A town may, at a town meeting, vote that official 1
 ballots as defined in section one of chapter fifty shall thereafter be 2
 used therein; and may, at the annual town meeting or at a meeting 3
 held at least thirty days before the annual town meeting, by a two 4

thirds vote rescind such action. In town elections at which official ballots are used, nominations for town officers elected by ballot shall be made, ballots and other apparatus therefor provided, and elections of such officers conducted, in accordance with chapters fifty to fifty-six, inclusive, so far as applicable.

41:7. Use of official ballot; determination of extent.

Section 7. If a town votes that official ballots shall be used for the election of town officers, it shall at the same meeting determine what officers, in addition to those required to be elected by ballot, shall thereafter be chosen by official ballot, and determine the number and terms of office, if not already fixed. No change shall thereafter be made in the officers to be chosen by official ballot, or in the number or terms of office thereof, except at a meeting held at least thirty days before the annual meeting at which such change is to become operative.

41:8. Handling of ballots.

Section 8. At any meeting for the choice of town officers in a town not using official ballots, no ballots shall be received by the moderator unless presented for deposit in the ballot box, open and unfolded, by the voter in person, and so that the moderator can know that only one ballot is presented. No moderator or other election officer shall, before the polls are closed, read, examine, or permit to be read or examined, the names contained upon any ballot.

41:9. Handling of ballots after tabulation; sealing.

Section 9. If the town clerk, selectmen, assessors, treasurer, collector of taxes and school committee are voted for on one ballot, the moderator shall cause all such ballots, when canvassed and counted, and record thereof has been made, publicly to be enclosed in envelopes, which shall be sealed and endorsed, and certified in the manner required by section one hundred and seven of chapter fifty-four.

41:10. Failure to elect; procedure to fill vacancy; notice.

Section 10. If there is a failure at an election to choose a town officer, except a selectman, or if a person chosen shall not accept such office, or if a vacancy shall occur, the town may at any meeting elect a person to such office.

If, at an election of town officers for which official ballots are used, there is a failure to elect a town officer, he may be elected at an adjourned or succeeding meeting; and ballots shall be prepared and furnished for such meeting, containing the nominations already made and such as may subsequently be made for the office.

The proceedings in such election and the qualifications of a person to be elected or appointed in case of failure to elect, refusal to accept or vacancy shall be the same as in an original election. 10
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If there is a failure to elect or a vacancy occurs in the office of selectman, the remaining selectmen or selectman may call a special election to fill the vacancy and shall call such election upon the request in writing of two hundred registered voters of the town, or twenty per cent of the total number of registered voters of the town, whichever number is the lesser; provided, that such request is filed with them or him not less than one hundred days prior to the date of the next annual election. 13
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If there is a resignation of a town officer creating a vacancy at some later time certain, and such resignation is filed with the town clerk in accordance with the provisions of section one hundred and nine, said town clerk shall certify a vacancy shall occur at the later time certain and the board of selectmen may call a special election as provided in this section; provided, however, that no such election may be held prior to the effective date of the resignation creating such vacancy. 21
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No election shall be held for any office pursuant to this section unless the selectmen file with the town clerk notice of an election for such office not less than fifteen days before the last day to submit nomination papers to the registrars of voters for certification, before the election or any preceding primary, caucus, or preliminary election. 29
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41:11. Appointment to fill vacancy in town office.

Section 11. As used in this section, the term "vacancy" includes a failure to elect. If a vacancy occurs in any town office, other than the office of selectman, town clerk, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining member or members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the town and shall perform the duties of the office until the next annual meeting or until another is qualified. 1
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CLERK.

41:12. City clerks; tenure.

Section 12. In cities which accepted chapter three hundred and thirty-two of the acts of nineteen hundred and one, the term of office of the city clerk shall be three years from the date of his election or appointment, except that in cities required to elect a city clerk in December his term shall be three years from the beginning of the next municipal year. In either case the clerk shall serve until the qualification of his successor unless sooner removed; and a person appointed to fill a vacancy in the office of city clerk shall hold the office until the end of the unexpired term of his predecessor.

41:13. Bond of town clerk.

Section 13. Every town clerk shall, within ten days after his election and thereafter, at intervals of not more than one year, so long as he continues to hold said office, give bond to the town for the faithful performance of his duties, in a form approved by the commissioner of revenue and in such sum, not less than the amount established by said commissioner, as shall be fixed by the selectmen. If he does not give bond as herein required the selectmen may declare the office vacant and fill the vacancy in the manner prescribed in section fourteen.

41:13A. Bond of city clerk.

Section 13A. Each city clerk, except in Boston, shall, within ten days after his qualification, give bond to his city with a surety company authorized to transact business in the commonwealth as surety, in a form approved by the commissioner of revenue and in such sum, not less than the amount established by said commissioner, as shall be fixed by the mayor and aldermen, conditioned faithfully to account for all fees received by him for licenses and duplicates thereof for which he is required by law to account, and for the payment over in accordance with law of all such fees, less such sums, if any, as he is allowed by law to retain therefrom.

41:13B. Renewal of licenses and permits; delegation of authority.

Section 13B. In a city in which the board of aldermen or city council is the licensing authority such board or council may delegate from time to time to the city clerk of such city, subject to such conditions and limitations as it may impose, the powers vested in such board or council to renew licenses or permits authorized to be renewed under the provisions of chapter one hundred and forty, or of any other general or special law.

41:14. Temporary clerk.

Section 14. If the office of city clerk is vacant, or if a city clerk is unable to perform the duties required by chapters fifty to fifty-six, inclusive, the mayor shall appoint a temporary clerk to perform such duties. If at a town meeting the office of town clerk is vacant, or if the town clerk is absent, the meeting shall elect by ballot a temporary clerk. The selectmen, or in their absence three persons chosen at the meeting in such manner as the voters present shall determine, shall receive and count the votes and declare the election of such clerk. If in case of vacancy other duties than those required of a town clerk at a town meeting are to be performed, or if he is unable to perform such duties, the selectmen may in writing under their hands appoint a clerk for the performance thereof, who shall be sworn and shall, in the performance of such duties, have the same powers and be subject to the same requirements and penalties as the town clerk, and he shall immediately make a record of his election or appointment.

41:15. Town clerks; powers and duties.

Section 15. The town clerk shall record all votes passed at town meetings held during his term of office. He shall administer the oaths of office to all town officers who apply to him to be sworn, and shall make a record thereof and of the oaths of office taken before justices of the peace of which certificates are filed. He shall, immediately after every annual election of town officers, transmit to the state secretary, on blanks to be furnished by him, a complete list of all town officers elected and qualified and shall promptly report to the secretary any changes in such officers. He shall, except in the county of Suffolk, within seven days after the qualification of a constable make return of his name to the clerk of the courts and to the sheriff of the county. He shall make and keep an index of instruments entered with him required by law to be recorded, which shall be divided into five columns, with appropriate headings for recording the date of reception, the names of parties and the book and page on which each instrument is recorded. It shall be open to public inspection.

41:15A. Certification of appropriations.

Section 15A. City and town clerks and clerks of districts shall, as soon as an order or vote appropriating money becomes effective, certify, in a city to the treasurer, assessors and auditor or similar officer, and in a town to the assessors and the town accountant, if any, otherwise to the treasurer, and in a district to the assessors and the accounting officer, if any, otherwise to the treasurer, each appropriation in detail, and the provisions made for meeting the same, if specified in the appropriation order or vote.

41:16. Oaths of town officers; return of certificate.

Section 16. A justice of the peace administering the oath of office 1
to any town officer shall, within seven days thereafter, return to the 2
town clerk a certificate thereof. 3

41:17. Filing of city contracts; penalty for noncompliance.

Section 17. Every officer of a city who makes or executes a 1
contract on behalf of the city shall furnish said contract or a copy 2
thereof to the city clerk and the city auditor within one week after its 3
execution; and the city clerk shall keep such contract or copy on file, 4
open to public inspection during business hours. Such contracts or 5
copies shall be kept in a book by themselves or in several books, 6
arranged according to the subject of the contract, or in other conve- 7
nient form, and an index to the subject matter of the contracts and to 8
the names of the contractors shall be made semiannually, and shall 9
also be open to public inspection in some convenient form. All 10
allowances under the additions to such contracts, or copies thereof, 11
shall be filed with the city clerk and the city auditor, together with a 12
sworn statement of the officer making such allowances or additions 13
that the same are correct and in accordance with the contract. A city 14
clerk or other city officer failing to comply with this section shall be 15
punished by a fine of not less than ten nor more than one hundred 16
dollars. 17

41:18. Assistant city clerk.

Section 18. A city may by ordinance establish the office of assis- 1
tant city clerk, and prescribe the manner of his appointment and his 2
powers and duties. His certificate or attestation shall have the same 3
effect as that of the city clerk. 4

41:18A. Records of city clerk; attestation.

Section 18A. The records of the city clerk of a city may be 1
attested by the volume and it shall be deemed to be a sufficient 2
attestation of each and all of the records contained therein when a 3
volume of said records bears the attest with the written signature of 4
the city clerk or of the assistant city clerk duly appointed under the 5
provisions of section eighteen. 6

41:18B. Facsimile signatures of city clerk, etc.

Section 18B. A facsimile of the signature of a city clerk or of a 1
duly appointed assistant city clerk, imprinted by either of them upon 2
any original instrument in attestation of the fact that the said 3
instrument has been recorded in the city clerk's office, shall have the 4
same validity as the written signature of either of them. 5

41:19. Assistant town clerks; powers and duties; compensation.

Section 19. The town clerk may in writing appoint an assistant clerk, who shall be sworn to the faithful performance of his duties; and a record shall be made of the appointment and oath. The assistant town clerk shall, in the absence of the clerk, perform his duties and have the powers and be subject to the requirements and penalties applicable to him, unless a temporary clerk is elected or appointed pursuant to section fourteen. Such duties and powers shall include acting as clerk of the board of registrars of voters, in a town where the town clerk performs this function; provided, that equal representation of the two leading political parties on said board, in accordance with section eighteen of chapter fifty-one, is not affected thereby. In towns of under one thousand inhabitants no person appointed as assistant clerk shall receive any salary for services as such from the town, but his compensation, if any, for such services shall be paid by the clerk, to whom all fees received by the assistant shall be paid. In towns having five thousand or more inhabitants an assistant clerk appointed under authority of this section shall not be subject to chapter thirty-one.

41:19A. Certificate of appointment or election of clerk; filing requirements.

Section 19A. Upon the appointment or election of a clerk or an assistant or temporary clerk of a city, town or district, or upon the appointment of a secretary or temporary secretary of a regional school district, the officer making the appointment, otherwise the president of the city council of such city, the chairman of the board of selectmen of such town, the chairman of the prudential committee, if any, otherwise the chairman of the commissioners of such district, or the chairman of the regional district school committee shall execute and file with the state secretary a certificate of such appointment or election, which shall specify the date thereof and the date of the expiration of the term of office, if any, otherwise that the tenure of office is unlimited, and which shall have appended thereto a statement signed by the person appointed or elected that he has entered upon the duties of such office. Upon presentation to the state secretary of a paper attested by any person as the holder of any such office, said secretary shall have authority to certify that such person is the holder thereof and attest to the genuineness of his signature.

41:19B. City and town clerks; tenure of office.

Section 19B. Every city or town clerk under age seventy duly elected or appointed, except a temporary clerk, who has served therein continuously not less than five years, shall, notwithstanding any contrary provision of general or special laws, hold office during good behavior until he has attained age seventy in any city or town in

which this section is accepted as hereinafter provided, but subject, 6
 however, to retirement under the provisions of any applicable general 7
 or special law relative to retirement systems. 8

41:19C. Acceptance of sec. 19B; procedure, etc.

Section 19C. In cities, and in any town using official ballots, 1
 acceptance of the provisions of section nineteen B shall be by vote in 2
 answer to a question placed on the official ballot at a regular city or 3
 town election as hereinafter provided; and in towns not using official 4
 ballots at town elections, such acceptance shall be by vote at an 5
 annual town meeting. 6

If there is filed with the clerk of a city or town a petition requesting 7
 the acceptance of the provisions of section nineteen B containing the 8
 signatures of not less than five thousand registered voters or of five 9
 per cent of the registered voters of such city or town, whichever is 10
 the lesser number, such question shall be submitted for acceptance to 11
 the registered voters at the next regular annual or biennial city 12
 election or the next annual town election or annual town meeting, as 13
 the case may be, which occurs more than sixty days after the filing of 14
 such petition. 15

All such petitions shall bear the endorsement thereon of the names 16
 and addresses of three registered voters designated as filing the 17
 same. The provisions of law relative to the signing of nomination 18
 papers of candidates for elective office and to the identification and 19
 certification of names thereon, submission to the registrars therefor 20
 and filing objections thereto shall apply, so far as apt, to petitions 21
 filed under this section. The registrars of voters shall within five 22
 days after such submission ascertain by what number of registered 23
 voters such petition has been signed, and shall make and certify a 24
 statement of their determination in detail, setting forth such number 25
 and whether or not the same has been signed by the number of 26
 registered voters herein required, and shall attach such statement to 27
 said petition. 28

If such petition bears the signatures of registered voters in the 29
 number herein required, as shown by the statement of the registrars 30
 of voters, and has been filed seasonably with the city clerk or with the 31
 town clerk of any town using official ballots, and the said clerk finds 32
 the same to be in order, he shall cause the following question to be 33
 printed on the official ballot to be used for the election of city or town 34
 officers, at such regular city or town election, as the case may be:— 35

“Shall the (city) (town) vote to accept the provisions
 of section nineteen B of chapter forty-one of the
 General Laws and thereby provide permanent tenure
 for (name of incumbent), the present incumbent in the
 office of (city) (town) clerk?”

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes in answer to said question is in the affirmative and the incumbent's term is a continuing one or if the incumbent's term is expiring and he was re-elected, then said section shall thereupon take full effect in said city or town, but not otherwise.

41:19D. Removal or suspension of clerk having permanent tenure.

Section 19D. After the acceptance of the provisions of section nineteen B in any city or town, the incumbent city or town clerk shall not be removed from office, lowered in rank, or suspended, except for just cause, and for reasons specifically given him in writing by the city council or board of aldermen or other appointing authority as the case may be, in the case of cities, or by the board of selectmen in the case of towns. Before any action affecting employment is taken, the said clerk shall be given a full hearing before the appropriate board as referred to in the preceding sentence, of which hearing he shall have at least five days' written notice, exclusive of Sundays and holidays, from said appropriate board, and he shall be allowed to answer charges preferred against him either personally or by counsel. He shall be notified in writing within three days after the hearing of the decision of said board, stating fully and specifically the reasons for removal or suspension.

Within thirty days after the date of the decision of said board following a hearing as set forth in the preceding paragraph, any city or town clerk who was removed, lowered in rank, or suspended, may bring a petition in the district court within the judicial district in which such clerk resides, praying that the action of said board in removing, lowering him in rank, or suspending him, as the case may be, may be reviewed by the court, and, after such notice in writing to the board which has ordered such removal, lowering in rank, or suspension, as the court deems necessary, it shall hear witnesses, review such action and determine whether or not upon all the evidence such action was justified. If the court finds that such action was justified, the action of said city council, board of aldermen or board of selectmen, as the case may be, shall be affirmed; otherwise, it shall be reversed and the petitioner shall be reinstated in his office without loss of compensation.

41:19E. Procedure for filling vacancy following death or removal of clerk having permanent tenure, etc.

Section 19E. In any city or town in which the clerk has been given permanent tenure by the acceptance of the provisions of section nineteen B, such tenure in office shall be effective only during the incumbency of the person who held such office at the time said section was accepted and it shall not extend to his successor in office. Whenever any vacancy shall occur in the office of city or town clerk

in any city or town by reason of the death, retirement, resignation, 7
attaining age seventy or removal of an incumbent who had been given 8
such tenure, his successor, in the case of cities, shall be appointed, or 9
elected as provided by the charter of such city or by the applicable 10
provisions of any general or special law in effect at the time such 11
vacancy occurs; and, in the case of towns, his successor shall be 12
elected in accordance with the provisions of section one of chapter 13
forty-one of the General Laws. Whenever such vacancy occurs in the 14
office of clerk in any town, or in any city in which it is provided by 15
law or by its charter that the city clerk shall be elected by popular 16
vote at a regular election, a temporary clerk may be appointed as 17
provided by section fourteen of said chapter forty-one to serve until 18
the qualification of such duly elected city or town clerk as shall be 19
elected at the next regular annual or biennial election at which such 20
officer shall be elected. 21

Nothing herein contained, however, shall be construed to prohibit 22
any successor in such office of city or town clerk from obtaining 23
tenure after serving continuously not less than five years by the 24
filing of another petition requesting acceptance of section nineteen B 25
and its acceptance by the registered voters as set forth in section 26
nineteen C. 27

41:19F. Additional compensation for serving as clerk of city council.

Section 19F. In any city which accepts this section, the city clerk 1
shall, if in said city, he is required by statute or ordinance to serve as 2
clerk of the city council, and notwithstanding any provision of section 3
thirty-three A of chapter forty-four or any other general or special 4
law to the contrary, be paid for such services, a salary of a minimum 5
amount of one thousand dollars but not more than four thousand 6
dollars, which shall be in addition to any other compensation to which 7
he may be entitled as clerk of such city. 8

41:19G. Additional compensation for serving as member of registrars of voters.

Section 19G. A clerk of a city or town who also serves as a 1
member of its board of registrars of voters shall, in addition to any 2
compensation to which he may be entitled as city or town clerk, 3
receive the sum of fifty dollars, and, if the number of registered 4
voters exceeds one thousand, an additional fifty dollars for each 5
additional thousand of registered voters or major fraction thereof, 6
provided, however, that the total payment for such service as a 7
member of said board shall not exceed fifteen hundred dollars in any 8
year, except as provided in section nineteen H. 9

41:19H. Maximum amount of additional compensation for serving as member of board of registrars of voters; acceptance of this section.

Section 19H. Notwithstanding the limitation contained in section nineteen G, in a city or town which accepts this section the total amount of additional compensation payable to its clerk who also serves as a member of its board of registrars of voters shall not exceed two thousand dollars.

41:19I. Additional compensation for serving in other city or town positions.

Section 19I. Notwithstanding the provisions of chapter two hundred and sixty-eight A, any clerk of a city or town who also serves in any other position for such city or town may in addition to any compensation to which he may be entitled as such city or town clerk receive such additional compensation for such additional services as the selectmen, town meeting, town council or mayor and city council may provide.

41:19J. Additional compensation for service as registrars of voters board member.

Section 19J. Notwithstanding the provisions of sections nineteen G and nineteen H, a city or town which accepts this section may compensate a clerk of a city or town who also serves as a member of its board of registrars of voters, in addition to any compensation to which such clerk is entitled as city or town clerk, a sum not less than fifty dollars but not to exceed one hundred dollars, and, if the number of registered voters exceeds one thousand, an additional sum not less than fifty dollars but not to exceed one hundred dollars for each additional thousand of registered voters or major fraction thereof; provided, however, that the total payment for such service as a member of said board shall not exceed four thousand dollars in any year.

SELECTMEN.

41:20. Selectmen; duties and oaths; penalty.

Section 20. Selectmen shall, upon the receipt and approval of the bond of a collector of taxes or treasurer, give written notice thereof to the assessors. The selectmen shall be assessors of taxes in towns which have not authorized the election of such officers; and before acting as assessors they shall take the oath required of assessors. A person elected a selectman who enters upon the performance of his duties before taking the oath of office shall forfeit not more than one hundred dollars.

41:21. Authorization for selectmen to act as or appoint other town officers.

Section 21. By vote of a town meeting called for the purpose in any town at least sixty days before an annual meeting, or upon

request by petition of ten per cent of the qualified voters of any town
 filed with the selectmen thereof at least sixty days before an annual
 town meeting, asking that the selectmen act as a water and sewer
 board, water commissioners, water and municipal light commission-
 ers, municipal light board, sewer commissioners, park commissioners,
 board of public works, board of health, assessors, or commission of
 public safety, or perform the duties of such boards or officers or any
 of them or that cemetery commissioners, assessors, a superintendent
 of streets, a chief of the police and fire departments or board of
 health be thereafter appointed by the selectmen, the selectmen of
 such town shall include in the warrant for such annual meeting for
 submission to the voters such question or questions in the following
 form, to be placed on the official ballot in towns using such ballot:—

Shall the town vote to have its selectmen act
 as _____?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

Shall the town vote to have its selectmen appoint
 _____?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a town, in which the selectmen are elected for terms of one year,
 shall vote in accordance with this section that its selectmen shall act
 as or perform the duties of any of the aforesaid boards or officers, it
 shall, at the next annual meeting, elect one selectman for one year,
 one for two years and one for three years, or, if five are to be elected,
 one for one year, two for two years and two for three years, and
 thereafter in either event shall elect them for terms of three years.
 Upon the election and qualification of the selectmen at such next
 annual meeting, and upon the appointment and qualification by oath
 of the officers herein authorized to perform the duties of any existing
 town board or officer, the term of office of such existing board or
 officer shall thereupon terminate, and all the duties, powers and
 obligations of said boards and officers shall be transferred to and
 imposed upon their successors.

41:21A. Removal of persons appointed to positions of chief of police or head of municipal police department.

Section 21A. In any city or town which accepts the provisions of
 this section, any person who is appointed to the position of chief of
 police or head of the municipal police department in a city, town, or
 district, shall not be removed from such position until a hearing is
 held by the appointing authority. For the purpose of this section only
 failure of reappointment shall be deemed to be a removal. The
 provisions of this section shall apply only to persons appointed to such
 positions under the provisions of section twenty-one.

41:22. Officers appointed by selectmen; tenure; compensation; vacancies.

Section 22. Officers appointed by authority of a vote under the preceding section shall hold office until removed by the selectmen, and shall receive such salary as the selectmen may determine, subject to the appropriations of the town therefor; and any vacancies existing in any of said offices under the supervision and control of the selectmen shall be filled in the manner of an original appointment.

41:23. Rescission of vote by selectmen; election of other officers; tenure, etc.

Section 23. A town may, after a vote under section twenty-one has been in effect therein for a period of not less than three years, by a vote at a meeting held at least thirty days before the annual town meeting, rescind such action in whole or in part, and thereupon said town shall, at the next town meeting, nominate and elect such officers as are necessary to carry out the duties exercised in accordance with section twenty-one by the board of selectmen or officers appointed by them. Such officers, when to be elected for three year terms, if members of a board of three or more, shall be nominated and elected for one, two or three years respectively, and thereafter for the term of three years, and upon their election and qualification shall have all the duties and obligations imposed upon them by law.

ASSESSORS.

41:24. Assessors; number; method of selection; tenure, etc.

Section 24. There shall be one, three, five, seven or nine assessors in every city and one, three or five assessors in every town. The assessors in every city and town shall be elected or appointed as otherwise provided by law; but as nearly one third of their number as may be shall be elected or appointed annually, each to hold office for three years and thereafter until his successor is duly elected or appointed. As soon as may be after such annual election or appointment, the assessors of every city and town shall organize by choosing one of their number as chairman and another as secretary or clerk of their board. None of the foregoing provisions shall apply to the city of Boston. In no city or town, including Boston, shall an assessor hold the office of collector of taxes or deputy collector of taxes, whether said deputy is appointed under the provisions of section thirty-seven of this chapter or section ninety-two of chapter sixty.

41:25. Appointment by selectmen; tenure of office.

Section 25. In towns which accept this section or have accepted corresponding provisions of earlier laws, the selectmen shall appoint suitable citizens of the town assessors for a term of not more than three years, and may remove them at any time for cause after a

hearing. Upon the qualification of persons so appointed the term of	5
existing assessors of such town shall terminate.	6

41:25A. Assistant assessors; appointment by assessors; duties; compensation; tenure.

Section 25A. The assessors may appoint as assistant assessors	1
such number of suitable citizens as they deem necessary, and may	2
remove them. Such assistant assessors shall perform such duties as	3
the assessors may require for such time as they may determine and	4
shall receive compensation only for duties performed as so required.	5
Every such assistant assessor shall hold office for the period of one	6
year from the date of his appointment, unless sooner removed;	7
provided, that, in the case the assessors fail to appoint a successor to	8
any such assistant assessor during the month preceding the expira-	9
tion of his term, he shall continue to serve during the following period	10
of one year, unless sooner removed. This section shall apply in all	11
cities and towns, except Boston, notwithstanding any provision of	12
special law.	13

41:26. Appointment by selectmen where town so votes.

Section 26. If a town votes under section twenty-one to have its	1
selectmen appoint a board of assessors, the selectmen shall thereupon	2
appoint three or five suitable persons as assessors, who shall act as	3
assessors of the town and shall have all necessary powers therefor.	4

41:27. Appointment upon failure of incumbents to perform duties.

Section 27. If assessors, or selectmen acting as such, shall fail to	1
perform their duties, the commissioner of revenue may appoint three	2
or more persons to be assessors for such town, who shall be sworn,	3
shall hold office until the offices of assessors are filled by the town,	4
and shall receive from the town compensation as assessors.	5

41:28. Powers and duties of assistant assessors.

Section 28. Assistant assessors shall, in their respective districts,	1
assist the assessors in estimating the value of the real and personal	2
estate in such districts, and in the performance of such other duties as	3
the assessors require.	4

41:29. Oath of office; penalty for failure to take oath.

Section 29. Any person chosen to assess taxes or to determine or	1
to assist in determining the value of property for the purpose of	2
taxation shall, before entering upon the performance of his duties,	3
take the following oath:	4

I, having been chosen to assess taxes and estimate the value of property for the purpose of taxation for the town (or city) of for the year (or years) ensuing, do swear that I will truly and impartially, according to my best skill and judgment, assess and apportion all such taxes as I may during that time assess; that I will neither overvalue nor undervalue any property subject to taxation, and that I will faithfully perform all the duties of said office.

If he neglects to take such oath before entering upon the performance of his duties, he shall forfeit not more than fifty dollars.

41:30A. Vacancies; effect on powers of remaining assessors.

Section 30A. A vacancy in the office of assessor shall not divest or suspend the authority and powers of the remaining assessors, notwithstanding any provision of special law making mandatory the filling of vacancies.

41:30B. Agreements for joint and cooperative assessment, classification and valuation of property.

Section 30B. Any two or more cities and towns may enter into an agreement for joint or cooperative assessing, classification and valuation of property. Such agreement shall provide for:—

(1) the division, merger or consolidation of administrative functions between or among the parties, or the performances thereof by one city or town on behalf of all the parties;

(2) the financing of the joint or cooperative undertaking;

(3) the rights and responsibilities of the parties with respect to the direction and supervision of the work to be performed and with respect to the administration of the assessing office including the receipt and disbursement of funds, the maintenance of accounts and records and the auditing of accounts;

(4) annual reports of the assessor to the constituent parties;

(5) the duration of the agreement and procedures for amendment or termination thereof; and

(6) any other necessary or appropriate matter.

Unless the agreement provides for assessing by one city or town on behalf of the other cities and towns parties thereto, the agreement shall provide for the designation of an appointing authority representing all of the cities and towns in the district, which shall be responsible for the appointment of an assessor who shall serve as the assessor for each and all cities and towns in the district. Subject to the rules and regulations established by the commissioner of revenue pursuant to section one of chapter fifty-eight, the agreement shall provide for qualifications, terms and conditions of employment for the assessor

and employees of his office. The agreement may provide for inclusion of the assessor and said employees in insurance, retirement programs and other benefit programs of one of the constituent parties. Any city or town party to such an agreement may include employees of an assessing district in such programs.

No agreement for joint or cooperative assessing made pursuant to this section shall take effect until it has been approved in writing by the commissioner of revenue.

TREASURER AND COLLECTOR.

41:38A. Powers of tax collector as to collection of accounts due city or town; communications, documents or writings identifying husband and wife.

Section 38A. A city or town may by ordinance, by-law or vote, notwithstanding any other provision of law, general or special, provide that the collector of taxes shall collect, under the title of city or town collector, all accounts due the city or town, and may in like manner define his powers and duties in relation to the collection of such accounts, but no such ordinance, by-law or vote, heretofore or hereafter passed, shall limit such collector in the exercise of the remedies hereinafter conferred. Such a collector shall in the collection of such accounts have all the remedies provided by sections thirty-five, thirty-six and ninety-three of chapter sixty for the collection of taxes on personal estate. This section shall not apply to the collection of interest on investments of sinking or trust funds. All bills for accounts due the city or town shall state that all checks, drafts or money orders shall be made payable to or to the order of the city or town and not to or to the order of any officer, board or commission.

Whenever the collector of taxes, in any communication, document or writing intended for use outside his department, identifies a husband and wife, he shall use the name of both husband and wife and shall not use a legal phrase as a substitute for either name.

41:39. Collection of taxes by constable.

Section 39. If a person appointed to collect taxes in a town refuses to serve, or if no person is elected or appointed a collector of taxes, the constables of the town shall be the collectors of taxes.

41:40. Temporary town officers.

Section 40. If the office of town treasurer, town collector of taxes, town accountant or auditor in a town having but one is vacant or if any such officer, because of disability or absence, is unable to perform his duties, the selectmen may in writing signed by them or by a majority of them, which shall be filed in the office of the town

clerk, appoint a temporary officer to hold such office and exercise the powers and perform the duties thereof until another is duly elected or appointed and has qualified according to law or the officer who was disabled or absent resumes his duties. Any such temporary officer shall be sworn and give bond for the faithful performance of his duties in accordance with the provisions of law applying to the officer whose place he fills, and if he fails so to do within ten days after his appointment the selectmen shall rescind the appointment and appoint another. If a tree warden, highway surveyor, or road commissioner in a town having but one road commissioner, because of disability or absence, is unable to perform his duties, the selectmen may, in like manner, appoint a temporary officer to hold his office, who shall have like powers and duties until such tree warden, highway surveyor or road commissioner resumes his duties or his successor is elected or appointed, as the case may be. This section shall not apply to cities.

SINKING FUND COMMISSIONERS.

41:44. Sinking fund commissioners; election; tenure; appointment of secretary and treasurer.

Section 44. A city or town having a sinking fund as provided in section forty-seven of chapter forty-four shall elect each year for terms of three years the number of sinking fund commissioners equal to the number whose term then expires. In towns they shall be elected by ballot at town meeting, and in cities by concurrent vote of both branches of the city council. In case of a vacancy the remaining member or members shall exercise the powers of the board until the vacancy is filled. The city or town treasurer shall not be eligible as a commissioner, and the acceptance by a commissioner of the office of treasurer shall render his former office vacant. The foregoing provisions as to the mode of electing commissioners shall not apply to boards of sinking fund commissioners which were established before the thirteenth day of June in the year eighteen hundred and seventy-five. The commissioners shall choose a treasurer, who may be the city or town treasurer; and if the city or town treasurer is chosen his bond shall apply to and include duties performed as treasurer of the sinking fund. If any other person is chosen treasurer he shall give a bond, with sureties, to the satisfaction of the commissioners, for the proper performance of his official duties. The commissioners may also choose a secretary.

COMMISSIONERS OF TRUST FUNDS.

41:45. Board of commissioners of trust funds; creation; membership; powers and duties, etc.

Section 45. Any city or town, except Boston, may create a board of commissioners of trust funds, consisting of three persons who shall

have the management of all trust funds given or bequeathed for the benefit of the town or the inhabitants thereof, unless the donor in making the gift or bequest shall otherwise provide. In cities the commissioners shall be appointed by the mayor and confirmed by the council. In towns they shall be elected in the same manner as other town officers. At the time of creating said board there shall be appointed or elected one member for one year, one member for two years, and one member for three years; and there shall be appointed or elected annually thereafter one member for three years. Vacancies shall be filled by the mayor, with the approval of the council, or by the selectmen.

41:45A. Commissioners in towns under five thousand population.

Section 45A. If a town having less than five thousand inhabitants votes to accept this section, the board of selectmen of such town shall thereafter have all the powers and duties of commissioners of trust funds, as provided in sections forty-five and forty-seven, until such time as the number of inhabitants of said town shall exceed five thousand.

AUDITOR.

41:49. Vacancy in town office.

Section 49. If the office of an auditor in a town is vacant, the remaining auditors, if any, may perform the duties thereof and may appoint a person to aid them. If there is no remaining auditor, the selectmen shall appoint an auditor to serve until another is qualified.

ACCOUNTANT.

41:55. Accountant; appointment; tenure; powers and duties, etc.

Section 55. Any town may authorize the selectmen to appoint a town accountant, who shall perform the duties and possess the powers of town auditors as defined in sections fifty to fifty-three, inclusive. In towns so authorizing the appointment of a town accountant the office of town auditor may, if the town so vote, be abolished. In towns which have accepted chapter thirty-one or corresponding provisions of earlier laws, the appointment of the town accountant shall be subject to the civil service rules. The town accountant shall be sworn to the faithful performance of his duties, shall hold no other town office involving the receipt or disbursement of money, and shall hold office for three years and until his successor is qualified; provided, that the town clerk, if he holds no other office involving the receipt or disbursement of money, may be appointed town accountant.

OFFICERS IN CHARGE OF ROADS,
SEWERS AND WATER WORKS.

41:63. Road and sewer commissioners.

Section 63. A town may at an annual meeting if official ballots are not used, otherwise at a meeting held at least thirty days before the annual meeting, vote to elect in the following manner three road commissioners or three sewer commissioners, or both.

It shall, at the annual meeting when such vote is passed or at the annual meeting next succeeding the meeting at which the vote was passed, elect one for one year, one for two years and one for three years; and at each annual meeting thereafter it shall elect one for three years. A town which has voted to elect said officers as herein provided may in like manner rescind such action; and thereupon, if at an annual meeting, the offices of road commissioners or sewer commissioners or both shall be abolished. If such vote is taken at a meeting held at least thirty days before the annual meeting, such abolition shall take effect at the next annual meeting. Upon the election of road commissioners as herein provided, the office of highway surveyor shall be abolished.

41:66. Superintendent of streets; appointment; tenure.

Section 66. In a town which has not authorized the election of a road commissioner or commissioners or a surveyor or surveyors of highways, or which, having a road commissioner or commissioners or a surveyor or surveyors of highways, has voted in accordance with section twenty-one that a superintendent of streets be appointed by the selectmen, the selectmen shall, as soon after the annual town meeting as may be, appoint in writing a superintendent of streets, who shall receive such compensation as the selectmen or the town determine and shall be removable by them when the public interest requires. He shall be sworn to the faithful performance of his duties, and shall hold office until the next annual town meeting or until his successor is qualified. Upon the qualification of a superintendent of streets appointed by the selectmen in accordance with a vote under said section twenty-one, the office or offices of highway surveyor or surveyors or road commissioner or commissioners shall terminate.

41:69A. Water commissioners; election; tenure; quorum; vacancies.

Section 69A. Any town establishing a water supply or water distributing system under authority of section thirty-nine A of chapter forty may establish a board of three water commissioners or authorize its selectmen to act as such. Such commissioners shall, in the first instance, be elected by ballot to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the next succeeding annual

town meeting; and at the annual town meeting held on the day on 8
 which the shortest of such terms expires, and at each annual town 9
 meeting thereafter, one such commissioner shall be elected by ballot 10
 for the term of three years. A majority of said commissioners shall 11
 constitute a quorum for the transaction of business. After the 12
 election of a board of water commissioners under authority of this 13
 section, any vacancy occurring in said board from any cause may be 14
 filled for the remainder of the unexpired term by said town at any 15
 legal town meeting called for the purpose. Any such vacancy may be 16
 filled temporarily in the manner provided by section eleven, and the 17
 person so appointed shall perform the duties of the office until the 18
 next annual meeting of said town or until another person is qualified. 19
 Nothing herein contained shall prevent action under section twenty- 20
 one or sixty-nine. 21

41:69C. Submission of adoption of board to electorate; ballot.

Section 69C. By vote of a town meeting called for the purpose in 1
 any town at least ninety days before an annual town meeting, or, in 2
 the case of a town which voted thereon and the vote was not in the 3
 affirmative, upon request by petition of ten per cent of the qualified 4
 voters of any town filed with the selectmen at least sixty days before 5
 an annual town meeting, the selectmen shall include in the warrant 6
 for such annual meeting for submission to the voters the following 7
 question, to be placed on the official ballot in towns using such 8
 ballots;— “Shall sections sixty-nine C to sixty-nine F, inclusive, of 9
 chapter forty-one of the General Laws, providing for the establish- 10
 ment of a board of public works exercising the powers of certain 11
 other departments and town officers be accepted?” If a majority of 12
 the votes cast in answer to such question is in the affirmative, this 13
 section and sections sixty-nine D to sixty-nine F, inclusive, shall 14
 become fully effective beginning with, and for the purposes of, the 15
 next annual town election. 16

41:69D. Board of public work; membership; election; tenure; powers and duties.

Section 69D. Any town which has accepted the provisions of 1
 sections sixty-nine C to sixty-nine F, inclusive, shall elect in the 2
 following manner a board of public works, hereinafter called the 3
 board, to consist of three members. The initial members thereof shall 4
 be elected, one to serve for one year, one for two years, and one for 5
 three years, from the date of the annual meeting at which they are 6
 elected, and thereafter when the term of any member expires, his 7
 successor shall be elected to serve for three years. In all cases the 8
 members shall serve until their successors are elected and qualified. 9
 The members of the board shall, after each election, elect one of their 10
 members to act as chairman for the ensuing year. 11

Upon the election and qualification of the members of the board, the board shall have all the powers and duties now or from time to time vested by general law or special act in the following boards, departments and offices, or in boards, departments and offices having corresponding powers and duties in said town, to wit:— road commissioners, surveyors of highways, superintendent of streets, water commissioners, sewer commissioners, municipal light board or commissioners, park commissioners, cemetery commissioners, tree warden, moth superintendent and forestry department, and such boards, departments and offices shall thereupon be abolished. No contracts or liabilities then in force shall be affected by such abolition, but the board of public works shall in all respects be the lawful successor of the boards, departments and offices so abolished.

The board shall have such additional powers with respect to the furnishing of engineering services, the collection and disposal of garbage and refuse, the maintenance and repair of town buildings and property, and the performance of such duties of any other boards, departments and offices of the town as may be reasonably related to the duties and responsibilities of a board of public works, as the town may, from time to time, by by-law provide, any other provisions of law to the contrary notwithstanding.

41:69F. Submission to voters of revocation of acceptance; conditions; effect.

Section 69F. Any town which has accepted the provisions of sections sixty-nine C to sixty-nine F, inclusive, may, after the expiration of three years from the date of such acceptance, upon petition of ten per cent of the qualified voters of the town filed with the selectmen at least sixty days before an annual town meeting, vote at an annual meeting to revoke such acceptance, and the question of such revocation shall be submitted to the voters in the form of the following question:— “Shall the acceptance by the town of sections sixty-nine C to sixty-nine F, inclusive, of chapter forty-one of the General Laws providing for the establishment of a board of public works exercising the powers of certain other departments and town officers be revoked?” If a majority of the votes cast in answer to said question is in the affirmative, then at the next annual town election held after said vote to revoke, the town shall elect such officers as are necessary to exercise and perform the powers, rights and duties transferred to the board of public works by said sections. Such action shall not affect any contract or liability then created or existing. All general laws respecting town administration and town officers, and any special laws relative to said town, the operation of which has been suspended or superseded by the acceptance of said sections sixty-nine C to sixty-nine F, inclusive, shall then be in full force and effect. Any by-law inconsistent with such special or general laws shall be revoked thereby. Any subsequent vote to

revoke the acceptance of said sections shall not be taken more often	24
than once in three years.	25

41:69G. Office of lands and natural resources; establishment; powers and duties; director and assistants.

Section 69G. Every city or town may establish an office of lands	1
and natural resources. Said office shall have charge of such lands as	2
may be committed to its care and may perform such maintenance and	3
improvement work on other municipal lands as may be permitted by	4
the board, department, commission or committee in charge thereof.	5
Said office shall exercise the duties of tree warden and superinten-	6
dent of insect pest control, and upon the establishment of said office	7
and offices of tree warden and superintendent of insect pest control	8
shall be abolished. Said office shall be under the control of a director	9
qualified by training and experience in the field of arboriculture and	10
licensed by the pesticide board in the department of environmental	11
protection. The city manager or the town manager in a city or town	12
having such manager, the mayor in any other city and the selectmen	13
in any other town shall appoint said director for a term of three years.	14
The commissioner of environmental management shall be notified in	15
writing forthwith by the city or town clerk of said appointment and	16
the name and address of said director. The director may appoint such	17
assistants as appropriations permit. He shall have control of all sums	18
appropriated for and to be expended by the office and may apply for	19
and receive such federal, state and county assistance as may be	20
available. Nothing contained in this section shall be construed to	21
affect the powers and duties of a conservation commission established	22
under section eight C of chapter forty.	23

PLANNING BOARD.

41:70. Planning board; creation; duties.

Section 70. Every city and every town having a population of more	1
than ten thousand at the last preceding national census shall, and	2
towns having a population of less than ten thousand may, create a	3
planning board, which shall make careful studies of the resources,	4
possibilities and needs of the town, particularly with respect to	5
conditions injurious to the public health or otherwise in and about	6
rented dwellings, and make plans for the development of the municip-	7
ality, with special reference to proper housing of its inhabitants. In	8
cities the said board shall be appointed by the mayor, subject to	9
confirmation by the council, and in towns shall be elected at the	10
annual town meeting or be appointed in such manner as an annual	11
town meeting may determine.	12

No planning board shall be established under this section after	13
December thirty-first, nineteen hundred and thirty-six, but any such	14

board established under this section or corresponding provisions of 15
 earlier laws and existing on said date shall continue until its existence 16
 is terminated under section eighty-one B. 17

41:72. Ordinances and by-laws.

Section 72. Cities and towns may make ordinances and by-laws for 1
 carrying out the purposes of section seventy and of sections eighty- 2
 one A to eighty-one GG, inclusive, and they may appropriate money 3
 therefor. The planning board of a town, established under section 4
 seventy or corresponding provisions of earlier laws, may be autho- 5
 rized by vote of the town to act as park commissioners therein, and 6
 may be vested with all the powers and duties of park commissioners 7
 in towns. 8

IMPROVED METHOD OF MUNICIPAL PLANNING.

41:81A. Planning board; establishment; membership; tenure; vacancies.

Section 81A. Any city except Boston, and, except as hereinafter 1
 provided, any town may at any time establish a planning board 2
 hereunder. Every town not having any planning board shall, upon 3
 attaining a population of ten thousand, so establish a planning board 4
 under this section. A planning board established hereunder shall 5
 consist of not less than five nor more than nine members. Such 6
 members shall in cities be appointed by the mayor, subject to confir- 7
 mation by the city council and in towns be elected at the annual town 8
 meeting or be appointed in such manner as an annual town meeting 9
 may determine; provided, that a town which has a planning board 10
 established under section seventy may, at an annual town meeting or 11
 at a special town meeting called for the purpose, vote to establish 12
 a planning board under this section and may provide that the members 13
 of the planning board then in office shall serve as members of the 14
 planning board under this section until the next annual town meeting. 15
 When a planning board is first established or when the terms of 16
 members of the planning board established under section seventy 17
 serving as members of the planning board under this section expire, 18
 as the case may be, the members of the planning board under this 19
 section shall be elected or appointed for terms of such length and so 20
 arranged that the term of at least one member will expire each year, 21
 and their successors shall be elected or appointed for terms of three 22
 or five years each as determined by the city council in the case of a 23
 city and by the town meeting in the case of a town. Any member of a 24
 board so established in a city may be removed for cause, after a 25
 public hearing, by the mayor, with the approval of the city council. A 26
 vacancy occurring otherwise than by expiration of term shall be filled 27
 for the unexpired term, in a city, in the same manner as an original 28
 appointment, and, in a town, if the members of the board are 29

appointed, in the same manner as the original appointment. If the members of a planning board are elected, any unexpired term shall be filled by appointment by the board of selectmen and the remainder of the members of the planning board until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term. All appointments pursuant to this section shall be in the manner provided in section eleven. Such a board shall elect annually a chairman and a clerk from among its own number, and may employ experts and clerical and other assistants. It may appoint a custodian of its plan and records, who may be the city engineer or town clerk. No member of a planning board shall represent before such board any party of interest in any matter pending before it.

Towns of less than ten thousand inhabitants, having no planning board established under this section may, by vote of the town meeting, authorize the board of selectmen to act as a planning board under this section until such a board is established; provided, that any such town, upon attaining a population of ten thousand, shall establish a planning board hereunder.

41:81B. Planning board; powers and duties generally.

Section 81B. In any city or town in which a planning board is established under section eighty-one A, if any of the powers and duties of planning boards or boards of survey are being exercised and performed by a planning board established under section seventy or corresponding provisions of earlier laws, or by a board of survey established under section seventy-three or corresponding provisions of earlier laws or by a special act, or by the board of selectmen acting as a planning board, or by any other board, all such powers and duties shall cease to exist, when the members of the planning board established in such city or town under section eighty-one A take office; and thereupon the planning board established therein under section eighty-one A shall have and exercise all the powers and duties theretofore conferred and imposed by general law upon planning boards and boards of survey in cities and towns, as the case may be, and all the powers and duties of any such board theretofore conferred and imposed by special law upon any board of the city or town, with respect to any matters pending before any of said boards at the time of the establishment of the planning board in such city or town under section eighty-one A, as well as the powers imposed by this section and sections eighty-one C to eighty-one GG, inclusive. The officer or person having custody of the records or plans, or both, of the former board shall turn them over to the officer or person entitled to custody of the records and plans of the planning board established under section eighty-one A.

Planning boards established under section eighty-one A, their officers and agents, may, so far as they deem it necessary in carrying out sections eighty-one A to eighty-one J, inclusive, enter upon any lands and there make examinations and surveys, and place and maintain monuments and marks; but any person injured in his property by such entry or other acts without his consent may recover the damages so caused under chapter seventy-nine. The superior court for the county in which the land affected by any of the provisions of sections eighty-one A to eighty-one J, inclusive, lies, sitting in equity, shall have jurisdiction on petition of a planning board established under section eighty-one A, to enforce any of the provisions of said sections, and any ordinances or by-laws made thereunder, and may restrain by injunction violations thereof.

CONSTABLES.

41:91. Constables; appointment and removal in cities.

Section 91. In a city in which the city council accepts this section, or has accepted corresponding provisions of earlier laws, constables shall be appointed by the mayor for terms not exceeding three years. The mayor may, with the consent of the board of aldermen, remove a constable from office for gross misconduct.

41:91A. Appointment in towns.

Section 91A. The selectmen in any town may from time to time appoint, for terms not exceeding three years, as many constables as they deem necessary.

41:91B. Appointments; qualifications; application; investigation.

Section 91B. Constables shall not be appointed by mayors or selectmen under section ninety-one or ninety-one A except as herein-after provided. A person desiring to be appointed as aforesaid shall make a written application therefor to the appointing authority stating his reasons for desiring such appointment and such information as may be reasonably required by said authority relative to his fitness for said office. Such application shall also contain a statement as to the moral character of the applicant signed by at least five reputable citizens of the city or town of his residence, one of whom shall be an attorney-at-law. The appointing authority shall also investigate the reputation and character of every applicant and his fitness for said office. The chief of police or other official having charge of the police shall upon request give the appointing authority all possible assistance in making such investigation. The office of constable shall be filled only by appointment of an applicant hereunder who is found by the appointing authority, after investigation as aforesaid, to be a person of good repute and character and qualified to hold said office.

REGIONAL POLICE DISTRICTS.

41:99D. Town elections for acceptance; ballots.

Section 99D. In towns using official ballots at town elections, acceptance of the provisions of the regional police district law shall be by vote in answer to the following questions to be placed on the official ballot at an annual town election as hereinafter provided, and in towns not using official ballots at town elections such acceptance shall be by vote at an annual town meeting. Upon the filing, with the clerk of any town using official ballots at town elections, of a petition signed by the board of selectmen requesting that the question of accepting the provisions of the regional police district law be placed upon the official ballot, the clerk shall place such questions on the official ballot for the next town election occurring more than thirty days after the filing of such petition. The questions to be voted on shall be:—

A. Shall the town accept the provisions of sections ninety-nine B to ninety-nine K, inclusive, of chapter forty-one of the General Laws, providing for the establishment of a regional police district, together with the town (towns) of ?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

B. Shall the police department provided for in question A be under the control and supervision of the regional police district commission and otherwise be governed by section ninety-seven of chapter forty-one of the General Laws governing local police department?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

C. Shall the police department provided for in question A be under the sole control and supervision of the chief of police appointed by the regional police district commission and otherwise be governed by section ninety-seven A of chapter forty-one of the General Laws governing local police departments?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the voters in each town voting on question A is in the affirmative, the proposed regional police district shall be deemed to be established.

If a majority of all the votes cast in the affirmative in the towns voting on question B is greater than the majority voting in the affirmative on question C, then the police department so established will be governed by section ninety-seven of said chapter forty-one; however, if a majority of all the votes cast in the affirmative in the towns voting on question C is greater than the majority voting in the

affirmative on question B, the police department so established will be 23
 governed by the provisions of section ninety-seven A of said chapter 24
 forty-one. 25

41:99K. Revocation of acceptance of regional police district law; town elections; ballot; continuity of district.

Section 99K. In towns using official ballots at town elections, 1
 revocation of the provisions of the regional police district law shall be 2
 by vote in answer to a question placed on the official ballot at an 3
 annual town election as hereinafter provided, and in towns not using 4
 official ballots at town elections such revocation shall be by vote at an 5
 annual town meeting. Upon the filing, with the clerk of any town 6
 using official ballots at town elections, of a petition signed either by 7
 the board of selectmen or by not less than five per cent of the total 8
 number of registered voters thereof, requesting that the question of 9
 revoking acceptance of the provisions of this law be placed upon the 10
 official ballot, the clerk shall place such question on the official ballot 11
 for the next town election occurring more than thirty days after the 12
 filing of such petition. The question to be voted on shall be:— "Shall 13
 the acceptance by the town of the provisions of sections ninety-nine B 14
 to ninety-nine K, inclusive, of chapter forty-one of the General Laws 15
 which provided for the establishment of a regional police district, 16
 together with the town (towns) of _____, be revoked?" 17

If such revocation is favored by a majority of the voters voting 18
 thereon, the acceptance of this law by such town shall be revoked and 19
 this law shall become null and void in said town beginning one year 20
 after such vote; provided, however, if any such town while a member 21
 of the district voted to accept the provisions of chapter thirty-one with 22
 respect to said district, the provisions of said chapter thirty-one shall 23
 remain in effect in said town and any person transferred to said town 24
 from the district as a result of such revocation shall be transferred 25
 without impairment of civil service status, seniority, retirement and 26
 other rights, without interruption of his service within the meaning of 27
 said chapter thirty-one and without reduction in his compensation and 28
 salary grade, notwithstanding any change in his title or duties made 29
 as a result of such transfer. 30

Whenever a town revokes acceptance of this law and withdraws 31
 from a regional police district said town shall remain liable for its 32
 share of any obligation of the district incurred while said town was a 33
 member of said district. 34

Whenever a town revokes acceptance of this law and withdraws 35
 from a regional police district and thereby breaks the contiguity 36
 required by section ninety-nine C, the remaining towns shall continue 37
 to form a district notwithstanding the absence of contiguity. 38

PURCHASING AGENT.

41:104. Establishment of purchasing department; submission to electorate.

Section 104. A city council, with the approval of the mayor, may
 vote to submit the preceding section to the qualified voters of the city
 at any annual city election, in the form of the following question to be
 placed upon the official ballot:

“Shall section one hundred and three of chapter
 forty-one of the General Laws, authorizing the
 establishment of purchasing departments in
 cities, be accepted?”

YES.	
NO.	

If a majority of the voters voting thereon shall vote in the affirma-
 tive, said section shall take effect in that city.

TRUSTEES OF SOLDIERS' MEMORIALS.

41:105. Trustees of soldiers' memorials; powers and duties; membership; tenure; vacancies; rules and regulations.

Section 105. Towns which accept gifts or bequests or appropriate
 money for the purpose of properly commemorating the services and
 sacrifices of the soldiers, sailors, marines and airmen who have served
 the country in war or persons who have rendered military service for
 the commonwealth in time of war may provide for a board of trustees
 to have charge and control of the construction of any such memorial,
 and to have the custody and care thereof after its construction. In
 cities the board shall consist of the mayor and five members appoint-
 ed by him and approved by the council, three of whom shall be
 veterans and two of whom shall not be veterans of any war; two
 members shall be appointed for one year, two for two years, and one
 for three years, and as the term of each member expires, a successor
 shall be appointed for three years. Any vacancy shall be filled in the
 same manner for the unexpired term. In towns the said board shall
 consist of the chairman of the board of selectmen, and five members
 elected by the town in the same manner as other town officers, three
 of whom shall be veterans and two of whom shall not be veterans of
 any war; two members shall be elected for one year, two for two
 years and one for three years, and as the term of each member
 expires, a successor shall be elected for three years; but until such
 board is elected, the selectmen may appoint a temporary board to
 serve until the next annual town meeting. Whenever a member who
 shall be a veteran is to be elected, the office shall be identified on the
 ballot and on nomination papers as “trustee of soldiers' memorials -
 veteran” and only candidates who are veterans shall be nominated.
 Whenever a member who shall not be a veteran is to be elected, the
 office shall be identified on the ballot and on nomination papers as

“trustee of soldiers’ memorials - non-veteran” and only candidates 28
 who are not veterans of any war shall be nominated. Any vacancy 29
 occurring in the town board shall be filled for the unexpired term by 30
 the remaining members. Such board may make such rules and 31
 regulations relative to the use of said memorials as they deem 32
 necessary. “War” as used in this section shall include, but not be 33
 limited to, the following military actions: Korean, Vietnam, Lebanon, 34
 and Grenada. 35

TREE WARDEN.

41:106. Tree warden; appointment.

Section 106. If the town provides by vote or by-law that the tree 1
 warden shall be appointed, such appointment shall be made by the 2
 selectmen. 3

TERM OF OFFICE AND COMPENSATION OF TOWN OFFICERS.

41:107. Oath of office beginning of term.

Section 107. A person who is elected town clerk shall be sworn 1
 either by the moderator or by a justice of the peace, and shall enter 2
 upon the performance of his duties on the seventh day succeeding his 3
 election or as soon thereafter as he is qualified and shall hold office 4
 during the term fixed by law, which shall begin on the seventh day 5
 succeeding his election, and until another person is qualified in his 6
 stead. Every person elected as a moderator of a town or district or to 7
 any other town office designated by name in section one, or as an 8
 officer of a district, which district includes two or more towns, before 9
 entering upon his official duties shall be sworn to the faithful perfor- 10
 mance thereof either by the town clerk in the case of a moderator, 11
 and in all other cases by the moderator, or by the town clerk in the 12
 town in which he resides, and, unless other provision is specifically 13
 made by law, shall enter upon the performance of his duties on the 14
 day after his election, or as soon thereafter as he is qualified, and 15
 shall hold office during the term fixed by law, which shall begin on 16
 the day after said election, and until another person is qualified in his 17
 stead. Every other elected member and every appointed member of 18
 every board or commission of a town, and every other elected officer 19
 and every appointed officer of a town, shall also, before entering upon 20
 his official duties, be sworn to the faithful performance thereof. 21

41:109. Resignation; notice; residence requirements.

Section 109. No resignation of a town or district officer shall be 1
 deemed effective unless and until such resignation is filed with the 2
 town or district clerk or such later time certain as may be specified in 3
 such resignation. Upon receipt of a resignation the clerk shall notify 4

the remaining members, if the resignation is received from a board of two or more members, and he shall further notify the executive officers of the town or district and such notification shall include the effective date of the resignation. Unless otherwise provided by general or special law, ordinance or by-law, a person need not, in order to accept appointment to a public office in a town or district, be a resident of such town or district; provided, however, that if an appointed town or district officer is required to become a resident within a period of time specified at the time of his appointment by the board or officer making the appointment but fails to do so within the time specified, or if an elected or appointed town or district officer removes from the town or district in which he holds his office, he shall be deemed to have vacated his office.

HOLIDAYS AND VACATIONS.

41:110A. Office hours on Saturday.

Section 110A. Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter, or, in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday.

41:111. Vacations of certain employees.

Section 111. In any city or town which has accepted chapter two hundred and seventeen of the acts of nineteen hundred and fourteen or has accepted this section in any form, or which accepts this section in the manner hereinafter provided, or has accepted earlier provisions of this section, every permanent civil service employee as well as every person classified as a common laborer, skilled laborer, mechanic or craftsman, shall be granted a vacation of not less than two weeks without loss of pay in each calendar year if he has actually worked for such city or town for thirty weeks in the aggregate during the twelve months preceding the first day of June in such year. Such vacation shall be granted by the head of the respective department of the city or town at such time as in his opinion will cause the least interference with the performance of the regular work of the city or town. Any official of a city or town whose duty it is to grant a vacation as provided by this section who wilfully refuses to grant the same shall be punished by a fine of not more than one hundred dollars. The department of labor and industries shall enforce this section and shall have all necessary powers therefor.

If a petition requesting that the question of acceptance of this section be submitted to the registered voters of any city or town not

already subject to this section, signed by registered voters thereof 21
 equal in number to at least one per cent of the whole number of 22
 registered voters thereof, is filed with the city or town clerk not less 23
 than sixty days before a biennial state election, said city or town clerk 24
 shall immediately transmit said petition to the state secretary, who 25
 shall cause to be placed upon the official ballot to be used in said city 26
 or town at said state election the following question: "Shall section 27
 one hundred and eleven of chapter forty-one of the General Laws, 28
 providing for vacations for certain municipal employees, be accept- 29
 ed?" If a majority of the registered voters of such city or town voting 30
 thereon vote in the affirmative in answer to said question, said section 31
 shall be applicable in such city or town from and after the beginning 32
 of the next municipal year. 33

DISTRICT OFFICERS.

41:113. District officers; use of official ballots.

Section 113. A district situated in one or more towns where official 1
 ballots are used may, at the annual meeting or at a meeting called for 2
 the purpose, vote that official ballots shall thereafter be used therein. 3
 Sections one hundred and fourteen to one hundred and nineteen, 4
 inclusive, shall apply to all such districts and to all districts which are 5
 now subject to the corresponding provisions of earlier laws; but any 6
 of said districts may, at the annual meeting or at a meeting called for 7
 the purpose at least thirty days before the annual meeting, by a two 8
 thirds vote discontinue the use of official ballots, and cease to be 9
 subject to said sections. 10

41:114. Application of election laws.

Section 114. Where official ballots are used nominations for dis- 1
 trict officers elected by ballot shall be made, ballots and other 2
 apparatus therefor provided, and the elections of such officers con- 3
 ducted in accordance with chapters fifty to fifty-six, inclusive, so far 4
 as applicable, except as otherwise provided in sections one hundred 5
 and fourteen to one hundred and seventeen, inclusive, of this chapter. 6

41:115. Nomination papers; filing; certification of nominators.

Section 115. Every nomination paper of a candidate for office in 1
 said districts shall, before being filed, be submitted, on or before five 2
 o'clock in the afternoon of the Saturday preceding the day on which it 3
 must be filed, to the registrars of voters of the town where the 4
 district is situated, who shall forthwith certify thereon the number of 5
 signatures which are names of voters qualified to vote in the district. 6
 All nomination papers and certificates of nomination shall be filed 7
 with the clerk of the district within the time allowed by the general 8
 laws relating to filing nomination papers and certificates of nomina- 9

tion with the town clerk in town elections. In a district composed of parts of two or more towns the prudential committee, if any, otherwise the commissioners, of the district shall act as registrars of voters for the purpose of certifying the signatures on nomination papers.

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41:116. Duties of prudential committee and clerk in certain districts.

Section 116. In carrying out the provisions of sections one hundred and thirteen to one hundred and nineteen, inclusive, the prudential committee, if any, otherwise the commissioners, of the district shall perform all the duties required to be performed by the selectmen in town elections where official ballots are used, and the clerks of said districts shall perform all the duties required to be performed by the town clerk in elections of town officers where official ballots are used.

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41:117. District elections; provision for election equipment; liability for expenses.

Section 117. The town where a district is situated shall provide for said district an official ballot box and other necessary election paraphernalia when they are required for use in elections in that district, but all expense incurred in any election in the district shall be borne by the district. In districts composed of parts of two or more towns the ballot box and election paraphernalia shall be furnished by the town where the election is actually held.

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41:118. District elections; provision for forms, tally and vote sheets.

Section 118. Upon request of the clerk of a town wherein any such district uses the official ballot, the state secretary shall supply for use of such district or districts such blank forms, tally sheets and total vote sheets as are supplied to towns for use in town elections.

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41:119. District meetings; qualifications.

Section 119. Said districts may hold the meeting for the election of officers and the business meeting on the same day, or they may hold the election and the business meeting on different days. The election and business meeting may be held in the evening; provided, that the polls shall be kept open for the election of officers at least two hours. Annual district meetings shall be held in February, March, April or May. Meetings may be adjourned from time to time for the consideration of any articles in the warrant, except an article calling for the election of district officers.

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Every district meeting, except as otherwise provided by special law, shall be called in pursuance of a warrant under the hands of the prudential committee, if any, otherwise the commissioners, notice of which shall be given seven days at least before such meeting. The warrant shall be directed to a constable of the town, or to some other

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person, who shall forthwith give notice of such meeting in the manner 15
 prescribed by the by-laws, or, if there are no by-laws, by vote of the 16
 district, or by posting in two or more public places or advertising in a 17
 newspaper published in the town in which the district is located, if 18
 any, otherwise in a newspaper published in the county. The warrant 19
 for all district meetings shall state the time and place of holding the 20
 meeting and the subjects to be acted upon thereat. The prudential 21
 committee, if any, otherwise the commissioners, shall insert in the 22
 warrant for the annual meeting all subjects the insertion of which 23
 shall be requested of them in writing by ten or more registered voters 24
 of the town residing in the territory comprising the district and in the 25
 warrant of every special district meeting all subjects the insertion of 26
 which shall be requested of them in writing by fifty registered voters 27
 or by ten per cent of the total number of the registered voters of the 28
 town residing within the territory comprising the district. The pru- 29
 dential committee, if any, otherwise the commissioners, shall call a 30
 special district meeting upon request in writing of one hundred 31
 registered voters or twenty per cent of the total number of registered 32
 voters of the town residing within the territory comprising the dis- 33
 trict, such meetings to be held not later than thirty days after the 34
 receipt of such request, and shall insert in the warrant therefor all 35
 subjects the insertion of which shall be requested by said petition. 36
 No action shall be valid unless the subject matter thereof is contained 37
 in the warrant. Two or more distinct district meetings for distinct 38
 purposes may be called by the same warrant. At every meeting a 39
 moderator shall be chosen by ballot, unless the district has voted to 40
 elect a moderator for a term as provided by section fourteen of 41
 chapter thirty-nine. The moderator shall have the powers of the 42
 moderator of the town meeting. 43

41:122. Temporary treasurer; appointment; bond.

Section 122. Unless otherwise provided by law, if the office of 1
 treasurer of a district is vacant, or if the treasurer is absent, or 2
 unable to perform his duties because of disability, the prudential 3
 committee, if any, otherwise the commissioners, may appoint a tempo- 4
 rary treasurer to hold such office and exercise the powers and 5
 perform the duties thereof until another is duly elected or appointed 6
 and qualifies according to law or until the treasurer who was disabled 7
 or absent resumes his duties. Any such temporary treasurer shall be 8
 sworn to and give bond for the faithful performance of his duties in 9
 accordance with the provisions of law applicable to the treasurer 10
 whose position he fills, and if he fails so to do within ten days after 11
 his appointment, the prudential committee, if any, otherwise the 12
 commissioners, shall rescind the appointment and appoint another. 13

41:123. Temporary clerk; appointment; bond.

Section 123. Unless otherwise provided by law, if the office of clerk of a district is vacant, or if the clerk is absent, or unable to perform his duties because of disability, the prudential committee, if any, otherwise the commissioners, may appoint a temporary clerk to hold such office and exercise the powers and perform the duties thereof until another is duly elected or appointed and qualifies according to law or until the clerk who was disabled or absent resumes his duties. Any such temporary clerk shall be sworn to and give bond for the faithful performance of his duties in accordance with the provisions of law applicable to the office of clerk which he fills, and if he fails so to do within ten days after his appointment, the prudential committee, if any, otherwise the commissioners, shall rescind the appointment and appoint another.

41:123A. Assistant treasurers and assistant clerks; appointment; bond.

Section 123A. In a district, the prudential committee, if any, otherwise the commissioners, may in writing appoint an assistant treasurer who may be an employee of the district, and an assistant clerk of the district. Such assistants shall be sworn to the faithful performance of their duties and a record shall be made of any such appointment and oath. They shall be citizens of the United States and residents of the commonwealth, and shall give bond annually for the faithful performance of their duties in a form approved, and in an amount determined by the commissioner of revenue. Unless a temporary treasurer or a temporary clerk has been appointed in accordance with law, the assistant treasurer or the assistant clerk, as the case may be, may, in the absence of the treasurer or clerk, as the case may be, perform the duties of such office and in the performance of such duties shall have the powers and be subject to the requirements and penalties applicable thereto.

41:126. Definitions applicable to secs. 126—132.

Section 126. The following words, as used in sections one hundred and twenty-six to one hundred and thirty-two, inclusive, shall have the following meanings, unless a different meaning is plainly required by the context:

“Application statement”, a writing signed by an incumbent in an appointive office which shall include a request for tenure in said office, the name, residential address and title of the office of such incumbent, and the number of years such incumbent has held such office continuously. The writing may also be signed by a department head requesting tenure for members of his department who have held offices for five or more consecutive years.

“Appointive office”, any public office other than an office which is required to be filled by popular vote periodically in a city, town or district, but not including an office within the classified civil service, an office on a board, commission or committee which has two or more members, a teacher or officer in a school department or system, any office which is filled by appointment made by the governor, or any office in an authority, board, commission or other public body which is a separate corporation from the city, town or district in which it exercises powers.

“District”, a fire, water, sewer, light, improvement or other district with such powers which is wholly contained within a city or town.

“Tenure”, the holding of an appointive office under the provisions of sections one hundred and twenty-seven to one hundred and thirty-two, inclusive, in a city, town or district without the necessity of periodic reappointment.

The titles of particular municipal officers as used in these said sections shall be construed to mean officers, however titled, who exercise powers similar to those exercised by officers holding titles so used.

41:127. Eligibility to apply for tenure; offices excepted; restrictions; duration of tenure; removal for cause.

Section 127. Any person who has held an appointive office in a city, town or district for at least five consecutive years shall be eligible to apply for tenure in such office pursuant to the provisions of sections one hundred and twenty-six to one hundred and thirty-two, inclusive, with the exception of the following offices:— city or town manager, executive secretary to the selectmen, city or assistant city solicitor, town or assistant town counsel, and legislative counsel. Any person having tenure in a city or town office who is elected to or accepts an appointment to any of the foregoing offices, whether or not to fill a vacancy, shall thereupon lose such tenure. Any person having tenure in an appointive city or town office may not apply for tenure in any other city or town office, nor may any person apply for tenure in more than one city or town office at any one time, except that a person may apply for tenure as city clerk and city treasurer or town clerk and town treasurer, or, if such person has tenure in either of such offices, he may apply for tenure in the other office; provided that both such offices are appointive offices. If any person is unable to so apply for tenure by reason of holding one of the offices specified above or loses his tenure by reason of being elected or appointed to any such office, he may, following the termination of his service in such office, then apply for tenure in an appointive city or town office. Any person granted tenure of office under these provisions shall, notwithstanding any contrary provision of general or special laws,

hold office during good behavior until he has attained age sixty-five 24
 unless incapacitated by physical or mental disability from performing 25
 the duties thereof, but may be removed for cause after a hearing as 26
 provided by section forty-one to forty-five, inclusive, of chapter thirty- 27
 one. 28

41:128. City offices; application statement; filing; approval procedure; denial, re-application time limit.

Section 128. Any person applying for tenure in an appointive city 1
 office shall file an application statement with the city clerk and shall 2
 deliver copies thereof in hand or send same by registered or certified 3
 mail, return receipt requested, to every city officer, or every member 4
 of any city board, commission or other body that is required to 5
 recommend, make, approve or confirm the applicant's office. Upon 6
 receipt of the application statement, the city clerk shall post a copy 7
 thereof in his office. The applicant shall forthwith and at his own 8
 expense cause a copy of his said statement to be published in a 9
 newspaper of general circulation in the city once a week for three 10
 consecutive weeks. Not less than thirty days after said posting and 11
 not less than seven days following the applicant's compliance with the 12
 publication requirement, the city council shall vote to approve or deny 13
 said application. If the city council approves said application, it shall 14
 then be presented to the mayor for his approval or denial. If the 15
 mayor approves the said application, at least one hundred and twenty 16
 days prior to the next municipal election, the city clerk shall cause to 17
 be printed on the ballot for such municipal election a question in 18
 substantially the following form: 19

Shall (name of applicant), incumbent in the position or positions of (title of office), be granted tenure pursuant to sections one hundred and twenty-six to one hundred and thirty-two, inclusive, of chapter forty-one of the General Laws?

YES.	
NO.	

If a majority of the votes cast in response to the question is in favor 20
 of granting tenure, the applicant shall thereupon have tenure in such 21
 office. If less than a majority of such votes cast is in favor of 22
 granting tenure, the applicant's request for tenure is denied. If the 23
 application statement is denied either by the vote of the city council, 24
 by the mayor or by vote of the electorate at a municipal election, the 25
 applicant shall be ineligible to apply for tenure in his said office for a 26
 period of two years following such denial. 27

41:129. Town offices; application statement; filing; approval procedure; denial, re-application time limit.

Section 129. Any person applying for tenure in an appointive town 1
 office shall file an application statement with the town clerk and shall 2

deliver copies thereof in hand or send same by registered or certified mail, return receipt requested to each selectman. Following receipt of such notice, the selectmen shall vote to approve or deny said application. If the board of selectmen vote to approve said application, the town clerk, at least one hundred and twenty days prior to the next town election, shall post a copy of the said application statement and the selectmen's written approval on the town bulletin board or such other place used for the posting of public notices within the town hall premises. The selectmen shall then cause to be included in the town warrant for said election a question in substantially the following form:

Shall (name of applicant), incumbent in the position or positions of (title of office), be granted tenure pursuant to sections one hundred and twenty-six to one hundred and thirty-two, inclusive, of chapter forty-one of the General Laws?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in response to the question is in favor of granting tenure, the applicant shall thereupon have tenure in such office. If less than a majority of such votes cast is in favor of granting tenure, the applicant's request for tenure is denied. If the application statement is denied either by a vote of the board of selectmen or by vote of the electorate at the town election, the applicant shall be ineligible to apply for tenure in his said office for a period of two years following such denial.

41:130. Applicability of town tenure provisions to districts.

Section 130. The provisions of section one hundred and twenty-seven and sections one hundred and twenty-nine to one hundred and thirty-two, inclusive, as they apply to towns, town offices and town officers shall be applicable to districts and for this purpose the word "selectmen" shall be construed to mean "commissioner" or "member of the prudential committee", and other references to specific town offices or officers shall be construed as meaning the equivalent office or officer, if any, in a district. For the purpose of determining whether a person is eligible to apply for tenure in a town office or in a district office and for the purpose of determining whether a person has lost his tenure in such an office, offices in a district shall be deemed to be offices in the town in which they are located.

41:131. City or town offices; application statement by head of department for tenure of its members; filing; approval procedure; denial, re-application time limit.

Section 131. Any department head of a city or town applying for tenure for members of his department who have served for five

consecutive years or more shall file an application statement with the city or town clerk. 3
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In a city, the department head shall deliver copies of said application statement in hand or send same by registered or certified mail, return receipt requested, to the mayor and to each member of the city council. Upon receipt of the application statement, the city clerk shall post a copy thereof in his office. The department head shall forthwith and at his own expense cause a copy of his said statement to be published in a newspaper of general circulation in the city once a week for three consecutive weeks. Not less than thirty days after said posting and not less than seven days following the applicant's compliance with the publication requirement, the city council shall vote to approve or deny said application. If the city council approves said application, it shall then be presented to the mayor for his approval or denial. If the mayor approves the said application, at least one hundred and twenty days prior to the next municipal election, the city clerk shall cause to be printed on the ballot for such municipal election a question in substantially the following form: 5
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Shall members of (name of department) who have served continuously for five years or more be granted tenure pursuant to sections one hundred and twenty-six to one hundred and thirty-two, inclusive, of chapter forty-one of the General Laws?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in response to the question is in favor of granting tenure, any member of such department who has served continuously for five years shall thereupon have tenure in said department. If less than a majority of such votes cast is in favor of granting tenure, the applicant's request for tenure for members of his department is denied. If the application statement is denied either by vote of the city council, by the mayor or by vote of the electorate at a municipal election, the applicant shall be ineligible to apply for tenure for members of his department for a period of two years following such denial. 21
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In a town, the department head shall deliver copies of said application statement in hand or send same by registered or certified mail, return receipt requested, to each selectman. Following receipt of such notice, the selectmen shall vote to approve or deny said application. If the board of selectmen vote to approve said application, the town clerk, at least one hundred and twenty days prior to the next town election, shall post a copy of the said application statement and the selectmen's written approval on the town bulletin board or such other place used for the posting of public notices within the town hall premises. The selectmen shall then cause to be included in the town 31
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warrant for said election a question in substantially the following form: 41
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Shall members of (name of department) who have served continuously for five years or more be granted tenure pursuant to sections one hundred and twenty-six to one hundred and thirty-two, inclusive, of chapter forty-one of the General Laws?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in response to the question is in favor of granting tenure, any member of such department who has served continuously for five years shall thereupon have tenure in said department. If less than a majority of such votes cast is in favor of granting tenure, the applicant's request for tenure is denied. If the application statement is denied either by vote of the board of selectmen or by vote of the electorate at a town election, the applicant shall be ineligible to apply for tenure for members of his department for a period of two years following such denial. 43
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41:132. Tenure limitations.

Section 132. The tenure provisions of sections one hundred and twenty-six to one hundred and thirty-one, inclusive, shall be limited as follows:— 1
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(a) Said provisions shall not apply to persons whose tenure in office is terminated by a law enacted subsequent to his commencement of tenure. 4
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(b) Said provisions shall not prevent abolition of any municipal office or the transfer of any of the powers and duties of any office. 7
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(c) Said provisions shall not prevent termination of tenure upon an appointive office becoming elective. Any person's length of service in an elective office which becomes appointive, however, may be credited to his eligibility period for tenure if he succeeds himself in such office. 9
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(d) Said provisions shall not extend the time at which an officer is otherwise required to retire. 13
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(e) Said provisions shall not waive residency requirements in determining tenure eligibility. 15
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CHAPTER 43.
CITY CHARTERS.

Section	Section
	GENERAL PROVISIONS.
17C. Four-year term for mayors in certain cities; acceptance by election; application of section.	44D. Official ballot; posting lists of candidates; drawing for position on ballot.
17D. Two-year term for mayors in cities under sec. 17C; acceptance by election.	44E. Counting ballots; canvass of returns.
37. Initiative petition; measure defined.	44F. Determination of candidates for election.
38. Initiative petitions; filing, certification; objections.	44G. Nomination of candidates; conditions making preliminary election unnecessary.
39. Initiative petition; passage and submission to electorate.	44H. Acceptance of sections dealing with preliminary elections; submission to electorate.
40. Proceedings if initiative petition not properly signed.	45. Provisions applicable to adoption of any governmental plan.
41. Contents of ballot for proposed measure.	49. Party designations on ballots prohibited.
42. Referendum petition; effect on final passage.	128. City defined.
43. Submission of proposed measure to voters.	129. Referendum; questions submitted; petition.
44. Measures with conflicting provisions.	130. Election results; superseding of city charter provisions; election of organization members; commencement of term.
44A. Preliminary elections; contents of notices.	131. Division of city into districts; time; ordinance; district description; redistricting.
44B. Inclusion of name on ballot; prerequisites.	132. Failure of timely districting.
44C. Candidates for nomination; qualifications; statement and petition.	133. Date of municipal elections; municipal year.
	134. Residence of district members.

GENERAL PROVISIONS.

43:17C. Four-year term for mayors in certain cities; acceptance by election; application of section.

Section 17C. Upon the filing with the city clerk of a petition, which
 petition shall be subject to the provisions of section seven or section
 seven A of chapter fifty-three, signed by at least five per cent of the
 number of registered voters residing in the city at the last regular
 city election, the city clerk shall place upon the ballot for the next
 regular city election to be held not less than sixty days after the date
 of the filing of such petitions the following question:—

“Shall the term of office of mayor of the city
 of be four years?”

YES.	
NO.	

If a majority of the votes cast in answer to said question is in the
 affirmative, the term of office of the mayor of said city shall thereaf-
 ter be for four years and until the election and qualification of his

successor, beginning with the next regular city election following the acceptance of this question. 11
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This section shall apply only in cities which have adopted Plan A, Plan B or Plan F under this chapter and in cities which have, under the provisions of any special act or any charter adopted under the provisions of Article LXXXIX of the Amendments to the Constitution, a mayor, as defined in subsection (a) of section ten of chapter forty-three B. 13
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The provisions of this section shall be applicable notwithstanding the provisions of section eighteen of said chapter forty-three B. Nothing contained herein shall be construed to prevent the amendment of a city charter by any method available under said Article LXXXIX of the Amendments to the Constitution or under said chapter forty-three B. 19
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43:17D. Two-year term for mayors in cities under sec. 17C; acceptance by election.

Section 17D. In any city in which the term of office of mayor is four years under the provisions of section seventeen C, upon the filing with the city clerk of a petition, which petition shall be subject to the provisions of section seven or section seven A of chapter fifty-three, signed by at least five per cent of the number of registered voters residing in said city at the last regular city election, the city clerk shall place upon the ballot for the next regular city election to be held not less than sixty days after the date of the filing of such petitions the following question:— 1
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“Shall the term of office of mayor of the city of _____ be two years?”

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in answer to said question is in the affirmative, the term of office of the mayor of said city shall thereafter be for two years and until the election and qualification of his successor, beginning with the next regular city election following the acceptance of this question. 10
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43:37. Initiative petition; measure defined.

Section 37. A petition conforming to the requirements hereinafter provided and requesting the city council to pass a measure, except an order granted under section seventy or seventy-one of chapter one hundred and sixty-four or chapter one hundred and sixty-six, or requesting the school committee to pass a measure, therein set forth or designated, shall be termed an initiative petition, and shall be acted upon as hereinafter provided. In this and the eight following sections, “measure” shall mean an ordinance, resolution, order or vote 1
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passed by a city council, or a resolution, order or vote passed by a	9
school committee, as the case may be.	10

43:38. Initiative petitions; filing, certification; objections.

Section 38. Signatures to initiative petitions need not be all on one	1
paper. The papers constituting a petition shall be filed in the office of	2
the city clerk, with the endorsement thereon of the names and	3
addresses of three persons designated as filing the same, but all the	4
papers need not be filed at the same time. The petition shall be	5
considered filed whenever the designated persons notify the board in	6
writing that the filing is complete. Before receiving such notice, the	7
registrars of voters may, but shall not be required to, certify signa-	8
tures on the papers already filed. With each signature to the petition	9
shall be stated the place of residence of the signer, giving the street	10
and number, if any.	11

Within five days after the filing of said petition the registrars of	12
voters shall ascertain by what number of registered voters the	13
petition is signed, and what percentage that number is of the total	14
number of registered voters, and shall attach thereto their certificate	15
showing the result of such examination.	16

The city clerk shall forthwith transmit the said certificate with the	17
said petition to the city council or to the school committee, according	18
as the petition is addressed, and at the same time shall send a copy of	19
said certificate to one or more of the persons designated on the	20
petition as filing the same.	21

When such certificate has been so transmitted, said petition shall be	22
deemed to be valid unless written objections are made thereto by a	23
registered voter of the city within forty-eight hours after such certifi-	24
cation by filing such objections with the city council or the school	25
committee, and a copy thereof with the registrars of voters or the	26
board or commission having similar duties. Section seven of chapter	27
fifty-five B shall apply to such objections, and the board of registra-	28
tion of voters shall transmit a copy of its decision to the city council or	29
school committee.	30

43:39. Initiative petition; passage and submission to electorate.

Section 39. If any initiative petition is signed by registered voters	1
equal in number to at least fifteen per cent of the whole number of	2
registered voters:	3

(1) the city council or the school committee shall, within twenty	4
days after the date of the certificate of the registrars to that effect,	5
pass said measure without alteration, subject to the referendum vote	6
provided by this chapter, or	7

(2) the city clerk shall call a special election to be held on a Tuesday fixed by said clerk not less than thirty nor more than forty-five days after the date of qualification, and shall submit the proposed measure without alteration to a vote of the registered voters of the city at that election; provided, however, that if any city election is otherwise to occur within ninety days after the date of qualification, the city clerk may, at his discretion, omit calling the special election and submit the proposed measure to the voters at such approaching election.

43:40. Proceedings if initiative petition not properly signed.

Section 40. If an initiative petition is signed by registered voters equal in number to at least eight per cent but less than fifteen per cent of the total number of registered voters, and said measure is not passed without alteration within twenty days by the city council or the school committee, as provided in the preceding section, such proposed measure, without alteration, shall be submitted by the city clerk to a vote of the registered voters of the city at the next regular municipal election which occurs at least thirty days after the date of qualification. As used in this section and section thirty-nine, "date of qualification" shall mean the twentieth day after the date of the certificate of the registrars, or the day on which the city council or school committee finally decides not to pass the measure without alteration, whichever day occurs first. A proposed measure under this section or section thirty-nine shall become effective if it shall be approved by registered voters of the city equal in number to one third of the whole number thereof and also by a majority of the voters voting on such measure, but not otherwise.

43:41. Contents of ballot for proposed measure.

Section 41. The ballots used when voting upon a proposed measure under section thirty-nine or forty, or a measure or part thereof protested against under the following section, shall contain only a fair, concise summary of the measure, as determined by the city solicitor, which shall follow the question, "Do you approve of a measure summarized below?"

43:42. Referendum petition; effect on final passage.

Section 42. If, within twenty days after the final passage of any measure, except a revenue loan order, by the city council or by the school committee, a petition signed by registered voters of the city, equal in number to at least twelve percent of the total number of registered voters, and addressed to the city council or to the school committee, as the case may be, protesting against such measure or any part thereof taking effect, is filed with the city clerk, the same

shall thereupon and thereby be suspended from taking effect; and the city council or the school committee, as the case may be, shall immediately reconsider such measure or part thereof; and if such measure or part thereof is not entirely rescinded within twenty days after the date of the certificate of the registrars, the city clerk shall submit the same, by the method herein provided, to a vote of the registered voters of the city, either at the next regular city election not less than thirty days after said twentieth day, or at a special election which the city council may, in its discretion, call for the purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the registered voters voting on the same at such election vote in favor thereof.

The petition described in this section shall be termed a referendum petition and section thirty-eight shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace "measure" in said section wherever it may occur, and "referendum" shall be understood to replace the word "initiative" in said section.

43:43. Submission of proposed measure to voters.

Section 43. The city council may, of its own motion, and shall, upon request of the school committee if a measure originates with that committee and pertains to the affairs under its administration, submit to a vote of the registered voters of the city for adoption or rejection at a general or special city election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

43:44. Measures with conflicting provisions.

Section 44. If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

43:44A. Preliminary elections; contents of notices.

Section 44A. In every city, governed on September first, nineteen hundred and twenty-two, by any plan provided by this chapter, which accepts sections forty-four A to forty-four G, inclusive, in the manner provided by section forty-four H, and in every city, except Boston, which, after said date adopts any such plan, except Plan E or F, in the manner provided in this chapter, the provisions of sections forty-four A to forty-four G, inclusive, shall apply. In such a city, on the fourth Tuesday preceding every regular or special city election, unless the mayor and aldermen fix an earlier day under section one hundred and three P of chapter fifty-four, there shall be held, except as otherwise

provided in section forty-four G, a preliminary election for the purpose of nominating candidates therefor, and section sixteen shall not apply. 11
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Notices or warrants for regular, preliminary and special elections shall specify by name all the offices to be voted for and state, in the form in which it will appear upon the ballot, any question submitted to the voters. They shall specify the time when the polls will be opened and when the polls will be closed. The polls at such elections shall be open during such hours as the city council may prescribe; provided, that they shall be opened not earlier than fifteen minutes before six o'clock in the forenoon nor later than ten o'clock in the forenoon and shall be kept open at least six hours, but in no event later than eight o'clock in the evening. The ballots to be used at such elections shall be governed by the provisions of section forty-nine. 14
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43:44B. Inclusion of name on ballot; prerequisites.

Section 44B. Except as otherwise provided in section forty-four G, there shall not be printed on the official ballot to be used at any regular or special election the name of any person as a candidate for any office unless such person has been nominated as such at a preliminary election for nomination, held as provided in sections forty-four A to forty-four G, inclusive. There shall not be printed on the official ballot for use at such preliminary election the name of any candidate for nomination at such election, unless he shall have filed, within the time limited by section forty-four C, the statement and petition therein described. 1
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43:44C. Candidates for nomination; qualifications; statement and petition.

Section 44C. Any person who is qualified to vote for a candidate for any elective municipal office and who is a candidate for nomination thereto, shall be entitled to have his name as such candidate printed on the official ballot to be used at a preliminary election; provided, that within the time prescribed by section ten of chapter fifty-three in the case of preliminary elections in cities he shall file with the city clerk a statement in writing of his candidacy, and with it the petition of at least fifty voters, qualified to vote for a candidate for the said office. Said statement and petition shall be in substantially the following form:— 1
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STATEMENT OF CANDIDATE 11

I (), on oath declare that I reside at (number if any) on (name of street) in the city of ; that I am a voter therein, qualified to vote for a candidate for the hereinafter mentioned office; that I am a candidate for the office of (name of office) for (state the term) to be voted for at the preliminary election to be held on Tuesday, the day of , nineteen hundred and , and I request that my 12
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name be printed as such candidate on the official ballot for use at said preliminary election. 18
 (Signed) 19
 20
 Commonwealth of Massachusetts, ss. 21
 Subscribed and sworn to on this day of , nineteen hundred 22
 and before me, 23
 (Signed) 24
Justice of the Peace, 25
or (Notary Public). 26

PETITION ACCOMPANYING STATEMENT OF CANDIDATE. 27

Whereas (name of candidate) is a candidate for nomination for the office of (state the office) for (state the term), we, the undersigned, voters of the city of , duly qualified to vote for a candidate for said office, do hereby request that the name of said (name of candidate) as a candidate for nomination for said office be printed on the official ballot to be used at the preliminary election to be held on the Tuesday of , nineteen hundred and . 28
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 We further state that we believe him to be of good moral character and qualified to perform the duties of the office. 35
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 No acceptance by the candidate for nomination named in the said petition shall be necessary to its validity or its filing, and the petition, which may be on one or more papers, need not be sworn to. 37
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43:44D. Official ballot; posting lists of candidates; drawing for position on ballot.

Section 44D. On the first day, other than Sunday or a legal holiday, following the expiration of the time for filing the above described statement and petition, the city clerk shall post in a conspicuous place in the city hall the names and residences of the candidates for nomination who have duly qualified as candidates for nomination, as they are to appear on the official ballots to be used at the preliminary election, except as to the order of the names, and shall cause the ballots which shall contain said names, in their order as drawn by the clerk, and no others, with a designation of residence, and of the office and term of service, to be printed, and the ballots so printed shall be official and no others shall be used at the preliminary election. In drawing for position on the ballot the candidates shall have an opportunity to be present in person or by one representative each. Blank spaces shall be left at the end of each list of candidates for nomination for the different offices equal to the number to be nominated therefor, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for nomination for such office. There shall be printed on such ballots such directions as will aid the voter, as, for example: "vote for one", 1
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"vote for two", and the like, and the ballots shall be headed as follows:— 20
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OFFICIAL PRELIMINARY BALLOT. 22

Candidates for nomination for the offices of () in the city 23
of at a preliminary election to be held on the day of in the 24
year nineteen hundred and 25

(The heading shall be varied in accordance with the offices for 26
which nominations are to be made.) 27

43:44E. Counting ballots; canvass of returns.

Section 44E. The election officers shall, immediately upon the 1
closing of the polls at preliminary elections, count the ballots and 2
ascertain the number of votes cast in the several voting places for 3
each candidate, and forthwith make return thereof upon blanks to be 4
furnished, as in regular elections, to the city clerk who shall canvass 5
said returns and shall forthwith determine the result thereof, insert 6
the same in one or more newspapers published in the city, and post 7
the same in a conspicuous place in the city hall. 8

43:44F. Determination of candidates for election.

Section 44F. The two persons receiving at a preliminary election 1
the highest number of votes for nomination for an office shall, except 2
as provided by section forty-four G, be the sole candidates for that 3
office whose names may be printed on the official ballot to be used at 4
the regular or special election at which such office is to be filled, and 5
no acceptance of a nomination at a preliminary election shall be 6
necessary to its validity; provided, however, that a person nominated 7
at a preliminary election may withdraw his name from nomination by 8
a request signed and duly acknowledged by him and filed with the 9
city or town clerk within six days succeeding five o'clock in the 10
afternoon of the day of holding such preliminary election. Such 11
nominee shall be replaced by the candidate with the next highest 12
number of votes in said preliminary, unless otherwise provided by the 13
charter or by-laws of the city or town. 14

If two or more persons are to be elected to the same office at such 15
regular or special election the several persons in number equal to 16
twice the number so to be elected receiving at such preliminary 17
election the highest number of votes for nomination for that office 18
shall, except as provided by section forty-four G, be the sole candi- 19
dates for that office whose names may be printed on the official 20
ballot. 21

If the preliminary election results in a tie vote among candidates 22
for nomination receiving the lowest number of votes, which, but for 23
said tie vote, would entitle a person receiving the same to have his 24

name printed upon the official ballot for the election, all candidates	25
participating in said tie vote shall have their names printed upon the	26
official ballot, although in consequence there be printed thereon	27
candidates to a number exceeding twice the number to be elected.	28

43:44G. Nomination of candidates; conditions making preliminary election unnecessary.

Section 44G. If at the expiration of the time for filing statements	1
of candidates to be voted for at any preliminary election not more	2
than twice as many such statements have been filed with the city	3
clerk for an office as are to be elected to such office, the candidates	4
whose statements have thus been filed shall be deemed to have been	5
nominated to said office, and their names shall be voted on for such	6
office at the succeeding regular or special election, as the case may	7
be, and the city clerk shall not print said names upon the ballot to be	8
used at said preliminary election and no other nomination to said	9
office shall be made. If in consequence it shall appear that no names	10
are to be printed upon the official ballot to be used at any preliminary	11
election in any ward or wards of the city, no preliminary election shall	12
be held in any such ward or wards.	13

43:44H. Acceptance of sections dealing with preliminary elections; submission to electorate.

Section 44H. If, in a city governed on September first, nineteen	1
hundred and twenty-two, by one of the plans provided by this chapter,	2
there is filed with the city clerk, not later than one month before a	3
regular city election, a petition conforming so far as possible to the	4
provisions of sections eight and nine, requesting that such city accept	5
the provisions of sections forty-four A to forty-four G, inclusive, and	6
bearing the signatures of registered voters thereof, duly certified by	7
the registrars of voters, to a number equal to at least ten per cent of	8
the registered voters thereof at the biennial state election next	9
preceding such filing, the following question shall be placed upon the	10
official ballot to be used in such city at the next regular city	11
election:— "Shall sections forty-four A to forty-four G, inclusive, of	12
chapter forty-three of the General Laws, relative to the nomination by	13
preliminary elections of candidates for elective municipal offices in	14
cities governed under a standard form of city charter, be accepted by	15
the city of ?" If a majority of the voters voting thereon in	16
such city vote in the affirmative, said sections shall take effect	17
therein.	18

43:45. Provisions applicable to adoption of any governmental plan.

Section 45. Sections one to forty-four G, inclusive, shall, upon the	1
adoption by any city of any of the plans hereinafter set forth, apply to	2
the plan so adopted, except as is otherwise provided in such plan.	3

43:49. Party designations on ballots prohibited.

Section 49. No ballot used at any annual, biennial or special city election shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything showing how he was nominated or indicating his views or opinions.

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43:128. City defined.

Section 128. In sections one hundred and twenty-nine to one hundred and thirty-four, inclusive, the word "city" shall mean any city of one hundred and fifty thousand or more inhabitants, as enumerated by the most recent federal decennial census except any city which has adopted the Plan E method of city government.

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43:129. Referendum; questions submitted; petition.

Section 129. At the regular municipal election to be held in the year nineteen hundred and seventy-seven in every city there shall be placed upon the ballot the two following questions:—

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"A BINDING REFERENDUM CHANGING THE STRUCTURE OF THE CITY COUNCIL TO PROVIDE FOR DISTRICT REPRESENTATION.

Shall the city council be composed of nine members elected from equally populous districts and, in addition, one member elected at large for every one hundred and twenty thousand residents of the city in excess of one hundred and fifty thousand, for a term of two years notwithstanding the present form of government relative to terms of office?"

YES.	
NO.	

"A BINDING REFERENDUM CHANGING THE STRUCTURE OF THE SCHOOL COMMITTEE TO PROVIDE FOR DISTRICT REPRESENTATION.

Shall the school committee be composed of nine members elected from equally populous districts and, in addition, one member elected at large for every one hundred and twenty thousand residents of the city in excess of one hundred and fifty thousand, for a term of two years notwithstanding the present form of government relative to terms of office?"

YES.	
NO.	

In subsequent years, either or both of the above questions shall be placed upon the ballot of a regular municipal election in any city by a petition addressed to the city council of such city, signed by qualified voters of the city in a number equal at least to five per cent of the

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number of registered voters in said city at the state election next 8
preceding the filing of said petition. Such petition shall be filed with 9
the city clerk, who shall transmit the same forthwith to the registrars 10
of voters or city body functioning as such, who shall within sixty days 11
certify the signatures thereon in accordance with the provisions of 12
law and return the same to the city clerk. The petition shall be filed 13
with the city clerk at least one hundred and forty days before the date 14
of the election at which the question or questions proposed by the 15
petition is to be submitted to the voters. 16

Any petition submitted under this section may be in the form of 17
separate sheets addressed to the city council, each sheet containing at 18
the top thereof the question or questions proposed for submission to 19
the voters. When attached together and offered for filing, the 20
several papers shall be deemed to constitute one petition, and there 21
shall be endorsed thereon the name and address of the person 22
presenting the same for filing. The provisions of sections nine and 23
ten shall apply to any petition filed hereunder, and to the placing upon 24
the ballot of any question or questions proposed therein. 25

43:130. Election results; superseding of city charter provisions; election of organization members; commencement of term.

Section 130. If a majority of the total number of votes cast at a 1
regular city election for and against the adoption of a plan of city 2
council organization or school committee organization proposed under 3
section one hundred and twenty-nine shall be in favor of adoption of 4
either or both such organizations, each such plan shall supersede the 5
provisions of the city charter theretofore existing and of the general 6
and special laws relating to such city and inconsistent with such plan 7
or plans, but not, however, until the city council members or school 8
committee members provided for in such plan, as the case may be, 9
shall have been duly elected and their terms of office shall have 10
begun. The said city council members or school committee members 11
provided for under the plan so adopted shall be elected in accordance 12
with the provisions of this chapter relating to such plan, and their 13
terms of office shall begin at ten o'clock in the forenoon of the first 14
Monday of January following their election. In those cities in which 15
the mayor serves as an ex officio member of the school committee and 16
which subsequently adopt a new plan of school committee organiza- 17
tion under the provisions of these sections, the mayor shall continue 18
to serve as an ex officio member of said school committee. 19

43:131. Division of city into districts; time; ordinance; district description; redistricting.

Section 131. Within ninety days following receipt of an official 1
notice which the city clerk shall send, within thirty days of the city 2

election, to the city council notifying the said council that a new plan of city council organization or school committee organization, or both, has been approved by the voters, said council shall adopt an ordinance after public hearing providing for the division of the city into nine districts, or such other number of districts as may be specified in the question approved by the voters for the election of city council members or school committee members, as the case may be, by and from the voters of such districts at the next municipal election. In cities which adopt both a new plan of city council and a new plan of school committee organization the respective district lines shall be the same for both bodies. Each such district shall be compact and shall contain, as nearly as may be, an equal number of inhabitants, shall be composed of contiguous existing precincts, and shall be drawn with a view toward preserving the integrity of existing neighborhoods. Said districts shall continue in force until the next division of the city into wards required by section one of chapter fifty-four, at which time the city council shall divide the city into a number of wards equal to the number of said districts; and thereafter, upon the effective date of such wards for city primary, preliminary and general elections under said chapter fifty-four, such wards rather than districts shall be the units used for the election of those city council or school committee members who are not elected at large throughout the city. The city council shall adopt an ordinance providing for signature requirements for nomination papers for candidates for city council or school committee but in no event shall these requirements exceed two per cent of the vote cast in the preceding mayoral election in the respective district.

43:132. Failure of timely districting.

Section 132. If, within the time prescribed by section one hundred and thirty-one, the city council shall fail to make a division of the city into districts as required by that section, the mayor of such city in any city having a mayor elected by the people, or the city clerk in any city having a council-manager form of government, shall propose a plan of districts in the required number to the local election district review commission, which shall approve the same with or without amendments as it deems appropriate and necessary to meet constitutional requirements, after a public hearing.

43:133. Date of municipal elections; municipal year.

Section 133. After the adoption by any city of a plan of city council or school committee organization authorized by sections one hundred and twenty-nine to one hundred and thirty-two, inclusive, the dates of municipal elections, and the municipal year, of such city shall be governed by section fifteen.

43:134. Residence of district members.

Section 134. Every city councillor and school committee member	1
who is elected to represent an individual district or ward shall have	2
been an inhabitant of a place within the district or ward for which he	3
is chosen for at least one year immediately preceding his election; and	4
he shall cease to represent such district or ward when he shall cease	5
to be an inhabitant thereof.	6

CHAPTER 43A.

STANDARD FORM OF REPRESENTATIVE TOWN MEETING
GOVERNMENT.

STANDARD FORM.

Section

10. Enactments at town meetings; restrictions.

STANDARD FORM.

43A:10. Enactments at town meetings; restrictions.

Section 10. A vote passed at any representative town meeting 1
authorizing the expenditure of twenty thousand dollars or more as a 2
special appropriation, or establishing a new board or office or abolishing 3
an old board or office or merging two or more boards or offices, 4
or fixing the term of office of town officers, where such term is 5
optional, or increasing or reducing the number of members of a 6
board, or adopting a new by-law, or amending an existing by-law, 7
shall not be operative until after the expiration of seven days, 8
exclusive of Sundays and holidays, from the dissolution of the meet- 9
ing. If, within said seven days, a petition, signed by not less than 10
three per cent of the registered voters of the town, containing their 11
names and addresses as they appear on the list of registered voters, is 12
filed with the selectmen asking that the question or questions in- 13
volved in such a vote be submitted to the registered voters of the 14
town at large, then the selectmen, after the expiration of five days, 15
shall forthwith call a special meeting for the sole purpose of present- 16
ing to the registered voters at large the question or questions so 17
involved. The polls shall be opened at two o'clock in the afternoon 18
and shall be closed not earlier than eight o'clock in the evening, and 19
all votes upon any questions so submitted shall be taken by ballot, 20
and the check list shall be used in the several precinct meetings in the 21
same manner as in the election of town officers. The questions so 22
submitted shall be determined by a majority vote of the registered 23
voters of the town voting thereon, but no action of the representative 24
town meeting shall be reversed unless at least twenty per cent of the 25
registered voters shall so vote. Each question so submitted shall be 26
in the form of the following question, which shall be placed upon the 27
official ballot:— "Shall the town vote to approve the action of the 28
representative town meeting whereby it was voted (brief description 29
of the substance of the vote and by what vote thereon if such vote 30
was tabulated)?" If such petition is not filed within said period of 31
seven days, the vote of the representative town meeting shall become 32

operative and effective upon the expiration of said period.	Absent	33
voter ballots shall be used at such election in accordance with the		34
provisions of chapter fifty-four.		35

CHAPTER 43B.

HOME RULE PROCEDURES.

Section	Section
1. Short title; definitions.	11. Proposed charter or charter revision; submission to voters; ballot; copies of final report or proposed amendment; adoption of alternative or conflicting provisions.
2. Adoption, revision or amendment of existing charter.	12. Charter and charter amendments and revisions; deposit of certificates; judicial notice; reprints for distribution.
3. Petition for adoption and revision of charter; filing; objections.	12A. Resubmission of charter which failed of approval.
4. Order of governing body for submission of question of adoption or revision of charter; nomination and election of charter commission.	13. Exercise of powers and functions by municipalities.
5. Charter commission; procedure for nomination and election of members.	14. Enforcement of this chapter; declaratory relief; judicial review.
6. Charter commission; number of members; election.	15. Petitions for adoption or revision of charter or suggestion of charter amendment; form.
7. Charter commission; organization; compensation and expenses of members.	16. Paper or document required to be filed or submitted; presumptions.
8. Charter commission; rules and regulations; personnel; funds; receipts and expenditures; office space and facilities; taxation and borrowing.	17. Election laws; applicable and conflicting provisions.
9. Hearings before charter commission; reports of commission.	18. Method of electing officers.
10. Amendments to charter previously adopted or revised under this chapter; procedure.	19. Special laws enacted after Nov. 8, 1966.
	20. Provisions of charter or amendment deemed consistent with certain other laws.

43B:1. Short title; definitions.

Section 1. This chapter may be cited as the "Home Rule Procedures Act." As used in this chapter, the terms "board of registrars of voters", "city council", and "board of selectmen" shall include any local authority of different designation performing like duties.	1 2 3 4
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43B:2. Adoption, revision or amendment of existing charter.

Section 2. Every city and town shall have the power to adopt or revise its charter or to amend its existing charter in accordance with procedures prescribed by this chapter.	1 2 3
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43B:3. Petition for adoption and revision of charter; filing; objections.

Section 3. The adoption of a charter for any city or town under sections two and three of Article LXXXIX of the Amendments to the Constitution and the revision of any charter so adopted shall be initiated by filing with the board of registrars of voters of the city or town a petition signed by at least fifteen per cent of the number of registered voters residing in said city or town at the preceding state election. Such petition may consist of a number of separate sheets, but each sheet shall be in substantially the form prescribed therefor	1 2 3 4 5 6 7 8
--	--------------------------------------

in section fifteen and shall be signed and completed in accordance with the instructions contained therein. The city or town clerk shall furnish forms for such petition to any registered voter of the city or town requesting the same. Within ten days from such filing, the board shall check each name to be certified by it on the petition, shall certify thereon the number of signatures so checked which are names of registered voters in the city or town, and shall report the results to the city council or board of selectmen, as the case may be, by filing its report with the city or town clerk. Only names so checked shall be deemed to be names of registered voters for purposes of such petition. The board need not certify more than one hundred and forty per cent of the number of names required to file a petition, and names not certified in the first instance shall not thereafter be certified on the same petition.

The sheets constituting a petition need not be filed at the same time. For the purposes of this section and of section three of said Article LXXXIX, such a petition shall be deemed to be filed whenever the persons responsible for its filing notify the board in writing that the filing is complete. Before receiving such notice, the board may, but shall not be required to, certify signatures on the sheets of the petition already filed.

Objections to the sufficiency and validity of the signatures on any such petition as certified by the board of registrars of voters shall be made in the same manner as provided by section seven of chapter fifty-five B, within two working days after the filing of the aforementioned certification report by the board.

43B:4. Order of governing body for submission of question of adoption or revision of charter; nomination and election of charter commission.

Section 4. Within thirty days of receipt of certification by the board of registrars of voters that a petition contains sufficient valid signatures, the city council or board of selectmen shall by order provide for submitting the question of adopting or revising a charter to the voters of the city or town, and for the election of a charter commission, at the first regular city election, or at the first annual or biennial town meeting for the election of town officers, held on or after the sixtieth day following the adoption of the order. Said order shall also provide for the nomination of charter commission members, who shall be nominated in accordance with this chapter. Said order shall not require the concurrence of the mayor in a city and shall not be subject to referendum. If an order of the city council or board of selectmen under this section has not been adopted within the thirty days specified above, the question of adopting or revising a charter shall be submitted to the voters and charter commission members shall be elected at the first regular city election, or at the first annual

or biennial town meeting for the election of town officers, held on or 17
 after the ninetieth day after receipt by the city council or board of 18
 selectmen of certification provided for in the first sentence of this 19
 section. 20

**43B:5. Charter commission; procedure for nomination and election of mem-
 bers.**

Section 5. The signatures of the following number of registered 1
 voters shall be required to nominate charter commission members in 2
 cities or towns having the following number of inhabitants: two 3
 hundred such signatures if one hundred thousand or more inhabit- 4
 ants, one hundred such signatures if fifty thousand or more but less 5
 than one hundred thousand inhabitants, fifty such signatures if 6
 twelve thousand or more but less than fifty thousand inhabitants, 7
 twenty-five such signatures if six thousand or more but less than 8
 twelve thousand inhabitants and ten such signatures if less than six 9
 thousand inhabitants. 10

The last day for filing certified nomination papers for members of a 11
 charter commission with the city or town clerk shall be the twenty- 12
 eighth day preceding the date for their election. The manner of 13
 signing and the time for presenting nomination papers for certifica- 14
 tion to the board of registrars of voters, and the manner of and time 15
 for certifying the same, shall be governed by section seven of chapter 16
 fifty-three. Such nomination papers shall contain information with 17
 respect to candidates, except that no party or political designation 18
 shall be used, and shall be filed with the city or town clerk by a 19
 responsible person and accompanied by the candidate's acceptance, all 20
 as provided by and subject to the provisions of sections eight and nine 21
 of chapter fifty-three applicable to the nomination of officers for such 22
 city or town. Objections to the sufficiency and validity of the 23
 signatures on any nomination paper as certified by the board of 24
 registrars of voters shall be made and disposed of in the manner 25
 provided by sections eleven and twelve of chapter fifty-three, or by 26
 special law applicable to the city or town. 27

Upon application made by any city or town clerk, the state secre- 28
 tary shall provide him with blank forms for the nomination of charter 29
 commission members in such city or town. The city and town clerks 30
 shall supply such forms only to candidates or to persons authorized in 31
 writing by a candidate to obtain said forms in his behalf. One copy of 32
 a voting list shall be furnished to each candidate by the city or town 33
 clerk upon request. Except as provided in this section, the provisions 34
 of sections one to twelve, inclusive, and section seventeen of chapter 35
 fifty-three shall not apply to the nomination of charter commission 36
 members. 37

43B:6. Charter commission; number of members; election.

Section 6. A charter commission shall consist of nine registered voters of the city or town elected at large and by official ballot, without party or political designation, at an election held in accordance with this chapter. The names of the candidates nominated in accordance with section five shall be placed on such ballot in alphabetical order, preceded by an instruction to the effect that a voter may vote for not more than nine persons as charter commission members whether or not he favors the election of a charter commission. The question of electing a commission to adopt or revise the charter shall be placed on such ballot in the form prescribed by the constitution.

If a majority of the votes cast upon the question of adopting or revising the charter is in the affirmative, the nine candidates receiving the highest number of votes shall be declared elected.

If a majority of the votes cast upon the question is in the affirmative, the city or town clerk shall notify the commissioner of community affairs of such affirmative vote and the commissioner shall notify such commission of the dates for submission of their reports and the available date or dates that such report can be placed on its ballots.

43B:7. Charter commission; organization; compensation and expenses of members.

Section 7. The city or town clerk within ten days of the election shall notify the nine candidates elected to the charter commission of the initial charter commission meeting. At such initial meeting a charter commission shall promptly organize by the election from any of its members a chairman, a vice chairman and a clerk and shall file a notice of such organization with the city or town clerk. A charter commission shall continue to exist until thirty days after the election at which its charter adoption or revisions proposal, if any, is required to be submitted to the voters under this chapter or until thirty days after submission to the city council or town meeting of a final report recommending no new charter or revision. If any member dies, resigns or ceases to be a registered voter of the city or town, or if a failure to elect or any other vacancy occurs, it shall be filled by the election of any registered voter of the city or town by vote of a majority of the remaining members. The commission may continue to act notwithstanding the existence of any vacancy. Members shall serve without compensation but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.

43B:8. Charter commission; rules and regulations; personnel; funds; receipts and expenditures; office space and facilities; taxation and borrowing.

Section 8. (a) A charter commission may adopt rules governing the conduct of its meetings and proceedings and may employ such

legal, research, clerical or other employees, who shall not be subject 3
to the provisions of chapter thirty-one, or consultants as its account 4
may permit. In addition to funds made available by a city or town the 5
charter commission account may receive funds from any other source, 6
public or private, provided, however, that no contribution of more 7
than five dollars shall be accepted from any source other than the city 8
or town unless the name and address of the person or agency making 9
the contribution, the amount of the contribution and the conditions or 10
stipulations as to its receipt or use, if any, are disclosed in a writing 11
filed with the city or town clerk. The consent of a charter commis- 12
sion to any such condition or stipulation shall not be binding upon a 13
city or town. Within thirty days after submission of its final report 14
the charter commission shall file with the city or town clerk a 15
complete account of all its receipts and expenditures for public 16
inspection. Any balance remaining in its account shall be credited to 17
the city's or town's surplus revenue account. 18

(b) Each city or town shall provide its charter commission, free of 19
charge, with suitable office space and with reasonable access to other 20
facilities for holding public hearings, may contribute clerical and other 21
assistance to such commission, and shall permit it to consult with and 22
obtain advice and information from city or town officers and employ- 23
ees during ordinary working hours. Within twenty days after the 24
election of a charter commission, the city or town treasurer shall 25
credit to the account of the charter commission, with or without 26
appropriation, the sum of two thousand dollars in a town of less than 27
twelve thousand inhabitants, the sum of five thousand dollars in a city 28
or town of twelve thousand or more but less than fifty thousand 29
inhabitants, the sum of seven thousand five hundred dollars in a city 30
or town of fifty thousand or more but less than one hundred thousand 31
inhabitants and the sum of ten thousand dollars in any other city or 32
town. Such sum shall be provided by taxation in the manner set forth 33
in section twenty-three of chapter fifty-nine if payment is made prior 34
to the fixing of the annual tax rate, and otherwise shall be provided 35
by transfer by the treasurer from available funds or by borrowing in 36
the manner and for the period provided in the case of final judgments 37
under clause (11) of section seven of chapter forty-four, and subject to 38
all other applicable provisions of said chapter forty-four except that 39
such borrowing may be authorized by the city treasurer and city 40
manager, if any, otherwise the mayor of the city and by the town 41
treasurer and board of selectmen of a town. A city or town may 42
appropriate such additional funds for its charter commission as is 43
deemed necessary. 44

43B:9. Hearings before charter commission; reports of commission.

Section 9. (a) Within forty-five days after its election, the charter 1
commission shall hold a public hearing. 2

(b) Within sixteen months after its election, the charter commission shall prepare a preliminary report including the text of the charter or charter revision which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, shall cause such report to be published in a newspaper having general circulation in the city or town, shall provide sufficient copies of the preliminary report to the city or town clerk to permit its distribution to each registered voter requesting the same, and shall furnish two copies to the attorney general and two copies to the department of community affairs. Within four weeks after such publication, the commission shall hold one or more public hearings upon the report. Within four weeks after his receipt of the report, the attorney general shall furnish the commission with a written opinion setting forth any conflict between the proposed charter or charter revision and the constitution and laws of the commonwealth. A copy of the opinion shall at the same time be furnished to the department of community affairs.

(c) Within eighteen months after its election, the charter commission shall submit to the city council or board of selectmen its final report, which shall include the full text and an explanation of the proposed new charter or charter revision, such comments as the commission deems desirable, an indication of the major differences between the current and proposed charters, and a statement of not more than one thousand words by the commission minority, if any, provided such statement is filed with the chairman of the commission within forty-eight hours after the commission's vote approving such report. A copy of said final report shall also be submitted to the department of community affairs and to the attorney general.

(d) All public hearings before a charter commission shall be held within the city or town at such time and place as may be specified in a notice published at least ten days prior to the hearing in a newspaper having general circulation in the city or town, but hearings may be adjourned from time to time without further published notice.

43B:10. Amendments to charter previously adopted or revised under this chapter; procedure.

Section 10. (a) Amendments to a city or town charter previously adopted or revised under this chapter may be proposed by the city council of a city or the town meeting of a town by a two thirds vote in the manner provided by this section; provided, that amendments of a city charter may be proposed only with the concurrence of the mayor in every city that has a mayor, and that only a charter commission elected under this chapter may propose any change in a charter relating in any way to the composition, mode of election or appointment, or terms of office of the legislative body, the mayor or city

manager, or the board of selectmen or town manager. In this section, the word "mayor" shall mean an officer elected by the voters as the chief executive officer of a city or an officer lawfully acting as such, and the term "two thirds vote" shall mean, in cities, a vote, taken by yeas and nays, of two thirds of the members of a city council present and voting thereon, and shall mean, in towns, the vote of two thirds of the voters present and voting at a duly called meeting.

(b) In addition to any amendment proposed by a city council or town meeting under subsection (a) the city council or town meeting shall consider and vote upon any suggested charter amendment which it would have the power to propose under subsection (a), and which is not substantially the same as an amendment already considered and voted upon by it within the last twelve months, and which is suggested to it in a written request signed by the mayor or city manager or any member of the city council in a city or by the town manager or any selectman of a town, or is suggested to it by a petition in substantially the form set forth in section fifteen, signed and completed in accordance with the instructions contained therein by at least ten registered voters in the case of a town and by as many registered voters, in the case of a city, as would be required to nominate a charter commission member in such city under section five, which written request or petition shall be filed with the city or town clerk.

At the earliest convenient time not later than three months after the date any suggested amendment is filed with the city or town clerk, the city council or board of selectmen shall order a public hearing to be held thereon before it or before a committee selected or established by it for the purpose, provided that any number of suggested amendments may be considered at the same hearing. Such a hearing shall be held not later than four months after the filing date of any suggested amendment to be considered, and at least seven days notice of such public hearing shall be published in a newspaper of general circulation in the city or town. Except where the hearing is held by a city council, the board or committee holding the public hearing shall report its recommendations to the city council or town meeting, as the case may be. Final action on such a suggested amendment shall be taken not later than six months after such filing date in the case of a city and, in the case of a town, not later than the first annual town meeting held at least six months after such filing date, provided that at any time after the public hearing two hundred registered voters of a town or twenty per cent of the total number of registered voters of such town, whichever is less, may in writing request the selectmen to call a special town meeting to consider the suggested amendment, and the selectmen shall thereupon call such meeting which shall be held not more than forty-five days after the receipt of the request.

(c) Whenever an order proposing a charter amendment to the voters is approved by the mayor and city council or town meeting, a copy of the proposed amendment shall be immediately submitted to the attorney general and to the department of community affairs and such order shall not take effect for four weeks after the date of such submission. Within such four weeks the attorney general shall furnish the city council or board of selectmen with a written opinion setting forth any conflict between the proposed amendment and the constitution and laws of the commonwealth. A copy of the opinion shall at the time be furnished to the department of community affairs. If the attorney general reports that the proposed amendment conflicts with the constitution of laws of the commonwealth, the order proposing such amendment shall not take effect except as may be specified by further proceedings of the mayor and city council or town meeting under subsection (a). If the attorney general reports no such conflict, such order shall become effective four weeks after its submission to the attorney general.

(d) No order or vote under subsection (a), (b) or (c) shall be subject to referendum or shall, except as provided in subsection (a), require the concurrence of the mayor.

(e) The provisions of subsections (a), (b), (c) and (d) shall apply to amendments of laws having the force of a city or town charter by virtue of section nine of Article LXXXIX of the Amendments to the Constitution as well as to amendments of a charter previously adopted or revised under this chapter.

43B:11. Proposed charter or charter revision; submission to voters; ballot; copies of final report or proposed amendment; adoption of alternative or conflicting provisions.

Section 11. Upon submission of the final report of a charter commission under section nine, the city council or board of selectmen shall order the proposed charter or charter revision to be submitted to the voters of the city or town for their approval at the first regular city election, or at the first annual or biennial town meeting for the election of town officers, held at least two months after such submission, but a charter commission report which does not recommend the adoption or revision of a charter shall not be submitted to the voters. Such an order shall not require the concurrence of the mayor in cities and shall not be subject to referendum. A proposed charter amendment shall be similarly submitted to the voters at the first such election or meeting held at least two months after the order proposing such charter amendment becomes effective under section ten. The question of adopting a charter or revising a charter as recommended by a charter commission shall be submitted to the voters as a single question unless the report of the charter commission provides for the

separate submission of proposed revisions. Unrelated charter amendments proposed by a city council or town meeting shall be submitted to the voters as separate questions.

The question of approving the adoption of or any revision of or amendment to a charter shall be placed on a written or printed ballot, which ballot, including ballot labels where voting machines are used, shall be prepared by public authority and at public expense. A copy of the ballot question and summary prepared in accordance with the following instructions shall be filed with the city or town clerk no later than thirty-five days before the election, and the form of the question shall be substantially as follows:

“Shall this (city) (town) approve the (insert ‘new charter recommended by the charter commission’ or ‘charter revision recommended by the charter commission’ or ‘charter amendment proposed by the (city council) (town meeting)’), as appropriate) summarized below?”

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

(Where a new charter or single charter revision is being submitted at an election, set forth here a brief summary of its basic provisions (composition and mode of selection of the legislative and executive branches and school committee or, if a change of none of these is involved, the most significant proposed change.) Where separate revisions or any amendments are being so submitted, set forth here the substance thereof in a manner also sufficient to distinguish each from any other amendments or revisions to be considered at the same election. The charter commission shall prepare the summaries of its own proposals and the city solicitor or town counsel shall prepare the description of proposed amendments.)

The city council or board of selectmen shall cause the final report of a charter commission, or a charter amendment proposed in an order which has become effective under section ten, to be printed and a copy to be distributed to each residence of one or more registered voters. Such distribution shall occur not later than two weeks before the election at which the question of adopting, revising or amending the charter is to be submitted to the voters. Additional copies of such final report or proposed amendment shall be filed with the city or town clerk for distribution to registered voters requesting the same and one such copy shall be posted in his office.

A new charter or charter revision approved by a majority of the voters of the city or town voting thereon shall take effect on the day specified in such charter or revision, and any proposed amendment so approved shall take effect upon the date specified therein or in the city council order or town meeting vote proposing the same. If two or more charter adoption, revision or amendment proposals are sub-

mitted to the voters in the alternative and are approved, only the 55
 alternative proposal receiving the highest number of affirmative votes 56
 shall take effect. If two or more charter adoption, revision or 57
 amendment proposals containing conflicting provisions are submitted 58
 to the voters, but not as alternatives, and are approved, all such 59
 proposals shall take effect, but the proposal receiving the highest 60
 number of affirmative votes shall be construed to prevent all conflict- 61
 ing provisions contained in other proposals from taking effect. 62

**43B:12. Charter and charter amendments and revisions; deposit of certifi-
 cates; judicial notice; reprints for distribution.**

Section 12. Certificates in quadruplicate shall be prepared setting 1
 forth any charter that has been adopted or revised and any charter 2
 amendments approved and shall be signed by the city or town clerk. 3
 One such certificate shall be deposited in the office of the state 4
 secretary and shall be kept under the custody of the archivist of the 5
 commonwealth, one shall be deposited in the office of the secretary of 6
 communities and development, one shall be deposited in the office of 7
 the attorney general and the other shall be recorded in the records of 8
 the city or town and deposited in its archives. All courts may take 9
 judicial notice of charters and charter amendments of cities and 10
 towns. 11

The city council of each city, and the board of selectmen of each 12
 town, shall, at intervals of not greater than ten years, cause the 13
 charter of said city or town as revised or amended to be reprinted for 14
 distribution to such registered voters of said city or town as may 15
 apply therefor at the office of the city or town clerk. Acts of the 16
 general court which are included in such charter may be referred to 17
 by appropriate subject headings and statutory citations instead of 18
 being set forth at length. Copies of said document may be sold at a 19
 price not to exceed the cost of paper, printing and binding thereof, 20
 plus mailing charges if any, as determined by said clerk. 21

43B:12A. Resubmission of charter which failed of approval.

Section 12A. A charter submitted to the voters in accordance with 1
 the provisions of this chapter which has failed of approval at a city or 2
 town election, but which has received the affirmative votes of not less 3
 than thirty-five per cent of those voting on the question, shall be 4
 considered an optional charter for such city or town. Upon the 5
 petition of ten per cent of the registered voters of such city or town, 6
 said optional charter shall be once resubmitted to the voters at a 7
 regular city or town election held no later than the second year 8
 following the original submission of such charter to the voters. The 9
 city council in a city, the town council in a town having a town council, 10
 and in every other town the board of selectmen, shall cause any 11

changes to be made in dates in the charter as originally submitted to	12
the voters which are necessary to ensure the orderly implementation	13
of the optional charter.	14

43B:13. Exercise of powers and functions by municipalities.

Section 13. Any city or town may, by the adoption, amendment or	1
repeal of local ordinances or by-laws, exercise any power or function	2
which the general court has power to confer upon it, which is not	3
inconsistent with the constitution or laws enacted by the general court	4
in conformity with powers reserved to the general court by Section 8	5
of Article LXXXIX of the Amendments to the Constitution and which	6
is not denied, either expressly or by clear implication, to the city or	7
town by its charter. Whenever appropriations, appointments, orders,	8
regulations or other legislative or executive actions within the scope	9
of any such ordinance or by-law are necessary in the exercise of any	10
power or function authorized by such ordinance or by-law, any such	11
actions which are to be taken by a city council or town meeting may	12
be taken by ordinance, by-law, resolution, order or vote, and any such	13
actions which are to be taken by executive officers may be taken in	14
any appropriate manner, subject, however, as to both such categories,	15
to all provisions of the ordinance or by-law in question, the city or	16
town charter, and other applicable law. Any requirement that an	17
ordinance or by-law be entitled as such, or that it contain the word	18
"ordained," "enacted" or words of similar import shall not affect the	19
validity of any action which is required to be taken by ordinance or	20
by-law. Nothing in this section shall be construed to permit any city	21
or town, by ordinance or by-law, to exercise any power or function	22
which is inconsistent with any general law enacted by the general	23
court before November eighth, nineteen hundred and sixty-six which	24
applies alike to all cities, or to all towns, or to all cities and towns, or	25
to a class of not fewer than two. No exercise of a power or function	26
denied to the city or town, expressly or by clear implication, by special	27
laws having the force of a charter under section nine of said Article,	28
and no change in the composition, mode of election or appointment, or	29
terms of office of the legislative body, the mayor or city manager or	30
the board of selectmen or town manager, may be accomplished by by-	31
law or ordinance. Such special laws may be made inapplicable, and	32
such changes may be accomplished, only under procedures for the	33
adoption, revision or amendment of a charter under this chapter.	34

43B:14. Enforcement of this chapter; declaratory relief; judicial review.

Section 14. (1) The superior court shall, upon petition of ten or	1
more registered voters or of the attorney general, have jurisdiction in	2
equity to enforce the provisions of this chapter.	3

(2) The provisions of chapter two hundred and thirty-one A applicable to municipal by-laws or ordinances shall apply to charters, charter revisions, charter amendments, by-laws and ordinances of a city or town adopted under this chapter. In addition, a petition for declaratory relief under chapter two hundred and thirty-one A may be brought on behalf of the public by the attorney general or, by leave of the court, by ten or more registered voters of the city or town. In the case of a petition brought by ten registered voters, the attorney general shall be served with notice of the preliminary petition for leave, and may intervene as a party at any stage of the proceedings; and the petitioners shall be liable for, but may in the court's discretion also be awarded, costs, which may include reasonable counsel fees.

(3) Judicial review to determine the validity of the procedures whereby any charter is adopted, revised or amended may be had by petition of ten or more registered voters of the city or town brought within thirty days after the election at which such charter, revision or amendment is approved. If no such petition is filed within such period, compliance with all the procedures required by this act and the validity of the manner in which such charter, revision or amendment was approved shall be conclusively presumed. No charter adoption, revision or amendment shall be deemed invalid on account of any procedural error or omission unless it is shown that the error or omission materially and substantially affected such adoption, revision or amendment.

43B:15. Petitions for adoption or revision of charter or suggestion of charter amendment; form.

Section 15. (a) A petition for the adoption or revision of a charter shall conform with the requirements of subsection (c) and shall have a sentence in substantially the following form at the top of each page:

Each of the undersigned requests that the (city) (town) of revise its present charter or adopt a new charter, and each of the undersigned certifies that he is a registered voter of said (city) (town) whose residence addresses at the times set forth below were as shown below, and that he has not signed this petition more than once.

(b) A petition suggesting a charter amendment under section ten shall conform with the requirements of subsection (c) and shall have a sentence in substantially the following form at the top of each page:

Each of the undersigned requests that the (city council) (town meeting) propose the charter amendment(s) attached hereto to the voters of the (city) (town) of, and each of the undersigned certifies that he is a registered voter of said (city) (town) whose residence addresses at the times set forth below were as shown below, and that he has not signed this petition more than once.

(c) The state secretary shall prescribe the form of all petitions under this chapter. Section seven of chapter fifty-three shall apply to all such petitions. No petition shall contain or be accompanied by any indication of party or political designation.

43B:16. Paper or document required to be filed or submitted; presumptions.

Section 16. Any paper or document which is required by this chapter to be filed with or submitted to the city or town clerk or a city council or a board of selectmen shall be deemed to be so filed or submitted when it is delivered to the city or town clerk or to his office. Any paper or document which is required by this chapter to be filed with or submitted to a board of registrars of voters shall be deemed to be so filed or submitted when it is delivered to the office of the board or, if the board maintains no office, to the office of the city or town clerk. Any paper or document which is required by this chapter to be filed with or submitted to the attorney general shall be deemed to be so filed or submitted when it is delivered to the attorney general or to his office. Any paper or document which is required by this chapter to be filed with or submitted to the department of community affairs shall be deemed to be so filed or submitted when it is delivered to said department. Any paper or document which is required by this chapter to be filed with or submitted to the state secretary shall be deemed to be so filed or submitted when it is delivered to the state secretary or to his office.

43B:17. Election laws; applicable and conflicting provisions.

Section 17. The provisions of chapters fifty to fifty-seven, inclusive, applicable to city or town elections shall apply to the proceedings governed by this chapter so far as apt, but the provisions of sections fifty-five to fifty-eight, inclusive, of chapter fifty-four shall not be deemed to apply, and the provisions of this chapter shall prevail where they are in conflict with any applicable provisions of said chapters fifty to fifty-seven, inclusive.

43B:18. Method of electing officers.

Section 18. Any city or town having a charter under chapter forty-three or forty-three A or a method of electing officers under chapter fifty-four A may change the same in accordance with the procedures for the adoption or amendment of a charter prescribed by this chapter. Except as may be permitted by any general or special law enacted after November eighth, nineteen hundred and sixty-six, no city or town shall adopt or change charters or change its method of electing officers under said chapters forty-three, forty-three A or fifty-four A or under any special laws in effect on such date, including without limitation chapters four hundred and fifty-two of the acts of

nineteen hundred and forty-eight, six hundred and sixty-one of the 11
 acts of nineteen hundred and forty-nine and one hundred and fifty- 12
 two of the acts of nineteen hundred and fifty-four, as amended, and 13
 the procedures set forth in this chapter shall be exclusive. 14

43B:19. Special laws enacted after Nov. 8, 1966.

Section 19. Clause fifth of section seven of chapter four shall not 1
 apply to this chapter. A special law relating to an individual city or 2
 town enacted subsequent to November eighth, nineteen hundred and 3
 sixty-six in compliance with clause (1) or clause (2) of section eight of 4
 Article LXXXIX of the Amendments to the Constitution shall be 5
 subject to amendment or repeal through the adoption, revision or 6
 amendment of a charter by such city or town in accordance with the 7
 provisions of sections three and four of said Article LXXXIX unless 8
 such special law specifically provides otherwise, and shall be subject 9
 to amendment or repeal by laws enacted by the general court in 10
 conformity with powers reserved for the general court by section 11
 eight of said Article LXXXIX of said Amendments. 12

43B:20. Provisions of charter or amendment deemed consistent with certain other laws.

Section 20. The provisions of any charter or charter amendment 1
 adopted pursuant to the provisions of this chapter shall be deemed 2
 consistent with the provisions of any law relating to the structure of 3
 city and town government, the creation of local offices, the term of 4
 office or mode of selection of local offices, and the distribution of 5
 powers, duties and responsibilities among local offices. Such provi- 6
 sions may provide: 7

(a) that any particular local office shall be either elected or ap- 8
 pointed; provided, however, that in any town having a board of 9
 selectmen the members of such board shall always be elected; provid- 10
 ed, further, that in any city or town having a school committee the 11
 members of such committee shall always be elected; and provided, 12
 further, that in any town having a form of town meeting open to all 13
 of its registered voters the town moderator shall always be elected 14
 and in every other case all of the members of the legislative body 15
 shall always be elected; 16

(b) that any particular local officer or employee shall be appointed 17
 by any particular local officer; 18

(c) for the number of persons to serve as members of any multiple 19
 member body; provided, however, that all such multiple member 20
 bodies shall always consist of an odd number of members; 21

(d) for the term of office to be served by any local elected officer; 22
 provided, however, that no term of office of a local elected officer 23

shall be for more than five years, and the members of multiple	24
member bodies shall serve for terms which, as nearly as possible,	25
expire in different years;	26
(e) for the merger or consolidation of two or more local offices	27
into a single office;	28
(f) that the powers, duties and responsibilities of one local office	29
be divided and exercised by two or more local offices;	30
(g) for the confirmation of any appointment by another municipal	31
agency.	32

CHAPTER 43C.

OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION ACT.

Section	Section
1. Short title.	11. Consolidated department of municipal finance; petition summary; ordinance or by-law.
2. Definitions.	12. Consolidated department of community development; petition summary; ordinance or by-law.
3. Optional forms of municipal administration; adoption authorized; conditions; revocation or rescission.	13. Consolidated department of municipal inspections; petition summary; ordinance or by-law.
4. Adoption; initiation by petition.	14. Adoption, revocation or rescission of plan; majority vote.
5. Petition; form.	15. Joint agreements with other governmental units; consolidated department participation.
6. Petition; submission to voters.	
7. Council or board proposal; submission to voters.	
8. Vote on two or more plans.	
9. Revocation or rescission of plan; home rule alternative.	
10. Effect of adoption; employee transfer; consolidation of agencies.	

43C:1. Short title.

Section 1. This act shall be known and may be cited as the	1
Optional Forms of Municipal Administration Act.	2

43C:2. Definitions.

Section 2. As used in this chapter, the words "board of registrars of voters", "city council" and "board of selectmen" shall include any local authority of different designation performing like duties. The word "agency" shall include any multiple member body, department, division or office of a city or town.	1
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43C:3. Optional forms of municipal administration; adoption authorized; conditions; revocation or rescission.

Section 3. Every city having a population of less than one hundred and fifty thousand and every town may, in the manner provided in this chapter, adopt any of the optional forms of municipal administration which are provided in this chapter and may, in the manner provided in section nine provide for the revocation or rescission of any such acceptance. The adoption of any plan under the provisions of this chapter shall be deemed to be an amendment to any contrary provisions of a local charter or laws having the force of a charter.	1
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43C:4. Adoption; initiation by petition.

Section 4. The adoption of an optional plan of municipal administration under this chapter shall be initiated by filing with the board of registrars of voters of the city or town, a petition signed by at least ten per cent of the number of registered voters residing in such city or town at the preceding state election. Such petition may consist of a number of separate sheets, but each sheet shall be in substantially	1
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the form prescribed therefor in section five and shall be signed and
 completed in accordance with the instructions contained therein. The
 city or town clerk shall furnish forms for such petition to any
 registered voter of the city or town requesting the same. Within
 thirty days from such filing, the board shall check each name to be
 certified by it on the petition, shall certify thereon the number of
 signatures so checked which are names of registered voters in the city
 or town, and shall report the results to the city council in the city or
 town, or board of selectmen, as the case may be, by filing its report
 with the city or town clerk. Only names so checked shall be deemed
 to be the names of registered voters for purposes of such petition.
 The board need not certify more than one hundred and forty per cent
 of the number of names required to file a petition, and names not
 certified in the first instance shall not thereafter be certified on the
 same petition.

Objections to the sufficiency and validity of the signatures on any
 such petition as certified by the board of registrars of voters shall be
 made in the same manner as provided by law for objections to
 nominations for city or town offices, as the case may be.

43C:5. Petition; form.

Section 5. The petition shall be in substantially the following form:
 To the (city council) (board of selectmen) of (name of city/town) We
 the undersigned, registered voters of the (city/town of)
 respectfully petition your honorable body to cause to be submitted to
 vote of the voters the following question:— "Shall the (city/town of
) adopt the optional form of municipal administration
 summarized as follows, according to the provisions of chapter forty-
 three C of the General Laws providing for optional plans of municipal
 administration?" The text of the summary from the applicable section
 shall follow.

43C:6. Petition; submission to voters.

Section 6. Within thirty days of receipt of certification by the
 board of registrars of voters that a petition contains sufficient valid
 signatures the city council or board of selectmen shall by order
 provide for submission of the question as specified in the petition to
 the voters of the city or town at the first regular city election, or at
 the first annual or biennial town meeting for the election of town
 officers, held on or after the sixtieth day following the adoption of the
 order. Said order shall not require the concurrence of the mayor in a
 city and shall not be subject to referendum. If an order of the city
 council or board of selectmen under this section has not been adopted
 within the thirty days specified above, the question contained in the
 petition shall be submitted to the voters at the first regular city

43C:6. OPTIONAL FORMS OF MUNICIPAL ADMINISTRATION. [Chap. 43C.]

election, or the first annual or biennial town meeting for the election 13
of town officers, held on or after the ninetieth day after receipt by the 14
city council or board of selectmen of certification provided for in the 15
first sentence of this section. 16

43C:7. Council or board proposal; submission to voters.

Section 7. The city council or board of selectmen may submit to 1
the voters of the city or town a proposal for the acceptance of any of 2
the optional plans of municipal administration which are provided in 3
this chapter in the same manner and with the same force and effect 4
as is hereby provided for submission by petition. 5

43C:8. Vote on two or more plans.

Section 8. If two or more optional plans of municipal administra- 1
tion are passed at the same election containing conflicting provisions 2
the one receiving the greatest number of votes shall take effect. 3

43C:9. Revocation or rescission of plan; home rule alternative.

Section 9. At any time after four years following the date of an 1
election at which any of the plans provided in this chapter has been 2
adopted by the voters, a question to revoke or to rescind such 3
acceptance may be submitted to the voters in the same manner as 4
provided in sections four to seven, inclusive. Such question shall be in 5
the following form: "Shall the (city/town of) revoke 6
its adoption of the optional form of municipal administration summa- 7
rized as follows?" The text of the summary from the applicable 8
section shall follow. 9

Notwithstanding the provisions of the first paragraph of this sec- 10
tion, any city or town which has adopted any of the optional plans of 11
municipal administration which are provided for in this chapter may 12
make some other provision for municipal administration under proced- 13
ures made available in chapter forty-three B, at any time, and so far 14
as such provisions may be inconsistent with the provisions of any 15
optional plan in this chapter, the provisions of the charter or charter 16
amendment adopted pursuant to the provisions of said chapter forty- 17
three B shall be deemed to prevail and to supercede the provisions of 18
this chapter. 19

43C:10. Effect of adoption; employee transfer; consolidation of agencies.

Section 10. Any person holding any office or position in the service 1
of a city or town which accepts one of the optional forms of adminis- 2
tration provided in this chapter and who is employed in an office or 3
agency which is merged with another or abolished or otherwise 4
constituted shall be transferred to the department or agency thereby 5
created without reduction in compensation, or impairment of any civil 6

service, retirement, pension, seniority, vacation, sick leave or other 7
rights or benefits to which then entitled. Any reduction in force 8
which is to result from the new form of administration shall be 9
accomplished through attrition, or other reassignment and not by 10
dismissal. 11

All books, papers, documents, equipment, building facilities, land 12
and other property, both real and personal, which are in the custody 13
and control of any agency affected by a consolidation under the 14
provisions of this chapter shall forthwith upon the establishment of 15
any new agency be transferred by the former agency to such new 16
agency. 17

All monies which have been appropriated to any department or 18
agency which is included in any consolidation under the provisions of 19
this chapter shall, upon the establishment of the new agency, be 20
credited to the account of such new agency. All contracts in force at 21
the time any new agency is created in which any department or 22
agency whose powers or functions are being assumed by the new 23
agency is a party shall be continued in force by such new agency until 24
they otherwise expire or are cancelled. Any judicial proceeding in 25
which any agency affected by any consolidation under this chapter is 26
a party shall not be affected by the consolidation but any such 27
successor agency shall stand in the place of the former agency. 28

43C:11. Consolidated department of municipal finance; petition summary; ordinance or by-law.

Section 11. (a) The following shall be the summary inserted in 1
the petition described in section five: 2

“Section eleven of chapter forty-three C of the General Laws 3
authorizes the legislative body to provide, by ordinance or by law, for 4
a consolidated department of municipal finance which may include the 5
offices of accountant, auditor or comptroller, treasurer, collector and 6
assessors.” 7

Notwithstanding any provision of law to the contrary, in any city or 8
town which accepts the provisions of this section by vote of the 9
people, the legislative body, subject to all applicable provisions of the 10
city or town charter, shall have the authority to adopt an ordinance or 11
by-law providing for a consolidated department of municipal finance. 12

Any ordinance or by-law adopted pursuant to the provisions of this 13
section shall provide for (i) a director of municipal finance who shall 14
be appointed by and shall be responsible to the chief executive officer 15
or to the chief administrative officer of the city or town as the 16
ordinance or by-law shall specify, (ii) the director of municipal finance 17
to serve, ex-officio, as the accountant, auditor, comptroller, treasurer, 18
collector or treasurer-collector of the city or town; provided, however, 19

that no director of municipal finance shall serve, ex-officio, as both
 accountant, auditor or comptroller and treasurer, collector or treasurer-
 collector and (iii), the term of the office of the director of municipal
 finance which shall not be less than three nor more than five years,
 subject to removal as may be otherwise provided in the charter of
 such city or town.

Any ordinance or by-law adopted pursuant to the provisions of this
 section may include, but need not be limited to, the following: (i)
 coordination of all financial services and activities, (ii) maintenance of
 all accounting records and other financial statements, (iii) payment of
 all obligations, (iv) receipt of all funds due, (v) assistance to all other
 city or town departments and offices in any matter related to financial
 affairs, (vi) monitoring of the expenditure of all funds, including
 periodic reporting to appropriate agencies on the status of accounts,
 (vii) supervision of all purchases of goods, materials and supplies and
 maintenance of inventory controls, (viii) supervision of all data pro-
 cessing facilities and (ix), any other matter relating to municipal
 finance as may be determined necessary or desirable in such ordi-
 nance or by-law.

Any ordinance or by-law adopted pursuant to the provisions of this
 section shall provide for the appointment of all other personnel
 necessary to staff the department as constituted in the ordinance or
 by-law. Unless some other provision is made in the city or town
 charter for the appointment of officers and employees the director of
 municipal finance shall appoint all personnel under his direction and
 control subject to the approval of the appointing authority as provided
 for his office.

**43C:12. Consolidated department of community development; petition sum-
 mary; ordinance or by-law.**

Section 12. (a) The following shall be the summary inserted in
 the petition described in section five:

“Section twelve of chapter forty-three C of the General Laws
 authorizes the legislative body to provide, by ordinance or by-law, for
 a consolidated department of community development which may
 include the redevelopment authority, the planning board, the industri-
 al development commission, industrial development financing authori-
 ty or any other municipal office or agency exercising or authorized to
 exercise any community or economic development activities.”

(b) Notwithstanding any other provision of law to the contrary in
 any city or town which accepts the provisions of this section, the
 legislative body, subject to all applicable provisions of the city or town
 charter, shall have the authority to adopt an ordinance or by-law
 providing for a consolidated department of community development.

(c) Any ordinance or by-law adopted pursuant to this section shall provide for (i) a director of community development who shall be appointed by and shall be responsible to the chief executive or chief administrative officer of the city or town as the ordinance or by-law shall specify, (ii) the term of office of the director of community development which shall not be less than three nor more than five years, subject to removal as may be otherwise provided in the charter of said city or town, (iii) a community development board which shall consist of five members, one of whom shall be appointed by the secretary of the executive office of communities and development for a term of five years, and four members who shall be appointed by the chief executive or chief administrative officer of the city or town as the ordinance or by-law shall specify, for terms of five years each, all such terms to be so arranged so that only one term expires each year.

(d) Any ordinance or by-law adopted pursuant to this section may include, but need not be limited to, providing for the inclusion through the abolishment of any of the agencies hereinafter enumerated, in whole or in part, or by placing any such agency as may be continued under the administrative control of the director of community development. Such agencies may include the redevelopment authority, the industrial development financing authority, the industrial development commission, the planning board and any other local agency which exercises or is authorized to exercise any community or economic development activity, but shall not include the housing authority.

Insofar as any power or function which is assigned to the department of community development through the abolishment of any agency under the provisions of chapter forty D, forty-one, forty-one A, one hundred and twenty-one A, one hundred and twenty-one B, or any other law relating to community or economic development, to be exercised specifically or exclusively by a multiple member body, such power or function shall be assigned to the community development board.

(e) Any ordinance or by-law adopted pursuant to this section shall provide for the appointment of all other personnel necessary to staff the department as constituted in the ordinance or by-law. Unless some other provision is made in the city or town charter for the appointment of officers and employees, the director of community development shall appoint all personnel under his direction and control subject to the approval of the appointing authority as provided for his office.

43C:13. Consolidated department of municipal inspections; petition summary; ordinance or by-law.

Section 13. (a) The following shall be the summary to be inserted in the petition described in section five:

“Section thirteen of chapter forty-three C of the General Laws 3
 authorizes the legislative body to provide, by ordinance or by-law, for 4
 a consolidated department of municipal inspections which may include 5
 the inspections currently being made by the building inspector, wire 6
 inspector, plumbing inspector, gas fitting inspector, health agent and 7
 others as the ordinance or by-law may specify.” 8

(b) Notwithstanding any provision of law to the contrary, in any 9
 city or town which accepts the provisions of this section by vote of the 10
 people, the legislative body, subject to all applicable provisions of the 11
 city or town charter, shall have the authority to adopt an ordinance or 12
 by-law providing for a consolidated department of municipal inspec- 13
 tions. 14

(c) Any ordinance or by-law adopted pursuant to this section shall 15
 provide for (i) a director of municipal inspections who shall be ap- 16
 pointed by and shall be responsible to the chief executive officer or 17
 the chief administrative officer of the city or town as the ordinance or 18
 by-law shall specify, (ii) the term of office of the director of municipal 19
 inspections which shall be not less than three nor more than five 20
 years, subject to removal as may be otherwise provided in the charter 21
 of the city or town. 22

(d) Any ordinance or by-law adopted pursuant to this section may 23
 include, but need not be limited to, the following: (i) coordination of 24
 all inspection functions carried out by any municipal officer or agent, 25
 (ii) maintenance of all records relating to inspections in a central place 26
 through a common index, (iii) a single application process which 27
 would indicate all inspections which might be necessary, including, 28
 but need not be limited to, any inspections under the zoning and other 29
 local ordinance or by-law, building code, wire code, plumbing and gas 30
 code, state sanitary code, board of health rules and regulations, fire 31
 code, conservation commission, historic districts commission and any 32
 other local inspections as may be otherwise authorized. Any ordi- 33
 nance or by-law adopted pursuant to this section may provide that any 34
 agency performing an inspection function shall be continued but that 35
 for administrative purposes all personnel performing inspection func- 36
 tions for the existing agency shall, when performing such inspection 37
 services, be subject to the administrative control and direction of the 38
 director of municipal inspections, but not otherwise. 39

(e) Any ordinance or by-law adopted pursuant to this section shall 40
 provide for the appointment of all other personnel necessary to staff 41
 the department as constituted in the ordinance or by-law. Unless 42
 some other provision is made in the city or town charter for the 43
 appointment of officers and employees the director of municipal 44
 inspections shall appoint all personnel under his direction and control 45
 subject to the approval of the appointing authority as provided for his 46
 office. 47

43C:14. Adoption, revocation or rescission of plan; majority vote.

Section 14. Notwithstanding any provision of this chapter, any city or town may, by majority vote as defined in section one of chapter forty-four, adopt an optional plan of municipal administration under this chapter or revoke or rescind a plan accepted pursuant to this section; provided, that for a town the majority vote necessary to adopt, revoke, or rescind a plan pursuant to this section shall be at the annual meeting.

43C:15. Joint agreements with other governmental units; consolidated department participation.

Section 15. Consolidated departments established under authority of this chapter may participate in agreements entered into pursuant to the provisions of section four A of chapter forty for joint performance of services with other governmental units.

CHAPTER 44.

MUNICIPAL FINANCE.

MUNICIPAL INDEBTEDNESS.

Section
8A. Orders authorizing issuance of bonds;
authentication.

MUNICIPAL INDEBTEDNESS.

44:8A. Orders authorizing issuance of bonds; authentication.

Section 8A. In any city which accepts this section upon its submission in accordance with law at its first regular city election following the effective date of this section, an order authorizing the issue of bonds, notes or certificates of indebtedness for any purpose specified in any applicable clause of section seven, other than clause (11), or for any purposes specified in section eight, other than clause (1), (2) or (9), shall not become effective before the expiration of a period of twenty days from the day upon which such order would become effective except for this section. If within said period a petition signed by registered voters of the city to the number of twelve thousand or equal in number to at least twelve per cent of the total number of such registered voters, whichever is the lesser, and conforming to the provisions of section thirty-eight of chapter forty-three relative to initiative petitions in cities governed by said chapter, shall be filed with the city clerk, such filing in cities subject to said section thirty-eight to be in the manner therein provided, asking that the question of approving or disapproving such order be submitted to the registered voters of the city, such order shall be further suspended from becoming effective and said city clerk shall forthwith transmit such petition to the city council, which shall immediately reconsider such order. If such order is not rescinded, the city council shall submit the same to a vote of the registered voters of the city, either at the next regular city election, or at a special city election which may, in the discretion of the city council, be called for the purpose in the manner provided by law. If an order submitted as aforesaid be approved by a majority of the registered voters voting on the question, such order shall at once become effective; but if not so approved such order shall have no effect. If a petition relative to any such order is not filed within said period of twenty days, such order shall become effective upon the expiration of said period.

CHAPTER 45.

PUBLIC PARKS, PLAYGROUNDS AND THE PUBLIC DOMAIN.

PUBLIC PARKS.

Section

2. Board of park commissioners; membership; tenure; vacancies; removals.

PUBLIC PARKS

45:2. Board of park commissioners; membership; tenure; vacancies; removals.

Section 2. A town may elect a board of park commissioners, 1
consisting of three or five persons and prescribe their terms of office, 2
or the members of a town planning board or department of public 3
works, or road commissioners may if so authorized by vote of the 4
town act as park commissioners therein. In a town which has not 5
elected a board of park commissioners or has not authorized the town 6
planning board so to act, the selectmen shall act as such board of park 7
commissioners and have authority to approve or disapprove the acqui- 8
sition of lands by eminent domain as set forth in section seventy-nine 9
of chapter ninety-two and shall have all other powers and duties of a 10
park commission. The mayor of a city may, with the approval of the 11
city council, appoint a board of park commissioners for said city, 12
consisting of five persons, who shall hold office for terms of one, two, 13
three, four and five years respectively from the first Monday in May 14
next following such appointment, or until their successors are quali- 15
fied; and thereafter the mayor shall annually, before the first Mon- 16
day in May, with like approval appoint one such commissioner for a 17
term of five years from said first Monday in May. No member of the 18
city council, clerk or treasurer of such city or town shall be such 19
commissioner. In cities a vacancy in such board shall be filled in like 20
manner for the residue of the unexpired term. A commissioner may 21
be removed by a vote of two thirds of the voters of a town, or by a 22
vote of two thirds of all the members of a city council. Such 23
commissioners shall serve without compensation. 24

CHAPTER 48.

FIRES, FIRE DEPARTMENTS AND FIRE DISTRICTS.

Section	Section
	58D. Hours of duty of permanent firemen; application of sections relating to hours of duty; acceptance of provisions.
58B. Hours of duty of permanent firemen; limitations; application of other sections relating to hours of duty; acceptance of provision by electorate.	59. Platoon system; submission to electorate.

FIRE DEPARTMENTS.

48:58B. Hours of duty of permanent firemen; limitations; application of other sections relating to hours of duty; acceptance of provision by electorate.

Section 58B. The hours of duty of the permanent members of the uniformed fire fighting force in every city and town in which this section is accepted as hereinafter provided shall be so established by the fire commissioner, board of fire commissioners, chief engineer, board of engineers, or other officers having charge of fire fighting that the average weekly hours of duty in any year, other than hours during which such members may be summoned and kept on duty because of conflagrations, shall not exceed forty-eight in number; provided that any such city by ordinance and any such town by by-law may establish such weekly hours of duty at less than forty-eight. Sections fifty-six, fifty-seven, fifty-eight A and fifty-nine shall not apply to the permanent members of the uniformed fire fighting force in any such city or town.

Upon petition of not less than ten per cent of the registered voters in any city or town, duly certified by the registrars of voters and filed with the state secretary not less than sixty days before a state election, or filed with a city or town clerk not less than sixty days before a municipal election, the state secretary, or the city or town clerk shall cause to be printed upon the official ballot to be used in such city or town at such state or municipal election the following question:— “Shall section fifty-eight B of chapter forty-eight of the General Laws, providing for a forty-eight hour week for permanent members of fire departments, be accepted?” If a majority of the votes cast on said question in any city or town are in the affirmative, this section shall take effect in such city or town ninety days thereafter.

48:58D. Hours of duty of permanent firemen; application of sections relating to hours of duty; acceptance of provisions.

Section 58D. The hours of duty of the permanent members of the uniformed fire fighting force in every city and town in which this section is accepted as hereinafter provided shall be so established by the fire commissioner, board of fire commissioners, chief engineer, board of engineers, or other officers having charge of fire fighting that the average weekly hours of duty in any year, other than hours during which such members may be summoned and kept on duty because of conflagrations, shall not exceed forty-two in number; provided, that any such city by ordinance and any such town by by-law may establish such weekly hours of duty at less than forty-two. Sections fifty-six, fifty-seven, fifty-eight A, fifty-eight B and fifty-nine shall not apply to the permanent members of the uniformed fire fighting force in any such city or town.

This section shall become effective in a city having a Plan D or Plan E charter when accepted by a majority of the members of the city council, and, in the case of other cities, by vote of the city council and the approval of the mayor, and in a town by a majority vote at the annual town meeting, or in any city or town in which the question of adopting this section is placed before the voters thereof, in the manner set forth in the following paragraph, and a majority of the voters voting at such election vote in the affirmative on such question.

Upon petition of not less than five per cent of the registered voters in any city or town, duly certified by the registrars of voters and filed with the state secretary not less than sixty days before a state election, or filed with a city or town clerk not less than sixty days before a municipal election, the state secretary, or the city or town clerk, as the case may be, shall cause to be printed upon the official ballot to be used in such city or town at such state or municipal election the following question:— “Shall section fifty-eight D of chapter forty-eight of the General Laws, providing for a forty-two hour work week for permanent members of fire departments, be accepted?” If a majority of the votes cast on said question in any city or town are in the affirmative, this section shall take effect in such city or town ninety days thereafter.

48:59. Platoon system; submission to electorate.

Section 59. The permanent members of the uniformed fire fighting force in every town which accepts this section or has accepted corresponding provisions of earlier laws shall be divided by the fire commissioner, board of fire commissioners, chief engineer, board of engineers, or other officers having charge of the fire fighting force

into two bodies or platoons, which shall be designated as a day force 6
and a night force, and shall alternate on tours of duty every third day. 7

The hours of duty of the day force shall be from eight o'clock in the 8
forenoon to six o'clock in the afternoon, and the hours of duty of the 9
night force shall be from six o'clock in the afternoon to eight o'clock 10
in the forenoon; provided, that on every third day, for the purpose of 11
alternating the day force with the night force and vice versa, the 12
number of hours of duty herein stated may be exceeded, but one force 13
shall be at liberty at all times, except that in case of a conflagration 14
the officer or board having charge of the fire fighting force shall have 15
full authority to summon and keep on duty all members of the fire 16
fighting force while the conflagration continues. 17

This section shall not affect any law, ordinance or by-law relative to 18
salary, pensions, annual vacations or sick or disability leave of ab- 19
sence of the members of the fire fighting force in any town subject to 20
this section. Sections fifty-six and fifty-seven shall not apply to the 21
permanent members of the uniformed fire fighting force in any such 22
town. 23

All ordinances or by-laws, or parts thereof, affecting the number 24
that may be appointed as members of a fire fighting force, or the 25
meal hours or days off of the members of the fire department of any 26
such town, shall have no force after its acceptance becomes effective. 27

Upon petition of not less than ten per cent of the registered voters 28
in any town, duly certified by the registrars of voters and filed with 29
the town clerk not less than sixty days before any annual town 30
meeting, the town clerk shall cause to be printed upon the official 31
ballot used for the election of town officers at such annual town 32
meeting the following question: "Shall section fifty-nine of chapter 33
forty-eight of the General Laws, providing for the division into day 34
and night forces of permanent members of fire departments, known 35
as the two platoon system, be accepted?" If a majority of the votes 36
cast on the said question in any town are in the affirmative, this 37
section shall take effect in such town ninety days thereafter. 38

TITLE VIII.

ELECTIONS.

CHAPTER 50.

**GENERAL PROVISIONS RELATIVE TO PRIMARIES,
CAUCUSES AND ELECTIONS.**

Section

DEFINITIONS.

1. Definitions.

DETERMINATION OF RESULTS.

2. Results of election; determination.

**PROVISIONS AFFECTING CONSTRUCTION
OF STATUTES.**

3. Day of election in cities.

3A. Written acceptance of candidates.

4. Computation of time; filing.

5. Posting of lists; notices; etc.

Section

6. Laws relating particularly to any city or town.

6A. Vacancies in elective offices caused by retirement; notice.

**POWER OF CITY OR TOWN CLERKS
TO MAKE REGULATIONS.**

7. Ballot boxes; seals; counting and other apparatus; regulations.

**PRESUMPTION OF REGULARITY
IN CRIMINAL CASES.**

8. Criminal prosecutions; presumptions.

DEFINITIONS.

50:1. Definitions.

Section 1. Terms used in chapters fifty to fifty-seven, inclusive, shall be construed as follows, unless a contrary intention clearly appears:

“Aldermen” or “board of aldermen” shall include the board of election commissioners or election commission of any city having such a board or commission, as to all matters coming within the scope of their powers and duties, and as to such matters shall not apply to the city council of such city.

“Ballot labels” shall mean printed strips of cardboard or paper for use on voting machines, containing the names and addresses of candidates for each office and the questions submitted to the voters at the election except such questions as shall appear on separate ballots, as determined by the state secretary under section thirty-five A of chapter fifty-four.

“Caucus” shall apply to any public meeting of the voters of a precinct, ward or town, held under the laws relating to caucuses.

“Caucus officers” shall apply to chairman, wardens, secretaries, clerks and inspectors, and, when on duty, to additional officers appointed or elected, or elected to fill a vacancy, and taking part in the conduct of caucuses.

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“City clerk” shall include the board of election commissioners or election commission of any city having such a board or commission, with reference to all matters coming within the scope of their powers and duties, and as to such matters shall not apply to the city clerk of such city.

“City election” shall apply to any election held in a city at which a city officer is to be chosen by the voters, whether for a full term or for the filling of a vacancy, or at which any question to be voted upon at a city election is to be submitted to the voters.

“Convention” shall apply only to a meeting of delegates duly chosen in primaries or caucuses, representing two or more subdivisions of the district for which the convention is held.

“Direct plurality vote” shall mean the highest total vote, determined according to section two, received for a nomination at the primaries or caucuses in an entire electoral district.

“Election” shall apply to the choice by the voters of any public officer and to the taking of a vote upon any question by law submitted to the voters.

“Election officer” shall apply to wardens, clerks, inspectors and ballot clerks, and to their deputies when on duty, and also to selectmen, town clerks, moderators and tellers when taking part in the conduct of elections.

“Listing board”, a board established by special law in a particular city or town to prepare lists of persons of voting age resident in the city or town and perform certain other duties in connection with said lists.

“Majority”, with reference to a question on the ballot, shall mean more than one half of those voting upon the question.

“Mayor” or “mayor and aldermen” shall include the board of election commissioners or election commission of any city having such a board or commission, with reference to all matters coming within the scope of their powers and duties, and as to such matters shall not apply to the mayor or city council of such city.

“Municipal party” shall apply to a party, not a political party as to state elections or state primaries, which at the preceding city or town election polled for mayor or a selectman at least three per cent of the entire vote cast in the city or town for that office, or, in a city, which files with the city clerk, at least sixty days before the annual or biennial municipal election, a petition to be allowed to place nominations of such party on the official ballot, signed in person by a number of registered voters of the city equal at least to three per cent of the entire vote polled in the city for mayor at the preceding election.

“Official ballot” shall mean a ballot prepared for any primary, caucus or election by public authority and at public expense, and where voting machines are used shall include ballot labels.

“Political committee” shall apply only to a committee elected as provided in chapter fifty-two, except that in chapter fifty-five it shall also apply, subject to the exception contained in section twenty-nine thereof, to every other committee or combination of five or more voters of the commonwealth who shall aid or promote the success or defeat of a candidate at a primary or election or the success or defeat of a political party or principle in a public election or shall favor or oppose the adoption or rejection of a question submitted to the voters.

“Political designation” shall apply to any designation required in section 8 of chapter 53, expressed in not more than three words, which a candidate for nomination under section 6 of chapter 53 represents, and to any designation expressed in not more than three words to qualify a political party under this section, filed by fifty registered voters with the secretary of state on a form provided by him or her, requesting that such voters, and any others wishing to do so, may change their registration to such designation, provided however, that the designation “Independent” shall not be used. Certificates showing that each of the signers of said request is a registered voter at the stated address, signed by the city or town clerk shall accompany the petition. Any such request filed before December first in the year of a biennial state election shall not be effective until said December first.

“Political party” shall apply to a party which at the preceding biennial state election polled for any office to be filled by all the voters of the commonwealth at least three percent of the entire vote cast in the commonwealth for such office, or which shall have enrolled, according to the first count submitted under section thirty-eight A of chapter fifty-three, a number of voters with its political designation equal to or greater than one percent of the entire number of voters registered in the commonwealth according to said count. Such parties shall be eligible to conduct primary elections at the next following biennial state election. With reference to municipal elections and primaries and caucuses for the nomination of city and town officers, “political party” shall include a municipal party.

“Presiding officer” shall apply to the warden or chairman at a caucus, to the warden, chairman of the selectmen, moderator, temporary moderator or town clerk in charge of a polling place at a primary or election, or to a justice of the peace acting as moderator at a town meeting, or, in the absence of any such officer, to the deputy warden or the clerk or senior inspector or senior selectman present who shall have charge of a polling place.

“Primary” shall apply to a joint meeting of political or municipal parties held under the laws relating to primaries.	107 108
“Registrars” or “registrars of voters” shall mean the board of registrars of voters of a city or town, and shall include the board of election commissioners or election commission of any city having such a board or commission, with reference to all matters coming within the scope of their powers and duties. “Registrar” shall, when applicable, mean a member of any of said boards.	109 110 111 112 113 114
“State election” shall apply to any election at which a national, state, or county officer or a regional district school committee member elected district-wide is to be chosen by the voters, whether for a full term or for the filling of a vacancy.	115 116 117 118
“State officer” shall apply to, and include, any person to be nominated at a state primary or chosen at a state election and shall include United States senator and representative in Congress.	119 120 121
“Town” shall not include city.	122
“Town officer” shall apply to and include town meeting members.	123
“Two leading political parties” shall apply to the political parties which elected the highest and next highest number of members of the general court at the preceding biennial state election.	124 125 126
“Voter” shall mean a registered voter.	127
“Written acceptance” shall mean acceptance signed personally or by attorney duly authorized in writing.	128 129

DETERMINATION OF RESULTS.

50:2. Results of election; determination.

Section 2. In elections, the person receiving the highest number of votes for an office shall be deemed and declared to be elected to such office; and if two or more are to be elected to the same office, the several persons, to the number to be chosen to such office, receiving the highest number of votes, shall be deemed and declared to be elected; but persons receiving the same number of votes shall not be deemed to be elected if thereby a greater number would be elected than are to be chosen. Except as otherwise provided, this section shall apply to all nominations and elections by ballot at primaries or caucuses. Nothing herein shall derogate from the provisions of chapter fifty-four A.	1 2 3 4 5 6 7 8 9 10 11
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PROVISIONS AFFECTING CONSTRUCTION OF STATUTES.

50:3. Day of election in cities.

Section 3. All elections in cities which by charter or statute are to be held on a Monday shall be held on the following Tuesday.	1 2
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50:3A. Written acceptance of candidates.

Section 3A. Wherever the written acceptance of a candidate upon a nomination paper or a signature and place of residence of the person filing the same is required by law, it shall be sufficient if such acceptance or signature and place of residence is placed upon one nomination paper only of the group of nomination papers required to secure the nomination. 1
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50:4. Computation of time; filing.

Section 4. In computing the period of time prescribed in any statute relating to primaries, caucuses or elections, Sundays and holidays shall generally be included; but when the last day of such period falls on a Sunday or on a holiday, the following day shall be considered the final day of such period; and when the first day of such period falls on a Sunday or on a holiday, the day preceding shall be considered the first day of the period. Whenever the day designated for a primary, caucus or election is a holiday, said primary, caucus or election shall be held on the following day. 1
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Except as otherwise provided by section thirty-eight of chapter fifty-three, all certificates of nomination, nomination papers, and other papers pertaining to primaries and elections, required by law to be filed on or before a specified day, shall be filed no later than five o'clock in the afternoon on said day. 10
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50:5. Posting of lists; notices; etc.

Section 5. All lists, notices and copies of laws relating to primaries or elections, required to be posted, shall be posted at the same places with the voting lists, or as near as may be thereto. 1
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50:6. Laws relating particularly to any city or town.

Section 6. Laws from time to time in force relating particularly to any city or town shall prevail where they are in conflict with the provisions of chapters fifty-one to fifty-seven, inclusive; but, except as otherwise provided by any such law, said chapters and all other statutes in any way concerning the right to vote at primaries, caucuses or elections, or its exercise, or matters incidental thereto, shall apply to such city or town, in addition to the laws particularly applicable thereto. 1
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50:6A. Vacancies in elective offices caused by retirement; notice.

Section 6A. If an elected state, city, or town officer is to be retired on or before the next regular election by reason of superannuation before the completion of the term of office to which he was elected, 1
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thereby causing a vacancy in said office, such vacancy shall be filled	4
at said regular election as provided by law for such office.	5

The retiring authority shall notify the county commissioners, mayor	6
and aldermen in cities, or the selectmen in towns, as the case may be,	7
of the impending retirement of such elected officer at least six	8
months preceding the next state, city, or town election, as the case	9
may be.	10

POWER OF CITY OR TOWN CLERKS TO MAKE REGULATIONS.

50:7. Ballot boxes; seals; counting and other apparatus; regulations.

Section 7. A city or town clerk may make regulations consistent	1
with law relative to the use of ballot boxes and seals, counting and	2
other apparatus, the receiving of ballots and the counting and re-	3
turning of votes.	4

PRESUMPTION OF REGULARITY IN CRIMINAL CASES.

50:8. Criminal prosecutions; presumptions.

Section 8. In any criminal prosecution for the violation of any law	1
relating to the listing of persons seventeen years of age and over and	2
to the qualification or registration of voters, to voting lists or ballots	3
or matters pertaining thereto, or to primaries, caucuses or elections or	4
matters pertaining thereto, the presumption shall be that every pro-	5
ceeding or official act was valid, regular and formal; but evidence	6
may be introduced either to rebut or support the presumption. As to	7
an alleged election or primary, the testimony of the city or town clerk,	8
and as to an alleged caucus, the testimony of the presiding officer,	9
secretary or clerk thereof, that such election, primary or caucus was	10
held, shall be prima facie evidence that the same was regularly and	11
duly held.	12

CHAPTER 51.

VOTERS.

Section

QUALIFICATIONS OF VOTERS.

1. Qualifications of voters.
- 1A. Repealed, 1988, 79, Sec. 2.
- 1B. Repealed, 1966, 367, Sec. 2.
- 1C, 1D. Repealed, 1962, 437, Sec. 3.
- 1E. Repealed, 1988, 79, Sec. 3.
- 1F. Persons not included in register of voters.
2. Name of registered voter changed.
3. Place of registration and voting; change of residence.

LISTING OF PERSONS SEVENTEEN YEARS OF AGE OR OVER.

4. Making of lists by registrars or boards.
5. Repealed, 1963, 160, Sec. 5.
6. Street lists.
7. Form, contents and distribution of street lists.
8. Persons omitted from lists; certificate.
9. Repealed, 1973, 1137, Sec. 1.
10. Repealed, 1943, 453, Sec. 14.
- 10A. Statements by innholders, etc.
- 10B. Repealed, 1943, 320, Sec. 1.
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12. Posting of penalty sections.
13. Repealed, 1943, 453, Sec. 15.
14. Death of resident; notice.
- 14A. Assistance in making lists.
- 14B. Applicability of chapter to cities and town governed by special law.

REGISTRARS OF VOTERS.

15. Board of registrars in certain cities and towns; appointment; term of office.
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- 16A. Board of election commissioners; powers and duties; members; compensation; appointment; term of office; vacancies; secretary.
17. Board of registrars in certain cities; appointment; term of office.
18. Political representation; board of registrars.
19. Unequal political representation; notice and hearing.
20. Vacancies in board of registrars; temporary registrars.
21. Registrars; term of office.
22. Assistant registrars in cities and towns; appointment; term; political representation.

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- 22A. Absent registration officers; appointment; political representation; physically disabled registrants.
23. Registrars, assistant registrars and absent registration officers; oath of office, compensation.
24. Powers and duties, etc.
25. Registrars; assistant registrars; compatibility of offices.

SESSIONS FOR REGISTRATION.

26. Registration sessions.
27. Primary elections.
28. Last day for registration.
29. Special elections.
- 29A. Special primaries.
- 29B. Biennial state elections; regular city elections.
30. Towns and villages.
31. Final day for registration; Saturday, Sunday or holiday; sessions.
32. Notices; applications to qualify for presidential elections.

DUTIES OF REGISTRARS.

33. Affidavits of registration.
34. Persons not registered at close of registration.
35. Omitted listings compared with annual register of voters; exceptions.
36. Affidavit of registration; form.
37. Annual register; omitted names; notice.
38. Revisions and corrections of registers, etc.
39. Repealed, 1969, 205, Sec. 3.
40. Public sessions; inspection of records.
41. Preservation of documents, etc.
- 41A. Duties imposed by secs. 10A and 37 in cities not having registrars.

MANNER OF REGISTRATION.

42. Affidavit of registration made in person; exception.
- 42A. Physically disabled applicants.
- 42B. Registration sessions in certain places of principal activity.
- 42C. Voter education, voluntary registration sessions; affidavits of registration.
- 42D. Registration sessions in regional high schools, colleges or universities.
- 42E. Assistant registrars of voters at high schools and vocational schools.

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42F.	Affidavits of registration; forms; contents.	51.	Certificate of supplementary registration; voting thereon.
43.	Repealed, 1969, 205, Sec. 4.		
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45.	Repealed, 1971, 320, Sec. 2.	52.	Authority of registrars.
45A.	Production of naturalization papers for inspection; notation.	52A.	Solicitation of votes and distribution of campaign literature in registration offices prohibited; penalties.
46.	Filing of affidavit of registration; addition of voter's name to annual register.	53.	Police officers at meetings.
46A.	Transmittal of duplicate certificate of registration to place of voter's last residence.	54.	Supervisors of registration; appointment, etc.; interference with supervisors; penalties.
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	ILLEGAL OR INCORRECT REGISTRATION.	57.	Posting of lists; copies for state committees.
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	SUPPLEMENTARY REGISTRATION OF SPECIALLY QUALIFIED VOTERS.	59.	Certificate in case of omissions or errors; voting procedure.
50.	Supplementary registration.	59A.	Escrow ballots; challenged voters.
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		63.	New division of cities into wards, towns into new voting precincts or wards into voting precincts; lists furnished.

QUALIFICATIONS OF VOTERS.

51:1. Qualifications of voters.

Section 1. Every citizen eighteen years of age or older, not being a person under guardianship and not being temporarily or permanently disqualified by law because of corrupt practices in respect to elections, who is a resident in the city or town where he claims the right to vote at the time he registers, and who has complied with the requirements of this chapter, may have his name entered on the list of voters in such city or town, and may vote therein in any such election, or except insofar as restricted in any town in which a representative town meeting form of government has been established, in any meeting held for the transaction of town affairs. Notwithstanding any special law to the contrary, every such citizen who resides within the boundaries of any district, as defined in section one A of chapter forty-one, may vote for district officers and in any district meeting thereof, and no other person may so vote. No person otherwise qualified to vote for national or state officers shall, by reason of a change of residence within the commonwealth, be disqualified from voting for such officers in the city or town from which he has

removed his residence until the expiration of six months from such removal. 18
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51:1A. Repealed, 1988, 79, Sec. 2.

51:1B. Repealed, 1966, 367, Sec. 2.

51:1C, 1D. Repealed, 1962, 437, Sec. 3.

51:1E. Repealed, 1988, 79, Sec. 3.

51:1F. Persons not included in register of voters.

Section 1F. A person who resides in the commonwealth and in the city or town where he claims the right to vote in an election at which electors of president and vice-president are to be chosen, but whose name is not included in the current annual register of voters of the city or town where he claims the right to vote, may qualify for voting only for such electors upon application to the registrars of voters of said city or town, not later than ten o'clock post meridian of the twenty-eighth day preceding such election. Any form of written communication containing the name, age, citizenship, former residence and present residence of such person shall cause the registrars to make an investigation relative to the qualifications of such person to vote and, for the purpose of such investigation, the officer in charge of the police force of each city and town shall give the registrars such assistance as they may require. Upon determining that such person is qualified to vote under the provisions of this section, the registrars shall forward an absentee ballot to him and shall include his name on a list of persons qualified under this section which shall be sent to the city or town clerk. The provisions of sections ninety-four to ninety-six, inclusive, of chapter fifty-four shall apply to such ballots. 1
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51:2. Name of registered voter changed.

Section 2. A registered voter who chooses to adopt a new name shall continue to be registered in his former name until June first of the following year at which time the voter shall be registered in his new name; provided, however, if such voter appears in person prior to the close of registration for any preliminary, primary, or election to notify the registrars of such adoption of a new name, the registrars shall correct the current annual register so that such voter shall be registered in his new name. 1
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If a voter does not choose to adopt a new name as a result of marriage, the registrars shall make no change in the name of such voter entered in the current annual register. 9
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51:3. Place of registration and voting; change of residence.

Section 3. For all elections and primaries held prior to June first in any year, a person shall be registered and may vote in the ward or voting precinct where he resided on January first of the previous year; provided, however, that any registered voter of a city or town who moves to any other precinct in said city or town may register to vote at his new address by making written application to the city or town clerk no later than the close of registration. A new resident of the city or town who changes his residence after having first registered in the city or town may also, upon like application, be registered at the new address. For all elections and primaries held on or after June first in any year, a person shall be registered and may vote in the ward or voting precinct where he resided on January first of that year; provided, however, that any registered voter of a city or town who moves to any other precinct in said city or town may register to vote at his new address by making written application to the city or town clerk no later than the close of registration. A new resident of the city or town who changes his residence after having first registered in the city or town may also, upon application, be registered at the new address. The city or town clerk shall forthwith notify each voter making any such written application that the same has been received and that he may vote, subject to the provision of this section regarding the close of registration, in the ward or precinct into which he has moved. The registrars may require that any such application be signed under the penalties of perjury.

LISTING OF PERSONS SEVENTEEN YEARS OF AGE OR OVER.

51:4. Making of lists by registrars or boards.

Section 4. Registrars, assistant registrars, or boards having similar duties under any special or general law, or one or more of them, except in the city of Boston, shall annually in January or February visit or communicate with the residents of every building in their respective cities and towns, and, after diligent inquiry, shall make true lists containing, as nearly as they can ascertain, the name, date of birth, occupation, nationality if not a citizen of the United States, and residence on January first in the preceding year and in the current year, of every person three years of age or older residing in their respective cities and towns. A list of all persons three through twenty-one years of age shall be transmitted by the board of registrars to their respective school committee not later than April first in each year. Said list shall contain the name, residence and age or date of birth of each such person; provided, however, that the names of persons three to sixteen, inclusive, shall not be disclosed to any person other than their respective school committee or boards of trustees of county agricultural schools. That proportion of any

expenses incurred by the registrars under this section, equal to the proportion that the number of persons under seventeen years of age bears to the total number of persons listed thereunder, shall be carried as an item in the school committee budget.

In the city of Boston, the registrars, assistant registrars, or boards having similar duties under any special or general law, or one or more of them, shall annually in January or February visit or communicate with the residents of every building in their respective city and after diligent inquiry, shall make true lists containing, as nearly as they can ascertain, the name, date of birth, occupation, nationality if not a citizen of the United States, and residence on January first in the preceding year and in the current year, of every person seventeen years of age or older, residing in their respective city.

In any city or town which communicates with residents by mail for the purpose of obtaining such information, the communication shall state in boldface type on the postcard, envelope and printed material contained in such communication the following statement: "Warning — failure to respond to this mailing may result in removal from the voting list." Registrars, assistant registrars or boards in such cities or towns communicating with residents by mail for the purpose of obtaining such information may require a response under the penalties of perjury.

51:5. Repealed, 1963, 160, Sec. 5.

51:6. Street lists.

Section 6. Except in any city or town as to which it is otherwise provided by special law, the registrars on or before April fifteenth in each year, shall prepare lists containing the names and addresses of all persons seventeen years of age or older listed by them under section four for the current year. Such lists shall be arranged in cities by streets, and in towns by streets or alphabetically by the names of the persons listed, and in cities and in towns of over five thousand inhabitants according to the latest national census, by the smallest subdivision of the city or town for the purpose of voting. On or before June fifteenth in each year, the registrars in all cities and towns shall cause a sufficient number of such lists to be printed, typed or mimeographed so as to furnish, free of charge, such lists, upon request, to all duly organized political committees and to all political candidates of the various districts in which the city or town is located. Such lists shall be made available by the registrars to business organizations and other nonpolitical committees and organizations at a fee to be determined by said registrars, and any such person or authorized representative of an organization or committee obtaining such list shall sign a log, maintained by the city or town clerk, placing in such log their names and addresses.

51:7. Form, contents and distribution of street lists.

Section 7. On the lists prepared under section six for delivery to public officers, the registrars shall name or designate all buildings used as residences, in their order on the street where they are located, by giving the number or other definite description of each building so that it can be readily identified, and shall place opposite to or under each number or other description of a building the name, date of birth, occupation and nationality if not a citizen of the United States, of every person who is listed under section four, and his residence on January first of the preceding year and of the current year. Every person so listed shall, if he is a registered voter, be so designated by an asterisk or other symbol. A copy of said lists containing the information required by this section shall be made available to the chairman of each city and each town committee. In cities and towns where the information on such lists is compiled on computer tapes, a copy of the tape or a set of mailing labels shall be made available to the chairman of each city or town committee at a reasonable price to be determined by the state secretary.

51:8. Persons omitted from lists; certificate.

Section 8. If a resident in a city or town, except one as to which it is otherwise provided by special law, who is required to be listed under section four as of January first, was not so listed, such person, in order to establish his right to be listed, shall present to the registrars before the close of registration a sworn statement that he was on said day a resident of such city or town. If the registrars are satisfied that such statement is true, they shall list him, and on his request shall give him a certificate thereof.

51:9. Repealed, 1973, 1137, Sec. 1.**51:10. Repealed, 1943, 453, Sec. 14.****51:10A. Statements by innholders, etc.**

Section 10A. Every innholder licensed under any provision of chapter one hundred and forty and every keeper of a lodging house or public lodging house licensed thereunder, every multi-dwelling unit owner, and every administrator of a nursing home as defined by section one hundred and eight of chapter one hundred and twelve and of a rest home as defined by section seventy-one of chapter one hundred and eleven, shall deliver to the person performing the duties required by section four, on a suitable blank to be furnished him by said person a statement, signed under the penalties of perjury, showing the name and date of birth of every person three years of age or older on January first of said year whose place of residence on said January first was at such inn, lodging house, public lodging

house, multi-dwelling unit, nursing home or rest home. For the 13
 purposes of this section, "lodging house" shall include fraternity 14
 houses and dormitories of educational institutions. For the purposes 15
 of this section, "multi-dwelling unit" shall mean condominiums of any 16
 size and any residential apartment complex consisting of more than 17
 eight rental dwelling units. In the case of a fraternity house or 18
 dormitory, the statement required to be delivered by this section shall 19
 be the responsibility of the person in charge of each said fraternity 20
 house or dormitory. In the case of the multi-dwelling unit, the owner 21
 or his designated representative at such place, or in the case of 22
 condominiums only, the president or principal officer of the condomin- 23
 ium association, shall provide the required information. 24

51:10B. Repealed, 1943, 320, Sec. 1.

51:11. Records kept.

Section 11. The registrars, except in any city or town as to which 1
 it is otherwise provided by special law, shall enter the name and 2
 residence of each person listed and certified under section eight in a 3
 book provided therefor. 4

51:12. Posting of penalty sections.

Section 12. In every place where voters are registered, and where 1
 oaths under section eight are administered, the registrars shall post in 2
 a conspicuous place a copy of sections seven and nine of chapter fifty- 3
 six, printed on white paper with black ink, in type not less than one- 4
 quarter of an inch wide. The provisions of this section shall not apply 5
 in the case of registrations under section forty-two A. 6

51:13. Repealed, 1943, 453, Sec. 15.

51:14. Death of resident; notice.

Section 14. The city or town clerk or other officer having charge 1
 of the registration of deaths in each city or town shall, on the first 2
 day of every month, and also two days before every election, transmit 3
 to the registrars of voters a list of the names of all residents thereof 4
 eighteen years of age or older who died in the preceding month or 5
 since the date of the list previously transmitted, with a statement of 6
 the ward, street and number therein, if any, where such person 7
 resided at his death. 8

51:14A. Assistance in making lists.

Section 14A. In the making of lists under sections four to four- 1
 teen, inclusive, the registrars, except in the city of Boston, may, with 2
 the approval of the mayor or selectmen or the school committee, as 3
 the case may be, have the assistance of the police department, 4

assessors, supervisors of school attendance, or other suitable officers 5
 or employees of the city or town or other qualified persons employed 6
 by them for the purpose, in visiting buildings and residences and 7
 performing the duties of assistant registrars in securing the informa- 8
 tion required by said sections. 9

In the making of lists under sections four to fourteen, inclusive, the 10
 registrars of the city of Boston may, with the approval of the mayor, 11
 have the assistance of the police department in visiting buildings and 12
 residences and performing the duties of assistant registrars in secur- 13
 ing the information required by said sections. 14

51:14B. Applicability of chapter to cities and town governed by special law.

Section 14B. In cities and towns in which the duty of listing 1
 residents for the purposes of determining their right to vote is 2
 performed by officers other than registrars or assistant registrars, 3
 the provisions of this chapter relative to registrars and assistant 4
 registrars shall apply to such officers when performing like duties in 5
 such cities and towns, except as otherwise expressly provided in any 6
 special law or in this section. Where in any special law April first is 7
 stated as the date as of which the legal residence of any person shall 8
 be determined, such residence shall be determined as of January first 9
 instead of April first, and if any provision of this chapter contains a 10
 date for the performance of an official act by a board of registrars, 11
 registrar or assistant registrar, and by special law a different date is 12
 fixed for the performance of such act in any city or town by the same 13
 or any other board or officer, the earlier of such dates shall in such 14
 city or town prevail over the later date. 15

REGISTRARS OF VOTERS.

51:15. Board of registrars in certain cities and towns; appointment; term of office.

Section 15. Except as provided in section seventeen, there shall be 1
 in every city, other than one having a board of election commissioners 2
 or an election commission, and in every town a board of registrars of 3
 voters consisting of the city or town clerk and three other persons 4
 who shall, in a city, be appointed by the mayor, with the approval of 5
 the aldermen, and in a town, by a writing signed by the selectmen and 6
 filed with the town clerk. When a board of registrars is first 7
 appointed, the registrars shall be appointed in February or March for 8
 terms respectively of one, two and three years, beginning with April 9
 first following. In February or March in every year after the original 10
 appointment, one registrar shall be appointed for the term of three 11
 years, beginning with April first following. 12

As the terms of the several registrars expire, and in case a vacancy 13
 occurs in the board of registrars of voters, the selectmen or the 14

appointing authority shall so appoint their successors that as nearly 15
 as possible the members of the board shall represent the two leading 16
 political parties, as defined in section one of chapter fifty; provided, 17
 that a city or town clerk need not be enrolled in a political party; and 18
 provided further, that in no case shall an appointment be made as to 19
 cause a board to have more than two members, including the city or 20
 town clerk, of the same political party. Every such appointment shall 21
 be made in a town by the selectmen or the appointing authority from 22
 a list to be submitted to them by the town committee of the political 23
 party from the members of which the position is to be filled, contain- 24
 ing the names of three enrolled members of such party resident in the 25
 town, selected by a majority vote at a duly called meeting, at which a 26
 quorum is present, of such committee; and every member of a board 27
 of registrars of voters shall serve until the expiration of his term and 28
 until his successor has qualified; provided, however, if the chairman 29
 of the town committee has not submitted such list to the selectmen or 30
 the appointing authority within forty-five days after a notification to 31
 said chairman by certified mail, the selectmen or the appointing 32
 authority shall make said appointment without reference to such a 33
 list. 34

51:16. Repealed, 1959, 127, Sec. 1.

51:16A. Board of election commissioners; powers and duties; members; compensation; appointment; term of office; vacancies; secretary.

Section 16A. In every city except Cambridge and every town 1
 which accepts this section in the manner hereinafter provided, there 2
 shall be a board of election commissioners, hereinafter called the 3
 board, which, except as otherwise provided, shall have all the powers, 4
 rights, duties and liabilities of boards of registrars of voters, and, 5
 with respect to elections, of city and town clerks, either under general 6
 or special law, and which shall be the lawful successor of said 7
 registrars, and, with respect to elections, said clerk. Immediately 8
 upon such acceptance, the said registrars of voters and, in so far as 9
 they relate to, or are required for use in, the conduct of elections, the 10
 said clerk shall deliver to the board all books, papers, records and all 11
 other property in their possession. The board shall consist of four 12
 persons, of whom two shall always represent each one of the two 13
 leading political parties, as defined in section one of chapter fifty. 14
 They shall receive such compensation as the city manager, or mayor, 15
 and city council, or the town, may determine. The members of the 16
 board of registrars of voters in office at the time of such acceptance 17
 shall be members of said board of election commissioners, and shall 18
 serve until the expiration of their respective terms and until their 19
 successors are appointed and qualified; provided, that, if the city or 20
 town clerk is then a member of said board of registrars, the mayor, 21

subject to approval by the board of aldermen, the city manager, or the 22
 selectmen shall appoint one member of said board of election commis- 23
 sioners for a term of four years beginning April first next following. 24
 As the terms of the several election commissioners expire, and in case 25
 a vacancy occurs in said board, the mayor, subject to approval by the 26
 board of aldermen, the city manager or the selectmen, shall so appoint 27
 their successors that the members of the board shall equally repre- 28
 sent the two leading political parties as defined as aforesaid. In a 29
 town which accepts this section, every such appointment shall be 30
 made from a list to be submitted by the town committee of the 31
 political party from the members of which the position is to be filled, 32
 containing the names of three enrolled members of such party resi- 33
 dent in the town, selected by a majority vote at a duly called meeting, 34
 at which a quorum is present, of such committee; and every member 35
 of said board shall serve until the expiration of his term and until his 36
 successor has qualified; provided, however, if the chairman of the 37
 town committee has not submitted such list to the selectmen or the 38
 appointing authority within forty-five days after a notification to said 39
 chairman by certified mail, the selectmen or the appointing authority 40
 shall make said appointment without reference to such a list. Such 41
 appointments shall be for terms of four years beginning April first, 42
 except that any appointment to fill a vacancy shall be for the 43
 unexpired term. The board shall organize annually in the month of 44
 April by the choice of a chairman and a secretary. In case the 45
 members are unable to agree upon a chairman and a secretary, such 46
 officers shall be designated by the mayor, the city manager or the 47
 selectmen, as the case may be. The secretary shall keep a full and 48
 accurate record of the proceedings of the board and shall perform 49
 such other duties as the board may require. All the powers, rights, 50
 privileges, liabilities and duties relating to caucuses, primaries and 51
 elections by law vested in and imposed upon mayors, city managers, 52
 boards of aldermen, selectmen, city or town clerks and board of 53
 registrars of voters, except the power and duty of giving notice of 54
 elections and fixing the days and hours of holding the same, shall be 55
 vested in and performed by the board of election commissioners. The 56
 board may appoint such assistant commissioners and such assistants 57
 as it deems necessary, who shall at all times equally represent the 58
 two leading political parties as defined as aforesaid. Said assistant 59
 commissioners shall have such powers and perform such duties as are 60
 prescribed by this chapter for assistant registrars of voters, and shall 61
 perform such other duties as the board may require. Except in 62
 Boston, persons appointed to serve temporarily as assistant commis- 63
 sioners, or as temporary assistant commissioners, shall not be subject 64
 to chapter thirty-one. This section shall become effective in a city 65
 having a Plan E charter by the affirmative vote of a majority of all 66
 the members of the city council, and, in the case of other cities, by 67

vote of the city council, subject to the provisions of the charter, and in 68
a town by a majority vote at an annual town meeting. 69

51:17. Board of registrars in certain cities; appointment; term of office.

Section 17. In every city, other than one having a board of election 1
commissioners or an election commission, which, by vote of the city 2
council, approved by the mayor, accepts the provisions of this section, 3
or has accepted corresponding provisions of earlier laws, or which is 4
now subject to similar provisions of law, there shall be a board of 5
registrars of voters, consisting of four persons, who shall be appoint- 6
ed by the mayor with the approval of the board of aldermen. When a 7
board of registrars is first appointed after the acceptance of the 8
provisions aforesaid, two registrars shall be appointed in February or 9
March following such acceptance for terms respectively of three and 10
four years, beginning with April first next ensuing. The city clerk of 11
such city shall cease to be a member of the board of registrars on 12
April first, but the remaining two members of the existing board of 13
registrars whose terms do not then expire shall continue to hold office 14
for their respective terms of one and two years. In February or 15
March of every year after such first appointments, there shall in like 16
manner be appointed one registrar of voters for the term of four 17
years, beginning with April first following. The board so constituted 18
shall annually in April organize by electing one of its members as 19
clerk, who shall perform all the duties of a city clerk when acting as 20
clerk of the board of registrars. 21

51:18. Political representation; board of registrars.

Section 18. In the original and in each succeeding appointment and 1
in filling vacancies, registrars of voters shall be so appointed that the 2
members of the board shall represent the two leading political parties, 3
and in no case shall an appointment be so made as to cause a board to 4
have more than two members, including the city or town clerk, of the 5
same political party. 6

51:19. Unequal political representation; notice and hearing.

Section 19. If, upon written complaint to the mayor or to the 1
selectmen, it shall appear, after notice and hearing, that the city or 2
town clerk, when a member of the board of registrars, and two 3
registrars are of the same political party, the mayor or selectmen, as 4
the case may be, shall remove from office the one of such two 5
registrars having the shorter term remaining. If, upon like proceed- 6
ings, it shall appear, after notice and hearing, that a registrar of 7
voters, other than the city or town clerk, has ceased to act with the 8
political party which he was appointed to represent, the mayor or 9
selectmen, as the case may be, shall remove him from office. 10

51:20. Vacancies in board of registrars; temporary registrars.

Section 20. If there is a vacancy in the board of registrars caused by death, resignation or retirement or if a member of the board of registrars is unable to perform the duties of his office, or is, at the time of any meeting of said board, absent from the city or town, the mayor or selectmen may, upon the request in writing of a majority of the remaining members of the board, appoint in writing some person to fill such vacancy temporarily, who is of the same political party as the member whose position he is appointed to fill. Such temporary registrar shall perform the duties and be subject to the requirements and penalties provided by law for a registrar of voters.

51:21. Registrars; term of office.

Section 21. Each registrar shall, unless sooner removed, hold his office for the term for which he is appointed and until his successor is qualified.

51:22. Assistant registrars in cities and towns; appointment; term; political representation.

Section 22. The registrars in cities and towns may appoint assistant registrars for the term of one year, beginning with April first, unless sooner removed by the registrars, and they shall equally represent the different political parties. Assistant registrars shall be subject to the same obligations and penalties as registrars. Registrars may remove an assistant registrar, and may fill a vacancy for the remainder of the term. Registrars may also appoint temporary assistant registrars from time to time to assist in the listing of persons seventeen years of age or over and in the registration of voters at registration sessions as provided for in this chapter, and they shall equally represent the different political parties. Except in Boston, persons appointed to serve temporarily as assistant registrars, or as temporary assistant registrars, shall not be subject to chapter thirty-one.

51:22A. Absent registration officers; appointment; political representation; physically disabled registrants.

Section 22A. In every city and town the registrars of voters may, before every election at which absent voting is permitted, appoint a sufficient number of absent registration officers who in addition to the registrars and the assistant registrars may attend persons claiming to have the qualifications for voting in their respective cities and towns, but who, by reason of physical disability, are unable to apply in person for registration, to examine such persons relative to their qualifications for voting and to register such of said persons as they find to be qualified. Such absent registration officers shall be ap-

pointed from the enrolled voters of their respective cities and towns 10
 and shall, as nearly as may be, equally represent the two leading 11
 political parties. 12

Absent registration officers appointed under this section shall, in 13
 the performance of their duties, have all the powers, and be subject to 14
 all the obligations and penalties, of registrars of voters, but their 15
 doings shall be under the direction, and subject to the revision and 16
 acceptance, of the registrars of voters. 17

51:23. Registrars, assistant registrars and absent registration officers; oath of office, compensation.

Section 23. The registrars, assistant registrars and absent regis- 1
 tration officers shall, before entering upon their official duties, each 2
 take and subscribe an oath faithfully to perform the same. They 3
 shall receive such compensation as the city council or selectmen may 4
 determine; but such compensation shall not be regulated by the 5
 number of names listed or registered by them, as the case may be, 6
 and a reduction of compensation shall apply only to registrars, assis- 7
 tant registrars and absent registration officers appointed thereafter. 8
 The city council or selectmen shall provide them suitable rooms, 9
 necessary assistance and, when required, transportation. The city or 10
 town clerk, when a member of the board of registrars, shall act as 11
 clerk thereof, and shall keep a full and accurate record of its proceed- 12
 ings and shall cause such notices as the registrars may require to be 13
 properly given. 14

51:24. Powers and duties, etc.

Section 24. The registrars may cause the duties devolving upon a 1
 single registrar to be performed by one or two assistant registrars, 2
 and, if two are designated for such duties, they shall be of different 3
 political parties. The registrars shall make suitable regulations gov- 4
 erning the assistant registrars, whose doings shall be subject to their 5
 revision and acceptance. 6

51:25. Registrars; assistant registrars; compatibility of offices.

Section 25. Every person appointed as a registrar or assistant 1
 registrar who is not regularly employed by the registrars shall be a 2
 voter of the city or town where he is appointed. No person appointed 3
 as a registrar or assistant registrar shall hold an office in the city or 4
 town for which he is appointed either by election or by direct appoint- 5
 ment of the mayor or of the board of selectmen or of a city manager 6
 or town manager or hold an office by election or appointment under 7
 the government of the United States or of the commonwealth or of 8
 the city or town, except as a justice of the peace, notary public or 9
 officer of the state militia; provided, however, that in a town with a 10

population of under two thousand residents, a person may be appointed a registrar or assistant registrar who holds an office in the town for which he is directly appointed by the board of selectmen or town manager, or who holds an office by appointment under the government of the United States or of the commonwealth. The acceptance by a registrar or assistant registrar of any such office shall vacate his appointment as registrar or assistant registrar. Nothing in this section shall prohibit a registrar or assistant registrar from becoming a candidate for election and serving as a member of a home rule charter commission or as a town meeting member.

SESSIONS FOR REGISTRATION.

51:26. Registration sessions.

Section 26. The registrars, for the purpose of registering voters, in the manner hereinafter provided, shall hold such day and evening sessions as the town by by-law or the city by ordinance shall prescribe and such other sessions at locations that they deem effective for the purpose of registering voters, and they may, for such purposes, use mobile registration units; but, except as provided in sections thirty-four and fifty, there shall be no registration of voters between ten o'clock in the evening on the twenty-eighth day preceding, and the day following, the biennial state primary, the presidential primary and the biennial state election, nor in any city between ten o'clock in the evening on the twentieth day preceding and the day following a city election, or city primary or preliminary election, nor in any town between ten o'clock in the evening on the twentieth day preceding and the day following the annual town meeting notwithstanding any contrary provisions in any special law. In any city or town in which the annual city or town election is held on the first Monday in March, in a year when the presidential primary is held, the registration sessions held by the election commissioners or registrars of voters in preparation for the city or town election shall also serve as registration sessions for the primary. If any person applies for registration during a period prior to a regular or special preliminary, primary or election when registration to qualify as a voter in such preliminary, primary or election is prohibited by the provisions of this section, such person, if otherwise qualified, shall be registered and his name shall be placed on the voting lists as a registered voter for all later preliminaries, primaries or elections.

51:27. Primary elections.

Section 27. They shall hold at least one session at some suitable place in every city or town on or before the last day for registration preceding the biennial state primary, the presidential primary and any city or town primary, or preliminary election.

51:28. Last day for registration.

Section 28. They shall hold a continuous session from nine o'clock ante meridian until ten o'clock in the evening on the last day for registration prescribed under section twenty-six, except that in towns having less than one thousand voters said session shall be sufficient if it includes the time from two to four o'clock in the afternoon and from seven to ten o'clock in the evening; provided, however, that they shall hold a continuous session from nine o'clock ante meridian until five o'clock in the afternoon on the Saturday preceding the last day for registration for all elections; provided, further, that if such Saturday is not more than two days before or after a legal holiday, such session shall be held on the second Saturday preceding the last day to register to vote.

51:29. Special elections.

Section 29. They shall, in some suitable place, hold a continuous session from twelve o'clock noon until ten o'clock in the evening, on the twentieth day preceding a special state election; from twelve o'clock noon until eight o'clock in the evening on the twentieth day preceding a special city or town election; and from twelve o'clock noon until eight o'clock in the evening, on the tenth day preceding a special town meeting, except in towns having representative town meetings. Registration shall cease at ten o'clock in the evening of the day on which such session is held preceding a special state election and may cease at eight o'clock in the evening, of the day on which such session is held preceding a special town meeting or a special city or town election; provided, however, that no such registration session shall continue beyond ten o'clock in the evening.

51:29A. Special primaries.

Section 29A. They shall, in some suitable place in every city or town wherein there is to be a special state, city or town primary, hold a session on the twentieth day preceding such primary. Registration shall cease at ten o'clock in the evening of the day on which such a session is held preceding a special state primary and may cease at eight o'clock in the evening of the day on which such a session is held preceding a special city or town primary; provided, however, that no such registration session shall continue beyond ten o'clock in the evening. The provisions of this section applicable in the case of a special city or town primary shall apply also in the case of a special preliminary election held in any city under chapter forty-three, or in any city or town under any special law.

51:29B. Biennial state elections; regular city elections.

Section 29B. In cities the registrars shall, within sixty days before the biennial state election, on or before the last day fixed for registra-

tion, hold one or more sessions in one or more suitable places in each ward of the city. They shall, within sixty days before the regular city election, but on or before the last day fixed for registration, hold such sessions unless the city council votes otherwise. They shall hold at their principal office at least one night session in each week during the last three weeks prior to the close of registration.

51:30. Towns and villages.

Section 30. In towns divided into voting precincts the registrars shall, within sixty days before the biennial state election, on or before the last day fixed for registration, hold one or more sessions in each voting precinct. They shall, within sixty days before the annual town meeting, but on or before the last day fixed for registration, hold such sessions unless the selectmen or the town votes otherwise. They shall hold at their principal office at least one night session in each week during the last three weeks prior to the close of registration. In towns not divided into precincts they shall, during the same periods, hold similar sessions in one or more suitable places. They shall hold a session before the last day for registration, at some suitable place in any village or locality distant two or more miles from the place of registration, if ten or more voters residing in or near such village or locality file with the town clerk not less than forty-eight days before the biennial state election or annual town meeting a petition stating that in such village or locality there are at least ten citizens who are entitled and desire to be registered.

51:31. Final day for registration; Saturday, Sunday or holiday; sessions.

Section 31. If the final day for registration of voters falls on Sunday or on a holiday, the preceding day shall be the final day for such registration. The registrars of voters of each city and town shall, however, hold sessions on the appropriate Saturday preceding the final day for registration as provided by section twenty-eight, whether or not the provisions of section one hundred and ten A of chapter forty-one are in effect in their respective cities and towns.

51:32. Notices; applications to qualify for presidential elections.

Section 32. Registrars shall seasonably post or publish notices stating the places and hours for holding all sessions, including the final sessions preceding any election.

DUTIES OF REGISTRARS.

51:33. Affidavits of registration.

Section 33. Any registrar, at such places as may be appointed, and on the day and during hours designated for the purpose, may receive

affidavits of registration, but all the actions of one registrar shall be 3
 subject to review and acceptance by the board. 4
 . In cities, and in towns having six hundred or more registered 5
 voters, any person shall be registered, as aforesaid, during regular 6
 business hours. 7

51:34. Persons not registered at close of registration.

Section 34. After ten o'clock in the evening of a day on which 1
 registration is to cease, the registrars shall not register any person to 2
 vote in the next primary or election, except that they shall furnish, or 3
 cause to be furnished, to each person waiting in line at said hour of 4
 ten o'clock for the purpose of being registered, a card or slip of 5
 identification bearing such person's name and shall, before registra- 6
 tion ceases, permit such person to register. The registrars may, 7
 however, enter or correct on the registers the names of persons (who 8
 have registered as voters) between December thirty-first preceding 9
 and the close of registration. 10

51:35. Omitted listings compared with annual register of voters; exceptions.

Section 35. Except in any city or town as to which it is otherwise 1
 provided by special law, registrars shall compare all omitted listings 2
 with the annual register of voters for the preceding year, and if it 3
 appears to their satisfaction that any of said omitted listings is that of 4
 a person entitled to vote in such preceding year they shall at any time 5
 up to and including the day of the next primary or election enter such 6
 name on the current annual register. In every case they shall require 7
 the vote by virtue of which such entry or correction is made to be 8
 attested by their clerk. Notwithstanding any inconsistent provision 9
 of this section or of any other general or special law, this section shall 10
 apply to the city of Boston and the election commissioners thereof. 11

51:36. Affidavit of registration; form.

Section 36. The registrars shall prepare in sufficient quantity 1
 blank forms for affidavits of registration which shall be in substan- 2
 tially the following form: 3

**AFFIDAVIT OF REGISTRATION
 (PLEASE PRINT)**

.....
 NAME (LAST NAME FIRST)

.....
 RESIDENCE (ADDRESS)

.....
 CITY OR TOWN

.....
 RESIDENCE JANUARY 1, (IF DIFFERENT FROM ABOVE)

.....
 LAST PREVIOUS RESIDENCE IN ANOTHER CITY OR TOWN, IF
 ANY:

(Street Address)

(City or Town) (State) (Zip)

NAME YOU USED AT THIS RESIDENCE
(IF DIFFERENT FROM ABOVE):

.....
DATE OF BIRTH PLACE OF BIRTH U.S. CITIZENSHIP

..... BIRTH NATURALIZED
OCCUPATION

DO YOU WISH TO ENROLL IN A POLITICAL PARTY OR DESIGNATION?

(List here the names of all present political parties, each followed by a box which the registrant may check)

POLITICAL DESIGNATION:

PLEASE READ CAREFULLY

I hereby swear (affirm) that I am the person named above, that the above information is true, that I am a citizen of the United States, that I am not a person under guardianship, that I am not temporarily or permanently disqualified by law from voting because of corrupt practices in respect to elections, and that I consider this residence to be my home.

Signed under the pains
and penalties of perjury.

.....
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A copy of this document may be forwarded to the department of revenue and registry of motor vehicles. 4
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In completing an affidavit of registration, a person shall enter thereon his name written in full, or instead thereof the surname and first Christian name or that name by which he is generally known, written in full, and the initial of every other name which he may have. A person who has chosen to retain his own surname at marriage shall enter that surname on the affidavit of registration. 6
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The state secretary shall provide bilingual, English-Spanish copies of the affidavit of registration to city and town clerks, registrars of voters and election commissioners, who shall provide such bilingual forms to Spanish-speaking applicants. 12
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Local officials shall make copies of said affidavit available to the department of revenue and the registry of motor vehicles of all executed affidavits. 16
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51:37. Annual register; omitted names; notice.

Section 37. The registrars, as soon as they have prepared the lists required by section four, shall prepare an annual register containing the names of all qualified voters in their city or town for the current year, beginning with January first. Such names shall be arranged in alphabetical order, and opposite to the name of each voter, shall be placed his residence on January first preceding or on any subsequent day when he became an inhabitant of the city or town. The registrars shall enter in the annual register every name contained in the lists prepared by them under section four which they can identify as that of a person whose name was borne on the voting list of the city or town at the last preceding election or town meeting, giving the residence of each such person on January first of the current year. They shall make all inquiries and investigations necessary to identify such person, and they shall not enter in the annual register the name of a person objected to by any registrar, nor shall they enter in such register as residing at any licensed inn, lodging house or public lodging house the name of a person which has not been reported to them under section ten A, until such person has been duly notified and given an opportunity to be heard. They shall forthwith enter in the annual register the name of every person who has registered as a voter in the current year. They shall, on or before the first Monday of June in each year, send notice in writing to each voter of the preceding year whose name has not been entered in the annual register of the current year that the name of such voter has not been so entered, such notice to be sent by first class mail bearing the proper address to which the same may be returned in case of non-delivery, and the registrars shall prepare a list of the names of voters not so entered, which shall be open to public inspection in their principal office, and shall be posted by copy in accordance with the same schedule of times and in the places where copies of voting lists are required to be posted under section fifty-seven. The registrars, in addition, may publish such lists in a newspaper devoted wholly or chiefly to the publication of local or general news. Copies of said lists shall be made available to members of the public upon payment of the cost of the copying thereof. 1
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51:38. Revisions and corrections of registers, etc.

Section 38. The registrars shall, upon the personal application of a listed person for the correction of any error in their original lists, and whenever informed of any such error, make due investigation, and, upon proof thereof, correct the same on their books. When informed that a person whose name has been omitted from the voting lists of a city or town is in a hospital, a sanatorium, a rest home or convalescent or nursing home in another city or town, they shall make due investigation and, upon proof thereof, they shall restore the name of 1
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such person to the list of voters at his address of last registration, 9
 provided that he has not acquired the qualifications for registration as 10
 a voter in the town where he then resides. When informed of the 11
 omission of the name of a person who is averred to have resided in 12
 the city or town on January first in the then current year and to have 13
 been listed there in the preceding year, they shall make due investiga- 14
 tion, and, upon proof thereof, add the name to their books. They 15
 shall revise and correct the current annual register in accordance with 16
 any facts they may have presented to them. They may, for this 17
 purpose, require that such facts be presented to them in writing, 18
 signed under the penalties of perjury. They shall strike therefrom 19
 the name of every deceased person which has been transmitted to 20
 them under section fourteen; but after the name of a voter has been 21
 placed upon the current annual register, they shall not change the 22
 place of residence as given thereon, nor, unless the voter has died or 23
 unless they have received a duplicate copy of an affidavit of registra- 24
 tion from the registrars of another city or town, strike such name 25
 therefrom, until they have sent him a notice of their intention so to 26
 do, naming a certain date when he may be heard. 27

51:39. Repealed, 1969, 205, Sec. 3.

51:40. Public sessions; inspection of records.

Section 40. The registrars shall perform their duties in open 1
 session. They shall distinctly announce the name of every person 2
 registering to vote. Their records shall at suitable times be open to 3
 public inspection. 4

51:41. Preservation of documents, etc.

Section 41. The registrars shall preserve all written applications, 1
 complaints, certificates and affidavits received by them, and all other 2
 documents in their custody relative to listing and registration, for two 3
 years after the dates thereof; provided, however, that original affida- 4
 vits of registration, or microfilm copies thereof, shall be preserved 5
 and shall be deemed to be public records. 6

51:41A. Duties imposed by secs. 10A and 37 in cities not having registrars.

Section 41A. The duties imposed by sections ten A and thirty- 1
 seven, respectively, upon registrars of voters shall be performed in 2
 Boston and in other cities not having registrars by the election 3
 commissioners or other persons or boards having the powers and 4
 duties of registrars, or similar powers and duties. The reports 5
 required by said section ten A shall in Boston and in such other cities 6
 be filed with said commissioners or other persons or boards. 7

MANNER OF REGISTRATION.

51:42. Affidavit of registration made in person; exception.

Section 42. Registration as a voter shall be by affidavit of registration made in conformity with the requirements of this chapter. Except as provided in section forty-two A, every person whose name has not been entered in the annual register in accordance with sections thirty-four through thirty-seven inclusive, or a corresponding provision of law applicable to a city or town having a listing board, must, in order to register as a voter, appear in person and make an affidavit of registration before a registrar or assistant registrar.

51:42A. Physically disabled applicants.

Section 42A. Any person claiming to have the qualifications for voting in any city or town who, by reason of physical disability, is unable to appear in person to register may make application, in writing, to the registrars of voters of such city or town for registration in the manner hereinafter provided.

The application shall be made, not later than the third day before the last day for registration of voters under section twenty-six, to the registrars of voters of the city or town in which the applicant resides. Applications received after such third day shall not be acted upon.

The registrars shall seasonably after receipt of an application for registration under this section delegate two registrars, assistant registrars, or absent registration officers to visit the person making the same, and the said officers, equally representing the two political parties, if satisfied that the applicant is unable by reason of physical disability to appear in person to register, shall provide him with a blank affidavit of registration and shall witness the signing thereof. No such person shall be provided with an affidavit of registration after the close of registration nor in any city or town other than that in which he claims the right to vote; provided, that, if the applicant is in the military or naval service of the United States, he may so register not less than three days before an election and a certificate of registration shall be attached to the voting list prepared, under section fifty-five, for use thereat.

51:42B. Registration sessions in certain places of principal activity.

Section 42B. The registrars or election commissioners shall hold a registration session in any factory, mill, school, college or university, hospital, nursing or rest home, or any other place where there are persons who are entitled to be registered who are regularly gathered by reason of employment or other principal activity within their city or town on or before the last day for registration for the biennial state primary and election or the presidential preference primary or

any municipal preliminary election, primary, or election if ten or more voters of such city or town file a petition with said registrars or commissioners, not less than forty days before such primary or election, for the holding of a registration session at such place as specified in the petition, signed by the petitioners with their names and places of residence in said city or town and stating that ten or more persons employed, resident or otherwise regularly at such place desire and are entitled to be registered as voters in said city or town. Said registrars or election commissioners shall approve such petitions within seven business days of receipt thereof; provided that said petition is in compliance with the requirements as set forth herein. Such registration session shall then be held if, at the time such petition is filed, said registrars or commissioners are in receipt of permission in writing from the tenant or, if there is no tenant, from the owner of such place to use his premises for the purpose of holding said session; provided however, that, if the place as specified in the petition is public property of the city, town, county or commonwealth, no such permission shall be required but the persons in custody of such property shall be notified of the registrars intention to hold such session and shall meet with said registrars to confirm the time and place for the conduct of such session. Such registration session shall last a minimum of two hours if the petitioners so request in their petition.

51:42C. Voter education, voluntary registration sessions; affidavits of registration.

Section 42C. In any city or town which accepts the provisions of this section, voter education and voluntary registration sessions shall be held by the registrars, assistant registrars or election commissioners one day each year between the first day of April and the fifteenth day of May in each public, private and vocational high school in their cities and towns. Said sessions shall take place as part of an educational assembly for all seniors.

A registrar or assistant registrar at a session held pursuant to the provisions of this section may receive affidavits of registration from registrants who reside in any other city or town of the commonwealth. The registrars shall forthwith transmit any such completed affidavits of registration to the registrars of the city or town where the registrant claims to reside, and said registrars shall receive such affidavits as provided in sections forty-six to forty-seven B, inclusive.

This section shall take effect upon its acceptance by any city or town.

51:42D. Registration sessions in regional high schools, colleges or universities.

Section 42D. The registrars or election commissioners may hold registration sessions in any regional high school, college or university,

in any city or town in the commonwealth where there are persons 3
entitled to be registered in their city or town who are regularly 4
gathered there by reason of education or employment. 5

51:42E. Assistant registrars of voters at high schools and vocational schools.

Section 42E. The principal or headmaster of every public or pri- 1
vate high school or vocational school shall submit to the board of 2
registrars of voters of the city or town in which the school is located 3
the names of at least three school employees who are registered 4
voters in the commonwealth, to serve as assistant registrars of voters 5
for the purposes of this section. The board of registrars shall appoint 6
at least one of the designated employees as an assistant registrar, 7
shall provide necessary training, forms, and other assistance, and 8
shall establish procedures to be followed by the assistant registrar. 9
The assistant registrar shall be available at the school for the purpose 10
of permitting eligible students and employees of the school to register 11
as voters in the city or town. The principal or headmaster shall 12
publicize the opportunity to register within the school. Said assistant 13
registrar shall receive affidavits of registration from registrants who 14
reside in any other city or town of the commonwealth pursuant to the 15
provisions of section forty-two F. 16

51:42F. Affidavits of registration; forms; contents.

Section 42F. At every registration session held pursuant to this 1
chapter, a registrar or assistant registrar shall receive affidavits of 2
registration from registrants who reside in any other city or town of 3
the commonwealth. The registrars shall forthwith transmit any such 4
completed affidavits of registration to the registrars of the city or 5
town where such registrant claims to reside, and said registrars shall 6
receive such affidavits as provided in sections forty-six to forty-seven 7
B, inclusive. The state secretary shall prescribe forms for the pur- 8
poses of registrations conducted under this section which shall be of a 9
different color from forms used in registering persons who live in the 10
city or town where the registration takes place. Said forms shall 11
contain the information provided for in section thirty-six and shall also 12
include space for the name of the registrar, assistant registrar or 13
special registrar before whom said affidavit was executed, and a 14
space for the name of the city or town where such registration was 15
conducted and what proof of residence was offered, if any. 16

Said forms shall also contain the following statement: A copy of 17
this document may be forwarded to the department of revenue and 18
the registry of motor vehicles. 19

51:43. Repealed, 1969, 205, Sec. 4.

51:44. Completion of affidavit of registration.

Section 44. A person seeking to register shall complete an affidavit in the form prescribed by section thirty-six and shall sign the affidavit under the pains and penalties of perjury in the presence of a registrar, assistant registrar, or absent registration officer. If the person is unable to sign his name, he shall make his mark, which shall be witnessed by the registrar, assistant registrar or absent registration officer. A person registering as a voter may at the same time and place establish his enrollment in a political party or political designation as provided, in section thirty-eight, of chapter fifty-three, by indicating his desire to be enrolled on the affidavit of registration. The registrar, assistant registrar or absent registration officer shall certify that the affidavit was signed in his presence and shall date the affidavit which shall be the date of registration.

51:45. Repealed, 1971, 320, Sec. 2.**51:45A. Production of naturalization papers for inspection; notation.**

Section 45A. An applicant for registration may produce papers of naturalization for inspection if he so desires, and notation of such production shall be made a part of the registration of said applicant.

51:46. Filing of affidavit of registration; addition of voter's name to annual register.

Section 46. Upon receipt of a completed affidavit of registration, the registrars shall, except as provided in section forty-seven, place said affidavit in their files and add the name of the voter to the current annual register of voters in the city or town.

51:46A. Transmittal of duplicate certificate of registration to place of voter's last residence.

Section 46A. Except as provided in section forty-seven, the registrars, upon receipt of an affidavit of registration, shall transmit a duplicate copy thereof to the registrars in the city or town where the person last resided, if within the commonwealth, or to the state secretary of the state where the person last resided, if the person had indicated that his previous residence was in that state.

51:47. Rejection of defective affidavit of registration; notices to person named.

Section 47. If, after examination of an affidavit of registration, it appears to the registrars from the facts set forth in the affidavit that the person is not qualified to be registered as a voter or that the affidavit is incomplete, they may decline to enter his name on the annual register. The registrars shall notify any person whose name is not so entered and give him a reasonable opportunity to remedy the

defects in his affidavit. If the registrars are still not satisfied that the affidavit meets the requirements of this chapter, they shall not accept it and shall forthwith inform the person thereof. 7
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51:47A. Registration of persons not qualified by age.

Section 47A. If, after examination of an affidavit of registration, it appears to the registrars that the person has all the qualifications to be registered as a voter except that of age, and that such person will on or before the day of the next preliminary, primary, special or general election or town meeting attain full age, they shall enter his name in the current annual register of voters. 1
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51:47B. False statements in affidavit of registration; complaint and summons; examination of qualifications.

Section 47B. If at any time subsequent to the registration of a voter the registrars have probable cause to believe that the voter has made a false statement in his affidavit of registration, they may prepare a complaint setting forth the basis for their belief, and summon the voter to appear before them in the manner set forth in section forty-eight. They shall examine the voter and determine his qualifications to vote in the manner set forth in section forty-nine. 1
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ILLEGAL OR INCORRECT REGISTRATION.

51:48. Illegal or incorrect registration; complaint; time for filing; service of summons.

Section 48. Upon complaint signed and sworn to by a registered voter and filed with the registrars at least fourteen days in a city, or at least four days in a town, before a primary, election or town meeting, stating that the complainant has reason to believe and does believe that a certain person by him therein named has been illegally or incorrectly registered, and giving the reasons for such belief, the registrars shall examine into such complaint and, if satisfied that there is sufficient ground therefor, they shall summon the person complained of to appear before them at a certain place and time before the next primary or election or town meeting to answer to the matters set forth in the complaint, and the substance of the complaint and a copy of this section and of section forty-nine shall be set forth in the summons. Service of the summons shall be made by an officer qualified to serve civil or criminal process, not more than fourteen nor less than two days before the day named for appearance, by delivering in hand a copy of the summons to the person therein named, or by leaving it at his place of residence, or, if personal service cannot be made and the person's residence is unknown to the officer and cannot be ascertained by inquiry at the place of alleged illegal or incorrect residence or at any later residence of such person appearing on the 1
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register, then at such person's last residence, if any, known to the officer, or, if the person's last residence is unknown, at the last place appearing as his residence in the register. The officer shall return the summons to the registrars before the day named for appearance with the certificate of his doings endorsed thereon.

51:49. Examination of persons summoned.

Section 49. If a person summoned before the registrars to answer such complaint appears before them, they shall examine him on oath, and shall receive such other evidence which may be offered in regard to the matters set forth in the complaint and, if satisfied that he is properly registered as a qualified voter, they shall enter in the register a statement of their determination of the facts required for registration. If the registrars are satisfied that he is not a qualified voter, they shall strike his name from the register. If they are satisfied that, although he is a qualified voter in the city or town, he is illegally or incorrectly registered in a ward or voting precinct other than the ward or voting precinct in which he is required by section three to be registered, and have determined the ward or voting precinct in which he is so required to be registered, and his place of residence therein, they shall change his place of residence as given on the register accordingly. If a person duly summoned as aforesaid does not appear as directed in the summons and the complainant produces sufficient testimony to make out a prima facie case, the name of such person shall be struck from the register; but if such person appears before the registrars before the election or town meeting following and shows sufficient cause for his failure earlier to appear, the hearing shall be reopened and the matter decided on its merits, as determined from the evidence presented on both sides. The complainant and the person complained of may be represented by counsel, and all witnesses may be cross-examined.

SUPPLEMENTARY REGISTRATION OF SPECIALLY
QUALIFIED VOTERS.

51:50. Supplementary registration.

Section 50. Any legal resident of the commonwealth who was included in the definition of "Specially qualified voter" in section one hundred and three B of chapter fifty-four throughout the seven days immediately preceding the final time for registration under section twenty-six, or who becomes a citizen of the United States after the final time for registration under said section twenty-six, may appear before a registrar or assistant registrar of voters of the city or town of his legal residence, during regular business hours of any day following the final day for registration before a primary or election, as fixed by said section twenty-six, and, in accordance with this

chapter, register as a voter; provided, however, that he so appears 11
 prior to four o'clock post meridian on the day preceding a primary, 12
 preliminary election or election. 13

51:51. Certificate of supplementary registration; voting thereon.

Section 51. To every person registered under section fifty the 1
 registrars shall issue a certificate, similar to that provided for in 2
 section fifty-nine, entitled "Supplementary Registration — Specially 3
 Qualified Voter", and referring by chapter and section number to this 4
 section and section fifty. Upon presentation of such certificate to the 5
 presiding officer at the proper polling place, or, in the case of an 6
 absent voter, if such certificate is attached to the voting lists, such 7
 person shall have the same right to vote as any other registered 8
 voter. Except in the case of an absent voter, after such person has 9
 voted, the presiding officer shall attach the certificate to the voting 10
 list and it shall be considered a part thereof, and shall be returned to 11
 the registrars and preserved in accordance with law. 12

MAINTENANCE OF ORDER AND REGULARITY.

51:52. Authority of registrars.

Section 52. A registrar shall enforce regularity in all proceedings 1
 before him, maintain order in and about the place where a session is 2
 held, or applications for registration are received, and keep the access 3
 thereto open and unobstructed. 4

51:52A. Solicitation of votes and distribution of campaign literature in registration offices prohibited; penalties.

Section 52A. No candidate for public office, or any person acting 1
 on behalf of a candidate, shall solicit votes or distribute campaign 2
 literature in any office where registration of voters is being conduct- 3
 ed. Whoever violates this section shall be punished by imprisonment 4
 for not more than one year in a house of correction or by a fine of not 5
 more than one hundred dollars. 6

51:53. Police officers at meetings.

Section 53. The board of police or officer in charge of the police 1
 force of a city or town shall, when requested by the registrars, detail 2
 a sufficient number of police officers to attend any meeting held by a 3
 registrar in the performance of his duties, and to preserve order and 4
 enforce his directions. 5

51:54. Supervisors of registration; appointment, etc.; interference with supervisors; penalties.

Section 54. The governor, with the advice and consent of the 1
 council, shall, on the petition of not less than ten qualified voters of a 2

city or town, appoint for a term of one year two supervisors of registration for each place of registration therein, one from each of the two leading political parties. They shall attend all sessions or meetings for registration held at the places for which they are appointed, and either of them may attach to any book or papers there used for purposes of registration any statement touching the truth or fairness of the proceedings which he may deem proper, and may add thereto his signature or other marks for the purpose of identification.

Whoever interferes with, or aids or abets any person in interfering with, any supervisor of registration in the performance of his duty, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year.

VOTING LISTS.

51:55. Voting lists; contents; arrangement; quantity; etc.

Section 55. Registrars shall, from the names entered in the annual register of voters, prepare voting lists for use at elections, but the registrars shall not enter the names of women voters in separate columns or lists. In such voting lists they shall place the names of all voters entered on the annual register, and no others, and opposite to the name of each his residence on January first preceding or at the time of his becoming an inhabitant of such place after said day, and his party enrolment. In cities they shall prepare such voting lists by wards, and if a ward or town is divided into voting precincts, they shall prepare the same by precincts. In all such cities and in towns having five thousand or more inhabitants, the voting lists shall be arranged by streets in alphabetical order, and the names of the voters on each street shall be arranged in the numerical order of the street numbers of their residences, so far as possible. All first voting lists shall be printed and available for public distribution not later than the first day of July in state election years. A sufficient number of voting lists shall be printed so that they can be furnished free of charge, upon request, to all duly organized political committees, and to all political candidates for public office in the various districts in which the city or town is located and for a reasonable fee, not to exceed the cost of printing such list, to any person upon request. Names shall be added thereto or taken therefrom as persons are found to be qualified or not qualified to vote. Notwithstanding the foregoing, the voting lists to be used at presidential primaries or any primary or election held prior to July first in any year may be that of the year preceding, revised as aforesaid.

51:56. Repealed, 1981, 143, Sec. 1.

51:57. Posting of lists; copies for state committees.

Section 57. They shall, at least twenty days before the annual or biennial city or town election, and except in Boston, at least sixty days before the biennial state election, cause copies of the voting lists provided for in the two preceding sections to be posted in their principal office and in one or more other public places in the city or town, and in each ward of a city and in each precinct of a town. Upon application made by any state political committee organized in accordance with law, the clerk of the board of registrars shall furnish to it a copy of the voting list free of charge.

51:58. New names.

Section 58. If a new name is added to the annual register after the voting lists have been posted, registrars shall cause it to be added to the lists posted in their principal office; provided, however, that all registrars shall maintain lists of new names added to the annual registers subsequent to the last posting of the voting lists and such lists shall contain in addition to the names, the addresses, wards and precincts, if any, and party designations, if any, of the newly registered voters; and, provided further, that all registrars shall provide copies of such lists to all duly organized political committees, and to all political candidates for public office in the various districts in which the city or town is located, and, for a reasonable fee, not to exceed the cost of printing or copying such list, to any other person upon request. If a city or town shall authorize the registrars to publish the names added to the register, they may, instead of posting them, cause all additional names to be printed in a newspaper published in the city or town, if any, otherwise in a newspaper published in the county.

51:58A. Repealed, 1988, 79, Sec. 16.

51:59. Certificate in case of omissions or errors; voting procedure.

Section 59. Whenever the name of a voter, appearing at a polling place to vote in a primary, caucus or election or preliminary election, does not appear on a voting list prepared as required by section fifty-five or in whose name or residence, as placed on such list, a clerical error has been made, the presiding officer shall attempt to identify such voter and his right to vote at such polling place by consulting the list of the names of voters in the precinct not entered in at least the current annual register under section thirty-seven, which list the registrars of voters shall make available at the polling place for this purpose and then, if necessary, by communicating with the board of registrars by telephone or other means at his disposal. If the presiding officer is then satisfied that such voter is entitled to vote, he shall issue a certificate in a form supplied by the registrars, stating the name, residence and party enrollment, if any, of the voter so

identified, and such certificate shall be signed by such presiding officer. The certificate shall be attached to and be considered part of the voting list, returned and preserved therewith, and such voter shall be allowed to vote.

Whenever the presiding officer, after a reasonable attempt, is unable to identify such voter or his right to vote, such voter may request permission to vote from the registrars of voters. If said registrars find that the name of such voter has been omitted from the voting list, or a clerical error has been made in his name or residence, as placed on such list, the registrars shall issue a certificate of name, residence and party enrollment, if any, as stated on the annual register, signed by a majority of the registrars. On presentation thereof to the presiding officer of the polling place in which the voter was registered, or is authorized to vote, such voter shall be allowed to vote, and his name shall be checked on the certificate, which shall be attached to and considered a part of the voting list and returned and preserved therewith; provided, however, that if such voter desires to vote at the office of the city or town clerk or election commissioners, an absentee ballot shall be issued to such voter, who shall mark it and enclose it in an absentee ballot envelope, together with the certificate. The clerk or commissioner shall then mark on the envelope "Listing Error", and as soon as practicable shall transmit such envelope to the proper polling place. Such ballot shall be cast and counted as if the voter had appeared personally, and the certificate shall be attached to and considered part of the voting list. The envelopes shall be preserved in the same manner as other absentee ballot envelopes.

51:59A. Escrow ballots; challenged voters.

Section 59A. Whenever a person asserting a right to vote in a primary, caucus, preliminary, or other election appears at the polling place for the precinct in which such person resides, but such person is not permitted to vote, such person shall be allowed to deposit an escrow ballot as hereinafter provided. The procedure for challenged voters under section eighty-five of chapter fifty-four shall govern such ballots, provided, however, that the word "escrow" shall be used to describe the cause assigned for challenge and, provided further, that such ballots shall be deposited in an envelope designated for such purpose, and shall be cast or counted in accordance with the provisions of this section at a recount under section one hundred and thirty-five of chapter fifty-four or by an order of court. After the close of the polls, the envelope shall be sealed and any such escrow ballots shall be retained, preserved and destroyed in the same manner as the ballots cast are retained, preserved and destroyed.

After each primary, caucus, preliminary or other election at which an escrow ballot is deposited, and before the city or town clerk

certifies the official tally, the registrars of voters shall if the total number of escrow ballots may change the result of the election, in public session, open the envelope containing such escrow ballots and count the votes on any such ballots which the said registrars determine to have been deposited by persons entitled to vote; provided, however, that for the purpose of making such determination, the registrars of voters may summon witnesses, require the production of evidence, and administer oaths. Forthwith, the registrars shall report the number of such votes to the city or town clerk, who shall amend the records of the primary, caucus, preliminary or other election accordingly. Nothing contained herein shall prevent or bar a prospective voter who failed to cast such escrow ballot from maintaining a civil action with regard to such election.

51:60. Voting lists for use at polls.

Section 60. Before every election and meeting in a city or town at which voting lists may be required to be used, the registrars shall prepare such lists for each ward, voting precinct, polling place or town in which such election or meeting is being held, containing the names and residences of all persons qualified to vote therein, as the same appear upon the annual register, and shall seasonably transmit the same to the election officers in every such ward, voting precinct, polling place or town. Such voting lists shall be in duplicate for all elections and meetings at which duplicate lists are required to be used.

51:61. Certification of registered voters.

Section 61. They shall forthwith, after the final day for registration before a biennial state or regular city or town election, certify to the state secretary the number of registered voters in the city or town, and in each ward and precinct therein.

In cities where the city clerk is not a member of the board of registrars, the registrars shall likewise, after the last day for registration for a city election, certify to the city clerk the number of registered voters in the city, and in each ward and voting precinct therein.

51:62. Certified copies for use at caucus.

Section 62. When a caucus is called, the registrars, on the request of the chairman of the ward or town committee of the party whose caucus is to be held or of the person designated to call the caucus to order, shall furnish him for use in the caucus a certified copy of the last published voting list of the town, or of the ward of the city for which the caucus is to be held, adding thereto the names of voters registered since such publication. Said lists, if intended for use in the

caucus of a political party, shall contain the party enrollment of	8
voters whose names appear thereon established as provided in sec-	9
tions thirty-seven and thirty-eight of chapter fifty-three.	10

51:63. New division of cities into wards, towns into new voting precincts or wards into voting precincts; lists furnished.

Section 63. After the biennial state election in nineteen hundred	1
and forty-four, and in every tenth year thereafter for the purpose of	2
furnishing the information necessary for a new division of a city into	3
wards and voting precincts and of a town of twelve thousand inhabit-	4
ants or over, which has been divided into voting precincts, into new	5
voting precincts, the registrars shall deliver to the clerk of each city	6
and of each such town, on or before the first Tuesday after the said	7
election, a list of all voters therein who were registered for such	8
election, which shall be so arranged as to show the number of voters	9
residing in each ward or in each precinct, as the case may be, by	10
streets. The registrars shall likewise in any other year, upon the	11
request of the aldermen in cities or of the selectmen in such towns,	12
furnish, for the purpose of dividing a ward into voting precincts or,	13
unless otherwise prohibited by law, of dividing any such town into	14
new voting precincts, a list of the voters of any ward in a city or of	15
any precinct in such town, arranged as aforesaid.	16

CHAPTER 52.

POLITICAL COMMITTEES.

Section	Section
1. State political committees; election; organization; terms; vacancies, etc.	6. Vacancies.
1A. Repealed, 1950, 280, Sec. 2.	7. Disposition of funds upon redivision of city into wards.
2. Ward and town committees; elections; terms, etc.	8. Organization of existing committees.
3. City committees.	9. City and town committees; number of ward and town committee members to be elected, etc.
4. City, ward and town committees; organization; failure to elect or organize.	10. Rules and regulations.
5. Lists of officers and members; acceptance of office of treasurer; filing.	

52:1. State political committees; election; organization; terms; vacancies, etc.

Section 1. Each political party shall, in the manner herein provided, elect a state committee from among its members who either have enrolled on or before the ninetieth day prior to the last day for filing nomination papers for state committees with the state secretary, or are newly registered voters in their city or town enrolled in that political party and have not been enrolled in another political party during the year preceding such last day for filing nomination papers. Each state committee shall consist of one man and one woman from each senatorial district, who shall be residents thereof, to be elected at the presidential primaries by plurality vote of the members of the party in the district, and such number of members as may be appointed by the state committee as hereinafter provided. Members of said committee elected at the presidential primaries from senatorial districts shall hold office for a period of four years from the thirtieth day next following their election; provided that members of said committee elected in nineteen hundred and seventy-six shall hold office for a period beginning May fifteenth, nineteen hundred and seventy-six and ending on the thirtieth day following the day on which presidential primaries are next held. Members appointed by the state committee shall hold office for two years from the date of their appointment; provided, however, that in no event shall the terms of office of such members extend beyond the term of office of members who were elected at the presidential primaries.

The members of the state committee elected at the presidential primaries shall within ten days after the thirtieth day next following their election, meet and organize by the choice of a chairman, a secretary, a treasurer and such other officers as they may decide to elect; provided that members of said committee elected in nineteen hundred and seventy-six shall meet and organize within ten days after May fifteenth, nineteen hundred and seventy-six; and provided, fur-

ther, that the members of the committee shall first meet and organize temporarily by the choice of a temporary chairman and a temporary secretary who shall serve until a permanent chairman and a permanent secretary are chosen, and such committee, while temporarily organized or at any time after its permanent organization, may add to its membership.

The secretary of the state committee shall file with the state secretary, and send to each city and town committee, within ten days after such permanent organization, a list of the members of the state committee and of its officers, and, within ten days after each addition to its membership made subsequently to its permanent organization, a list of the members so added.

A vacancy in the office of chairman, secretary or treasurer of the state committee or in the membership thereof shall be filled by said committee, and a statement of any such change shall be filed as in the case of the officers first chosen.

52:1A. Repealed, 1950, 280, Sec. 2.

52:2. Ward and town committees; elections; terms, etc.

Section 2. Each political party shall, in every ward and town, elect at the presidential primaries a ward or town committee from among the members of the party who either have enrolled on or before the ninetieth day prior to the last day for filing nomination papers for such committees with the state secretary, or are newly registered voters in their city or town enrolled in that political party and have not been enrolled in another political party during the year preceding such last day for filing nomination papers. Ward and town committee members shall hold office for a period of four years ending on the thirtieth day following the day on which the presidential primaries are next held and until their successors shall have organized. If any member changes his residence from the ward or town in which he was elected during the said four years, he shall cease to be a member at the end of the calendar year during which said residence is changed. If any member, whether elected or chosen to fill a vacancy, cancels or changes his party enrolment he shall forthwith cease to be a member of said committee.

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

52:3. City committees.

Section 3. The members of the several ward committees of a	1
political party in a city shall constitute the city committee.	2

52:4. City, ward and town committees; organization; failure to elect or organize.

Section 4. Each city, ward and town committee shall within ten	1
days after the thirtieth day next following the election of its mem-	2
bers, meet and organize by the choice of a chairman, a secretary, a	3
treasurer and such other officers as it may decide to elect; provided	4
that members of said committee elected in nineteen hundred and	5
seventy-six shall meet and organize within ten days after May fif-	6
teenth, nineteen hundred and seventy-six. At such meeting a ward or	7
town committee may add to its elected members; provided, that by so	8
doing the total number of members shall not be made to exceed the	9
number determined under section nine. Ward and town committees	10
may appoint associate members by vote at any meeting. Associate	11
members shall not have the right to vote but shall have such other	12
powers and duties as the ward or town committee may determine. In	13
case there is a failure of election of a ward or town committee, the	14
city committee or the state committee, respectively, of the political	15
party which said ward or town committee represents shall appoint	16
from among the voters qualified therefor the members of such	17
committee and shall call a meeting for its organization, in such call	18
appointing a time for holding the same and naming a person to	19
preside thereat. If a ward committee or a city or town committee	20
fails to meet within the time prescribed by this section and organize,	21
the city committee or the state committee, respectively, of the political	22
party which such ward, city or town committee represents shall call a	23
meeting for its organization, in such call appointing a time for holding	24
the same and naming a person to preside thereat. In the event that a	25
ward or town committee fails to meet at the time appointed as	26
aforesaid and organize, the election of each of its members shall be	27
void and the same proceedings shall be had as is herein provided in	28
the case of a failure of election.	29

52:5. Lists of officers and members; acceptance of office of treasurer; filing.

Section 5. The secretary of each city, ward and town committee	1
shall, within ten days after its organization, file with the state	2
secretary, with the city or town clerk and with the secretary of the	3
state committee of the political party which it represents, a list of the	4
officers and members of the committee, together with the addresses	5
of such officers. In the case of a city, the secretary of each ward	6
committee shall also file a copy of such list within such time with the	7
chairman of the city committee of the political party which it repre-	8

sents. Within a like period after the appointment of associate members, said secretary shall likewise file a list of such associate members. The treasurer of such committee shall qualify for his office by filing a written acceptance thereof with the director of campaign and political finance, as provided in section five of chapter fifty-five. The secretary of such committee shall file with the director of the office of campaign and political finance a list of the officers of the committee, together with the addresses of such officers, within ten days after organization of such committee, or within ten days, of any change in the list of officers of such committee.

52:6. Vacancies.

Section 6. A vacancy in the office of chairman, secretary or treasurer or in any other office, notice of the filling of which must be filed under the provisions of section five, of a city, ward or town committee or in the membership of a ward or town committee shall be filled by such committee from among the enrolled members of the party resident in such city, ward or town, and a statement of any such change shall be filed as in the case of the officers and members first chosen. If any member shall change his residence from the city, ward or town in which he was chosen to fill said vacancy, he shall cease to be a member at the end of the calendar year during which said residence is changed.

52:7. Disposition of funds upon redivision of city into wards.

Section 7. Upon the redivision of a city into wards the treasurer of each ward committee of a ward affected by such redivision shall, before the termination of office of the members thereof, pay over to the treasurer of the city committee representing the same political party such funds of the ward committee as he has in his possession after paying all bills. In the statements required under section seventeen of chapter fifty-five, the treasurer of the ward committee making such payment shall report it as a disbursement and the treasurer of the city committee receiving it shall report it as a receipt.

52:8. Organization of existing committees.

Section 8. Each committee existing at the time when the party which it represents first polls for any office to be filled by all the voters of the commonwealth at a biennial state election three per cent of the entire vote cast in the commonwealth for that office, and each committee existing at the time when the party it represents first polls for mayor or a selectman at a city or town election at least three per cent of the entire vote cast in the city or town for that office, shall be deemed elected under this chapter, and shall be subject to its provisions.

52:9. City and town committees; number of ward and town committee members to be elected, etc.

Section 9. Ward and town committees, respectively, shall fix the number of members of ward and town committees to be elected at the presidential primaries, not less than three nor more than thirty-five for each ward and each town. Notice of the number of committee members to be elected shall be given by the ward or town committee, as the case may be, to the state secretary on or before August first of the year preceding the year in which said persons are to be elected. In case a ward or town committee fails to fix the number of members of a ward or town committee or to give such notice, the number of members of such ward or town committee to be elected shall be the number of members last so fixed or assigned.

52:10. Rules and regulations.

Section 10. A state, city or town committee may make rules and regulations consistent with law, for its proceedings, and a state committee may make rules and regulations, consistent with law, for calling conventions.

CHAPTER 53.

NOMINATIONS, QUESTIONS TO BE SUBMITTED TO THE VOTERS, PRIMARIES AND CAUCUSES.

Section	Section
NOMINATION OF CANDIDATES.	
1. Parties entitled to make nominations.	18A. Nonbinding public opinion advisory questions on local ballots.
2. Nominations; procedure.	19. Questions of public policy submitted in certain districts upon application.
3. Nomination of person not named on primary ballot; acceptance.	20. Applications; signatures; identification; certification.
4. Conventions, calling and holding.	21. Applications; filing; number of questions; resubmission.
5. Certificate of nomination; contents; signatures; filing; written acceptance of candidate.	22. Instructions to representatives; necessity of majority vote.
6. Nomination papers; number of signatures.	
7. Nomination papers; signatures; addresses; submission; checking.	INITIATIVE AND REFERENDUM PETITIONS.
7A. Nominating petitions, etc.; signatures; certification.	22A. Signing initiative and referendum petitions; forms; receipt; filing date.
8. Certificates of nomination and nomination papers; contents; party designation; etc.	22B. Repealed, 1985, 124.
9. Certificate of nomination and nomination papers; certification of candidate as registered voter; acceptance; statement of financial interest; filing.	
9A. Nomination papers; cities or towns; applicable provisions.	PROVISIONS APPLYING TO ALL PRIMARIES.
10. Certificates of nomination and nomination papers; time for filing.	23. Sections applicable to all primaries.
11. Certificate of nomination and nomination papers; objections; filing.	24. Applicability of sections relating to elections and corrupt practices.
12, 12A. Repealed, 1977, 927, Sec. 5.	25. Withdrawal of candidates.
13. Withdrawal of names of candidates.	26. Repealed, 1977, 927, Sec. 8.
14. Death, withdrawal or ineligibility of nominees; filling vacancies; objections, etc.	27. Repealed, 1980, 134, Sec. 4.
15. Certificate of nomination to fill vacancy; acceptance.	28. Times and places of holding primaries.
16. Certificates, etc.; public inspection, preservation; etc.	29. Designation of primary officers, etc.; compensation.
17. Blank forms for nominations.	30. Designation of primary officers, etc.; wards or towns.
ENDORSEMENT FOR NOMINATION OF MEMBERS OF STATE POLITICAL COMMITTEES BY CONVENTIONS.	31. Ineligibility to act as primary officers.
17A. Endorsement for nomination of members of state political committees; procedure.	32. Ballots; preparation and number.
	33. Ballots; color; specimen ballots.
QUESTIONS TO BE SUBMITTED TO THE VOTERS.	34. Ballots; substance; arrangement; form.
18. Amendments to federal constitution; opinion of voters ascertained.	34A. Absentee ballots; application; forms; envelopes.
	35. Marking with a cross to constitute vote, etc.
	35A. Use of pasters or stickers.
	35B. Persons nominated by pasters or write-ins; notice of necessity of compliance with sec. 3.
	36. Delivery of ballots, etc., at polling places; posting specimen ballots.
	37. Party enrollment of voters.
	37A. Absentee ballots; application; restriction to voters enrolled in one party; recording upon voting lists; defective ballots.

- Section
38. Party designation of voters and eligibility to vote under party enrollments; certificate.
38A. Enrolled and unenrolled voters; counts by boards of registrars of voters.
39. Counting votes.
39A. Repealed, 1966, 176, Sec. 1.
40. Number of votes necessary to nominate candidate not on ballot.
40A. Petitions for recount.

PROVISIONS APPLYING TO STATE PRIMARIES.

41. Sections applicable to nominations at state primaries.
42. Primaries held by wards, precincts or groups of precincts; notice to state secretary.
43. Polls; hours when open.
44. Nomination papers; number of signatures.
45. Nomination papers; contents; signatures; acceptance; number of candidates; penalty provisions.
46. Nomination papers; submission to registrars; certification; correction of district; number of names.
47. Nomination papers; preparation; blank forms.
48. Nomination papers; filing; certificates of nomination.
48A. Repealed, 1985, 477, Sec. 21.
49. Nomination in case of withdrawal, death or ineligibility.
50. Vacancies caused by withdrawal; time of filling; objections.
51. Counting of ballots.
52. Canvass and return of votes; certification and notification of nominees.
53. Vacancies caused by ties; filling.
53A. Objections to nominations; withdrawals by nominees.

PROVISIONS APPLYING TO PRE-PRIMARY CONVENTIONS.

54. Repealed, 1973, 429, Sec. 5.
54A, 54B. Repealed, 1939, 473, Sec. 20.
54C, 54D. Repealed, 1973, 429, Sec. 5.

PROVISIONS APPLYING TO CITY AND TOWN PRIMARIES.

55. Primaries for municipal nominations; objections; withdrawals.
56. Primaries for nomination; submission of question; notice of result to state secretary.
57. Notices of intention to participate in primaries.

- Section
58. Blank nomination papers provided; contents.
59. Nominations on blank nomination papers; signatures; acceptance.
60. Nomination papers, etc.
61. Nomination papers; filing; certification; correction of district.
62. Death, withdrawal, etc., of candidates; filling vacancies.
63. Polls open during certain hours.
64. Canvass of returns of votes.

PROVISIONS APPLYING TO PRESIDENTIAL PRIMARIES.

- 65—70. Repealed, 1932, 310, Sec. 23.
70A. Sections applicable.
70B. Delegates to national conventions; election; number.
70C. Primaries by wards, precincts, etc.; notice to state secretary.
70D. Nomination papers.
70E. Order of names on ballots; statement of preference; assent of candidates; counting preferential votes.
70F. Canvass of returns; notice; certification; certificates.
70G. Filling vacancies.
70H. Applicability of certain other sections.
70I. Delegates and alternate delegates to national conventions; voting for president on first roll call.
70J. Repealed, 1975, 600, Sec. 20.
70K. Repealed, 1969, 61, Sec. 4.

PROVISIONS APPLYING TO ALL CAUCUSES OF POLITICAL PARTIES.

71. Certain municipalities to nominate at caucuses.
72. Regulations for city or town caucuses.
72A. Time for holding city or town caucuses.
73. Caucuses held by precincts or groups of precincts.
74. Caucuses relative to special elections.
75. Calling of caucuses; notice, etc.
76. Persons entitled to attend caucuses; challenges; oath; penalties.
77. Balloting; use of voting lists.
78. Tie vote for caucus officers.
79. Certificate of election; notice of nomination.
80. Returns of caucuses at which direct nominations are made; tabulation of results; notice; recounts.
81. Tie votes in direct nominations; filling vacancies.

Section		Section	
PROVISIONS APPLYING TO CAUCUSES OF POLITICAL PARTIES AT WHICH OFFICIAL BALLOTS ARE NOT USED.		103.	Nomination papers; correction of errors.
82.	Polling places provided; notice.	104.	Objections to nomination papers.
83.	Notice of caucuses; procedure.	105.	Ballots; cities or towns to provide.
84.	Balloting and duration of caucus.	106.	Form of official ballot, etc.
85.	Tie vote for elective office; proceedings.	107.	Applicability of certain laws.
86.	Ballots and check lists; transmission to city or town clerk; preservation.	108.	Order of business.
87.	Contested elections, etc.; preservation of ballots; notice; recount; penalties.	109.	Challenges.
PROVISIONS APPLYING TO CAUCUSES OF POLITICAL PARTIES AT WHICH OFFICIAL BALLOTS ARE USED.		110.	Counting of ballots; announcing result; sealing; transmittal of records.
88.	Calling of caucuses.	111.	Certified copy of voting list.
89.	Adoption of law for official ballots; calling caucuses; notice.	112.	Recount of ballots.
90.	Revocation of acceptance of special provision; notice.	113.	Caucus officers; eligibility; terms; oaths; duties.
91.	Time of holding caucuses.	114.	Vacancies; additional officers.
92.	Notices of caucuses; contents.	115.	Appointment of officers for first caucus.
93.	Polling places provided, etc.; voting lines.	116.	Caucus officers in newly incorporated cities or cities redivided into wards.
94.	Notice by city or town committees.	PROVISIONS APPLYING TO CAUCUSES OTHER THAN THOSE OF POLITICAL PARTIES.	
95.	Blank nomination papers provided; contents.	117.	Caucuses to nominate municipal officers; convention delegates; committees.
96.	Nominations to be made by nomination papers; acceptance; vacancies, etc.	118.	Notice of caucus; chairman; order of business.
97.	Nomination papers; sealing; filing; opening, etc.	119.	Elections by ballot; written request.
98.	Correction of errors; notice.	120.	Preservation of ballots and voting lists, etc.
99.	Proceedings in cities when papers not filed; filling vacancies.	121.	Calling town caucus at annual meeting; rescission, etc.; nominations; tie vote.
100.	Proceedings in towns when papers not filed.	PROVISIONS APPLYING TO REGIONAL SCHOOL DISTRICT-WIDE ELECTIONS.	
101.	Withdrawals; filling vacancies.	122.	Regional school district-wide elections; applicable provisions.
102.	Nomination papers; delivery to city or town clerk.		

NOMINATION OF CANDIDATES.

53:1. Parties entitled to make nominations.

Section 1. At any primary, caucus or convention held under this chapter, each party having the right to participate in or hold the same may nominate as many candidates for each office for which it has the right to make nominations therein as there are persons to be elected to that office, and no more. A party which makes one or more nominations shall be entitled to have the name of each of its candidates printed on the ballot to be used at the ensuing election; but, unless the nomination is made by direct plurality vote in a primary or in several caucuses held in more than one ward or in more than one

precinct or group of precincts, a certificate of nomination must be filed as provided in section five. 10
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53:2. Nominations; procedure.

Section 2. Except in the case of municipal nominations where a city charter or a law applying to a particular town otherwise provides and in the case of nominations to regional district school committees elected district-wide, 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 primaries or caucuses; provided, however, that the state secretary shall not conduct presidential and state 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 and otherwise not later than February first of the year of the biennial state election. 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. 1
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53:3. Nomination of person not named on primary ballot; acceptance.

Section 3. A person whose name is not printed on a state primary ballot as a candidate for an office, but who receives sufficient votes to nominate him therefor, shall, not later than five o'clock post meridian of the thirteenth day after a regular state primary and the sixth day after a special state primary, file in the office of the state secretary a written acceptance of said nomination and a receipt from the state ethics commission verifying the fact that a statement of financial interest has been filed under chapter two hundred and sixty-eight B. A person whose name is not printed on a city or town primary ballot, but who receives sufficient votes to nominate him, shall, within six days from the aforementioned time and day, file a written acceptance of said nomination in the office of the city or town clerk. The name of any such person who fails to file such written acceptance, and such receipt if required, shall not be printed on the official ballot to be used at the ensuing election. When such acceptance has been filed, it may not thereafter be withdrawn. This section shall be construed to provide that written acceptance of such a nomination at a primary shall be filed as aforesaid within the time herein limited, by any such person whose nomination is finally determined after the expiration of 1
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the time so limited, otherwise his name shall not be printed on the ballot at the ensuing election. 20
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53:4. Conventions, calling and holding.

Section 4. No convention to nominate candidates shall be called for or held on a date earlier than four days after the holding of the caucuses for the choice of delegates thereto, and all such conventions shall be called for and held on a date not later than forty-eight hours prior to the hour for filing certificates of nomination as provided in section ten. 1
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53:5. Certificate of nomination; contents; signatures; filing; written acceptance of candidate.

Section 5. Every certificate of nomination shall state such facts as are required by section eight and shall be signed and sworn to by the presiding officer and by the secretary of the caucus or convention, who shall add to their signatures their residences. The secretary shall within the seventy-two hours succeeding five o'clock in the afternoon of the day upon which the caucus was held or the session of the convention terminated, and within the time specified in section ten, file such certificate at the place specified in section nine. 1
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No such certificate of nomination, except for presidential electors, shall be received or be valid unless the written acceptance of the candidates thereby nominated shall be filed therewith. 9
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53:6. Nomination papers; number of signatures.

Section 6. Nominations of candidates for any offices to be filled at a state election may be made by nomination papers, stating the facts required by section eight and signed in the aggregate by not less than the following number of voters: for governor and lieutenant governor, attorney general, United States senator, and presidential electors, ten thousand; for state secretary, state treasurer, and state auditor, five thousand; for representative in congress, two thousand; for state senator, three hundred; for state representative, one hundred and fifty; for councillor, district attorney, clerk of courts, register of probate, register of deeds, county commissioner, sheriff, and county treasurer, one thousand, except for clerk of courts, register of probate, register of deeds, county commissioner, sheriff, and county treasurer, in Barnstable, Berkshire, Franklin, and Hampshire counties, five hundred, and for any such offices in Dukes and Nantucket counties, twenty-five. In the case of the offices of governor and lieutenant governor, only nomination papers containing the names and addresses of candidates for both offices shall be valid. Nominations of candidates for offices to be filled at a city or town election, except where city charters or general or special laws provide otherwise and 1
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nominations of candidates for the office of regional district school 20
 committee members elected district-wide, may be made by like nomi- 21
 nation papers, signed in the aggregate by not less than such number 22
 of voters as will equal one per cent of the entire vote cast for 23
 governor at the preceding biennial state election in the electoral 24
 district or division for which the officers are to be elected, but in no 25
 event by less than twenty voters in the case of an office to be filled at 26
 a town election or election to a regional district school committee 27
 elected district-wide; provided, however, that no more than fifty 28
 signatures of voters shall be required on nomination papers for such 29
 town office or regional district school committee elected district-wide. 30
 At a first election to be held in a newly established ward, the number 31
 of signatures of voters upon a nomination paper of a candidate who is 32
 to be voted for only in such ward shall be at least fifty. 33

The name of a candidate for election to any office who is nominated 34
 otherwise than by a political party, generally referred to as an 35
 "Unenrolled" candidate, shall not be printed on the ballot at a state 36
 election, or on the ballot at any city or town election following a city 37
 or town primary, unless a certificate from the registrars of voters of 38
 the city or town wherein such person is a registered voter, certifying 39
 that he is not enrolled as a member of any political party, is filed with 40
 the state secretary or city or town clerk on or before the last day 41
 provided in section ten for filing nomination papers. Said registrars 42
 shall issue each certificate forthwith upon request of any such candi- 43
 date who is not a member of a political party or his authorized 44
 representative. No such certificate shall be issued to any such 45
 candidate who shall have been an enrolled member of any political 46
 party during the time prior to the last day for filing nomination 47
 papers as provided in section ten, and on or after the day by which a 48
 primary candidate is required by section forty-eight to establish 49
 enrollment in a political party. 50

Sections six and ten shall not apply to primary candidates nominat- 51
 ed under sections twenty-three to seventy I, inclusive, except as 52
 expressly provided otherwise. 53

53:7. Nomination papers; signatures; addresses; submission; checking.

Section 7. Every voter signing a nomination paper shall sign in 1
 person as registered or substantially as registered, and shall state the 2
 address where he or she is currently registered, but any voter who is 3
 prevented by physical disability from writing may authorize some 4
 person to write his or her name and residence in his or her presence. 5

Every nomination paper of a candidate for a city or town office 6
 shall be submitted to the registrars of the city or town where the 7
 signers appear to be voters on or before five o'clock post meridian of 8
 the fourteenth day preceding the day on which it must be filed with 9

the city or town clerk. Every nomination paper of a candidate for a state office shall be submitted to the registrars of the city or town where the signers appear to be voters on or before five o'clock post meridian of the twenty-eighth day preceding the day on which it must be filed with the state secretary; and certification of nomination papers of candidates for state office shall be completed no later than the seventh day before the final day for filing said papers with the state secretary.

The registrars shall inform the candidate submitting such papers if the designation of the district only in which he seeks office is incorrect, and shall give said candidate the opportunity to insert the correct designation on such papers before the signatures are certified. The registrars shall, if the candidate so desires, allow a change of district on the nomination papers, in the presence of the candidate whose name appears on the nomination papers, and the registrar and the candidate shall both initial the change of district so made and further shall in writing explain the change of district causing three copies to be made, one of each for the registrar and candidate and one to be attached to the nomination papers. If the correct district designation is not so inserted, the nomination papers shall not be approved. In no case may a correction be made to change the office for which such candidate is nominated.

Every initiative, referendum or other ballot question petition paper, except an application for a public policy question under sections nineteen to twenty-two, inclusive, shall be submitted to the registrars of the city or town where the signers appear to be voters on or before five o'clock post meridian of the fourteenth day preceding the day on which it must be filed with the state secretary; and certification of such papers shall be completed no later than the second day before the final day for filing said papers with the state secretary. In the case of special elections, every nomination paper shall be submitted to the registrars of the city or town where the signers appear to be voters on or before five o'clock post meridian in the afternoon of the seventh day preceding the day on which it must be filed with the state secretary; and certification of nomination papers of candidates shall be completed no later than the twenty-four hours before the final hour for filing said papers with the state secretary.

Each nomination paper shall be marked with the date and time it was submitted and such papers shall be certified in order of submission. In each case the registrars shall check each name to be certified by them on the nomination paper and shall forthwith certify thereon the number of signatures so checked which are names of voters both in the city or town and in the district for which the nomination is made, and only names so checked shall be deemed to be names of qualified voters for the purposes of nomination. The registrars shall

place next to each name not checked symbols designated by the state	55
secretary indicating the reason that name was disqualified. The	56
registrars shall certify a number of names that are required to make	57
a nomination, increased by two fifths thereof, if they are submitted in	58
a timely manner for a certification.	59
The state secretary need not receive nomination papers for a	60
candidate after receiving such papers containing a sufficient number	61
of certified names to make a nomination, increased by two fifths	62
thereof.	63
For the purposes of this section a registered voter who in signing	64
his name to a nomination paper inserts a middle name or initial in, or	65
omits a middle name or initial from, his name as registered shall be	66
deemed to have signed his name substantially as registered. If the	67
registrars can reasonably determine from the form of the signature	68
the identity of the duly registered voter, the name shall be deemed to	69
have been signed substantially as registered. The provisions of this	70
section shall apply in all cases where any statute, special act, or home	71
rule charter requires the certification of the signature of a voter by	72
boards of registrars of voters. Signatures shall not be certified on	73
nomination papers or initiative and referendum petitions from more	74
than one city or town per sheet.	75
The state secretary shall promulgate regulations designed to	76
achieve and maintain accuracy, uniformity, and security from forgery	77
and fraud in the procedures for certifying nomination papers and	78
petitions for ballot questions and names thereon pursuant to this	79
section, and to ensure proper delivery of certified nomination papers	80
and petitions by registrars to the person or organization who submit-	81
ted such papers or petitions.	82

53:7A. Nominating petitions, etc.; signatures; certification.

Section 7A. Except where otherwise provided by law, every nomi-	1
nation petition or other like paper of a candidate for a city office in a	2
city wherein preliminary elections for the nomination of candidates	3
for such office are held shall be submitted, on or before five o'clock in	4
the afternoon of the fourteenth day preceding the day on which it	5
must be filed, to the registrars of the city. In each case the	6
registrars shall check each name to be certified by them on the	7
nomination petition or other like paper and shall forthwith certify	8
thereon the number of signatures so checked which are names of	9
voters both in the city and in the district for which the nomination is	10
made, and only names so checked shall be deemed to be names of	11
qualified voters for the purposes of nomination. The registrars need	12
not certify a greater number of names than are required to make a	13
nomination, increased by one fifth thereof. Names not certified in	14

the first instance shall not thereafter be certified on the same	15
nomination petitions or other like papers.	16

53:8. Certificates of nomination and nomination papers; contents; party designation; etc.

Section 8. All certificates of nomination and nomination papers shall, in addition to the names of candidates, specify as to each, (1) his residence, with street and number, if any, (2) the office for which he is nominated, and (3) except as otherwise provided in this section and except for elections which are not preceded by primaries or political party caucuses, the political designation, if any, which he represents, expressed in not more than three words. This information, in addition to the district name or number, if any, shall be specified on the nomination paper before any signature of a purported registered voter is obtained and the circulation of nomination papers without such information is prohibited. Certificates of nomination made by convention or caucus shall also state what provision, if any, was made for filling vacancies caused by the death, withdrawal or ineligibility of candidates. The state committees of the respective political parties at a meeting called for the purpose shall nominate the presidential electors. The surnames of the candidates for president and vice president of the United States shall be added to the party or political designation of the candidates for presidential electors. Such surnames and a list of the persons nominated for presidential electors, together with an acceptance in writing signed by each candidate for presidential elector on a form to be provided by the state secretary, shall be filed by the state chairmen of the respective political parties not later than the second Tuesday of September. Said acceptance form shall include a pledge by the presidential elector to vote for the candidate named in the filing. To the name of each candidate for alderman at large shall be added the number of the ward in which he resides. To the name of a candidate for a town office who is an elected incumbent thereof there may be added the words "Candidate for Re-election".	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29
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If a candidate is nominated otherwise than by a political party the name of a political party shall not be used in his political designation nor shall the name of any organization which has been adjudicated subversive under section eighteen of chapter two hundred and sixty-four be used in his political designation. Certificates of nomination and nomination papers for city or town offices need not include a designation of the party which the candidate represents. Except in the case of nomination papers of candidates for offices to be filled by all the voters of the commonwealth, or of candidates for town offices and the office of regional district school committee member elected district-wide, no nomination papers shall contain the name of more than one candidate. Such nomination papers for candidates for	30 31 32 33 34 35 36 37 38 39 40 41
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governor and lieutenant governor shall contain provision for the names and addresses of members of a committee of five registered voters who shall fill any vacancy caused by death, withdrawal, ineligibility or disqualification of either candidate. Such nomination papers for town offices may contain the names of candidates for any or all of the offices to be filled at the town election, but the number of names of candidates on such paper for any one office shall not exceed the number to be elected thereto.

53:9. Certificate of nomination and nomination papers; certification of candidate as registered voter; acceptance; statement of financial interest; filing.

Section 9. Certificates of nomination and nomination papers for state offices shall be filed with the state secretary and he shall forthwith issue to the candidate or other person filing the same a certificate acknowledging the time and date of the receipt thereof. Certificates of nomination or nomination papers for city and town offices shall be filed with the city or town clerk. Any candidate not required by section forty-eight of this chapter to file a certificate of party enrollment shall, on or before the last day provided by law for filing nomination papers, file a certificate from the registrars of voters of the city or town wherein such candidate is a registered voter, certifying that such candidate is a registered voter in such city or town. Said registrars shall issue such a certificate forthwith upon request of any such candidate so registered or of his authorized representative. No nomination paper shall be received or be valid unless the written acceptance of the candidate thereby nominated shall be filed therewith. No nomination paper or certificate of nomination of a candidate for public office, as defined by chapter 268B, shall be accepted by the state secretary nor be valid unless accompanied by a receipt from the state ethics commission verifying the fact that a statement of financial interest has been filed pursuant to the provisions of said chapter 268B.

53:9A. Nomination papers; cities or towns; applicable provisions.

Section 9A. In any city or town which accepts this section, in a city by vote of the city council subject to the provisions of its charter, and in a town by vote of the town meeting, the following provisions shall apply with respect to nomination papers:—

The final date for obtaining blank nomination papers for nomination to city or town office shall be forty-eight week day hours prior to the hour on which nomination papers are required to be submitted to the registrars of voters for certification.

Each candidate shall file with the city or town clerk, prior to obtaining blank nomination papers, a statement containing his name

and address, and the city or town office for which he intends to be a candidate. 11
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No candidate for city or town office shall receive more blank nomination papers than will contain the number of signatures required to place his name in nomination, multiplied by five. 13
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53:10. Certificates of nomination and nomination papers; time for filing.

Section 10. All certificates of nomination and nomination papers of candidates for the office of state representative, state senator, executive council, or county office shall be filed with the state secretary on or before the last Tuesday in May of the year in which a state election is to be held. Certificates of nomination or nomination papers for the office of senator in congress, representative in congress, governor, lieutenant governor, attorney general, treasurer and receiver-general, state auditor and state secretary, shall be filed on or before the last Tuesday in August of the year in which a state election is to be held. If there is a special election to fill the office of representative in congress, all certificates of nomination and nomination papers shall be filed on or before the sixth Tuesday preceding the day of such election. If there is a special election to fill any other state office, all certificates of nomination and nomination papers shall be filed on or before the ninth Tuesday preceding the day of such election. Nomination papers for presidential elector shall be filed on or before the last Tuesday in August of the year in which a presidential election is to be held. 1
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In any city, except Boston, certificates of nomination and nomination papers for any city election shall be filed on or before the thirty-fifth day preceding such city election. In any city, except Boston, the time for presenting nomination papers for certification to the registrars of voters, and for certifying the same, shall be governed by section seven, notwithstanding any contrary provision in any special law. In any city where primaries are held, under authority of general or special law, for the nomination of candidates for city offices, certificates of nomination and nomination papers shall be filed not later than the last day fixed for the filing of nomination papers for such primaries. In any city where preliminary elections for the nomination of candidates for a city office are held, nomination or other like papers required to be filed by such candidates shall be filed on or before the thirty-fifth day preceding the day of the preliminary election, notwithstanding any contrary provision in any special law. 19
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Any provision of general or special law to the contrary notwithstanding, the last day for filing with the town clerk certificates of nomination or nomination papers for the nomination of town offices shall be the thirty-fifth day preceding the date of the election. In any town, the time for presenting nomination papers for certification to 34
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the registrars of voters, and for certifying the same, shall be governed by section seven, notwithstanding any contrary provision in any special law. 39
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Any incumbent town meeting member may become a candidate for election by giving written notice thereof to the town clerk not later than twenty-one days prior to the last day and hour for filing nomination papers notwithstanding any contrary provision in any special law. 42
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Certificates of nomination and nomination papers shall be filed before five o'clock in the afternoon of the last day fixed therefor. 47
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53:11. Certificate of nomination and nomination papers; objections; filing.

Section 11. When certificates of nomination and nomination papers have been filed, and are in apparent conformity with the law, they shall be valid unless written objections are made. Such objections shall be filed, as to state offices, with the state secretary, and, as to city or town offices, with the city or town clerk in accordance with the provisions of chapter fifty-five B. 1
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53:12, 12A. Repealed, 1977, 927, Sec. 5.

53:13. Withdrawal of names of candidates.

Section 13. A person nominated as a candidate for any state, city or town office may withdraw his name from nomination by a request signed and duly acknowledged by him before a notary public, and filed with the officer with whom the nomination was filed, within the time prescribed by section eleven for filing objections to certificates of nomination and nomination papers and no such requests for withdrawals shall be received after such time has expired. A person nominated at a city or town preliminary election may withdraw his name from nomination in the same manner, within six days succeeding five o'clock in the afternoon of the day of holding such preliminary election. Unless otherwise provided by the city or town charter, such nominee shall be replaced by the candidate with the next highest number of votes in said preliminary, if such candidate receives a number of votes at least equal to the number of signatures required by law to place his name on the preliminary election ballot. 1
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53:14. Death, withdrawal or ineligibility of nominees; filling vacancies; objections, etc.

Section 14. If a candidate nominated for a state, city or town office dies before the day of election, or withdraws his name from nomination, or is found ineligible, the vacancy, except for city offices where city charters provide otherwise, may be filled by the same political party or persons who made the original nomination, and in 1
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the same manner; or, if the time is insufficient therefor, the vacancy 6
 may be filled, if the nomination was made by a convention or caucus, 7
 in such manner as the convention or caucus may have prescribed, or, 8
 if no such provision has been made, by a regularly elected general or 9
 executive committee representing the political party or persons who 10
 held such convention or caucus. In the event of the death, withdraw- 11
 al, ineligibility or disqualification of a candidate for governor or 12
 lieutenant governor who has been nominated by election nomination 13
 papers, except disqualification for insufficient signatures, the vacancy 14
 shall be filled by majority vote of the committee of five members 15
 whose names were placed upon said papers for the purpose before the 16
 signatures of voters were obtained thereon. In the event of the 17
 withdrawal, death or ineligibility of any candidate of a political party 18
 nominated by direct nomination for any office, the vacancy may be 19
 filled by a regularly elected general or executive committee represent- 20
 ing the election district in which such vacancy occurs, or, if no such 21
 committee exists by the members of the town committee in any town 22
 comprising such district, by the members of the ward committee or 23
 committees in the ward or wards comprising such district if within the 24
 limits of a single city, or by delegates chosen as hereinafter provided 25
 by and from the members of the ward and town committees in the 26
 wards and towns comprising such district if within the limits of more 27
 than one municipality, at a meeting to be called by such a member or 28
 delegate, as the case may be, designated by the chairman of the state 29
 committee, and such member or delegate shall preside until a chair- 30
 man of such meeting is elected. Each ward and town committee in 31
 the wards and towns comprising such a district within the limits of 32
 more than one municipality shall, as occasions arise, choose from its 33
 members delegates to fill vacancies as hereinbefore provided, in such 34
 manner as it may determine by its rules and regulations, to a number 35
 not exceeding one for each five hundred votes, or fraction thereof, 36
 cast in its ward or town for the candidate of the party for governor at 37
 the last state election, and shall forthwith notify the state secretary 38
 of the delegates so chosen. Notwithstanding any of the foregoing, 39
 when a vacancy occurs, by reason of withdrawal, death or ineligibility 40
 in a district comprised of portions of wards of a city or not all 41
 precincts of a town, then each ward and town committee which 42
 includes the precincts which are part of the district shall choose 43
 delegates as hereinabove provided to fill vacancies in such number not 44
 exceeding one for each five hundred votes or fractions thereof cast in 45
 that portion of the ward or town included in the district for the 46
 candidate of that party for governor at the last state election, provid- 47
 ed further that said delegate so chosen shall reside in the district 48
 where the vacancy occurs. In cities and towns where candidates are 49
 nominated by nomination papers, such papers may contain the names 50
 of members of a committee of not more than five registered voters 51

who may fill any vacancy caused by the death or physical disability of the candidate whose name appears upon such nomination paper. If a vacancy is caused by withdrawal, certificates of nomination made otherwise than in the original manner shall be filed within seventy-two week day hours in the case of state offices, or within forty-eight week day hours in the case of city or town offices, succeeding five o'clock in the afternoon of the last day for filing withdrawals. They shall be open to objections in the same manner, so far as practicable, as other certificates of nomination. No vacancy caused by withdrawal shall be filled before the withdrawal has been filed.

53:15. Certificate of nomination to fill vacancy; acceptance.

Section 15. When a nomination is made to fill a vacancy caused by the death, withdrawal or ineligibility of a candidate, the certificate of nomination shall, in addition to the other facts required, state the name of the original nominee, the fact of his death, withdrawal or ineligibility, and the proceedings had for filling the vacancy; and the presiding officer and secretary of the convention or caucus, or the chairman and secretary of an authorized committee, shall sign and make oath to the truth of the certificate, and it shall be accompanied by the written acceptance of the candidate nominated. Such certificate shall be filed with the state secretary in the case of state elections and with the city or town clerk in city or town elections.

53:16. Certificates, etc.; public inspection, preservation; etc.

Section 16. Certificates of nomination, nomination papers, objections thereto and withdrawals, when filed, shall, under proper regulations, be open to public inspection, and the state secretary and the city and town clerks shall preserve the same in their offices for one year.

53:17. Blank forms for nominations.

Section 17. The state secretary shall, upon application, provide blank forms for the nomination of candidates for all state offices; and he shall send blank forms for certificates of nomination for the office of representative in the general court to the clerk of each city and town for the use of any caucus or convention other than of political parties held therein for the nomination of candidates for that office. He shall likewise provide the clerks of towns wherein official ballots are used with blank forms for the nomination of candidates for town offices. In cities blank forms for the nomination of candidates for city offices shall be provided by the city clerk. The state secretary shall not supply candidates for town offices directly with blank forms for nomination. The city or town clerk shall not furnish blank forms for the nomination of candidates for city or town office to any person other than a candidate seeking such nomination or a person present-

ing the signed authorization of a candidate to secure said forms on his behalf. In no case shall any blank forms for such nominations be larger than eight and one half inches by fourteen inches, nor shall anyone be prohibited from making exact copies of such blanks provided by the secretary of state for the purpose of collecting signatures for such nominations, nor shall any such copies be rejected for certification or submittal to the secretary of state.

ENDORSEMENT FOR NOMINATION OF MEMBERS OF STATE
POLITICAL COMMITTEES BY CONVENTIONS.

53:17A. Endorsement for nomination of members of state political committees; procedure.

Section 17A. Upon the filing of a petition with the chairman of the state committee of a political party, signed by fifty enrolled members of such party within a senatorial district, such chairman shall call a convention of all the ward and town committees in said senatorial district for the purpose of endorsing candidates from among the enrolled members of the party for nomination for election to membership on the state committee from said senatorial district.

Said convention shall be held not later than the tenth day prior to the time provided for the filing of nomination papers for said membership, and shall be held in the ward or town within the senatorial district which cast the highest vote at the preceding biennial state election for the political party candidate for governor.

Said convention shall elect from among its members a chairman and a secretary and shall make suitable rules for the conduct of its business. Each ward and town committee represented at such convention shall be entitled to one vote and one additional vote for every fifteen hundred votes or major fraction thereof above the first fifteen hundred votes cast at the preceding biennial state election in such ward or town for the political party candidate for governor.

Every certificate of nomination of a candidate endorsed for nomination by such a convention shall state that the nominee has been endorsed by such convention, and shall include such facts as are required by section eight. Such certificate shall be signed, sworn to and filed with the state secretary as required by section five.

Each candidate endorsed by such a convention shall not later than the last day and hour for filing nomination papers for said membership file with the state secretary his written acceptance of the nomination, otherwise his name shall not be printed on the ballot as a candidate for member of the state committee for which he was nominated. Such candidate may not withdraw such acceptance.

QUESTIONS TO BE SUBMITTED TO THE VOTERS.

53:18. Amendments to federal constitution; opinion of voters ascertained.

Section 18. It is hereby declared to be the policy of the commonwealth that the general court, when called upon to act upon a proposed amendment to the federal constitution, should defer action until the opinion of the voters of the commonwealth has been taken, as herein provided, relative to the wisdom and expediency of ratifying the same; therefore, if a proposed amendment to the federal constitution is duly submitted to the general court as provided in article five of the constitution of the United States, and is not ratified at the session at which it is submitted, there shall be submitted to all the voters of the commonwealth at the following state election, if such an election is to occur prior to the next regular session of the general court, otherwise at such special or regular state election as the general court may order, the question whether such ratification is desirable. The question shall be placed upon the official ballot in the following form: "Is it desirable that the proposed amendment to the constitution of the United States (describing the same) be ratified by the general court?" The votes cast shall be received, sorted, counted, declared and transmitted to the state secretary, laid before the governor and council, and by them opened and examined in accordance with the laws relating to votes for state officers so far as they are applicable, and the governor shall thereupon communicate to the general court the total number of votes cast in the affirmative and in the negative for the proposed amendment, and likewise the same totals arranged by senatorial and representative districts. This section shall not authorize the taking of the opinion of the voters more than once in respect to any such proposed amendment unless otherwise provided by the general court.

53:18A. Nonbinding public opinion advisory questions on local ballots.

Section 18A. As used in this section "governing body" shall mean, in a city, the city council acting with the approval of the mayor subject to the provisions of the charter of said city, in a town having a town council, the town council, and in every other town the board of selectmen.

A nonbinding public opinion advisory question may be placed on the ballot for a regular municipal election in any city or town no later than the thirty-fifth day preceding such election: by vote of the city council of such city, with approval of its mayor where so required by the city charter; by vote of the board of selectmen of a town or by vote of the town council of a town having a town council or by vote of the annual town meeting; or in conformity with the following provision of this section:

A proposal to place a nonbinding public opinion advisory question on the ballot for a regular municipal election in any city or town may be presented to the governing body thereof on a petition signed by at least ten registered voters of the city or town. If such governing body shall not approve said petition at least ninety days before said election, then the question may be so placed on said ballot when a petition signed by at least ten per cent of the registered voters of the city or town, but in no case less than twenty such voters, requesting such action is filed with the registrars, who shall have seven days after receipt of such a petition to certify the signatures. Upon certification of the signatures, the city or town clerk shall cause the question to be placed on the ballot at the next regular municipal election held more than thirty-five days after such certification.

The procedures established by this section shall be available to any city or town; provided, however, that if an alternative procedure is prescribed by a home rule charter, optional plan of government, or special act applying to such city or town, relative to the placing of public opinion questions upon the local ballot, then such alternative procedure shall apply.

53:19. Questions of public policy submitted in certain districts upon application.

Section 19. On an application signed by twelve hundred voters in any senatorial district, or by two hundred voters in any representative district, asking for the submission to the voters in that senatorial or representative district of any question of instructions to the senator or representatives from that district, and stating the substance thereof, the attorney general shall upon request of the state secretary determine whether or not such question is one of public policy, and if such question is determined to be one of public policy, the state secretary and the attorney general shall draft it in such simple, unequivocal and adequate form as shall be deemed best suited for presentation upon the ballot. Upon the fulfilment of the requirements of this and the two following sections the state secretary shall place such question on the official ballot to be used in that senatorial or representative district at the next state election.

53:20. Applications; signatures; identification; certification.

Section 20. The provisions of law relative to the signing of nomination papers of candidates for state office, and to the identification and certification of names thereon and submission to the registrars therefor, shall apply, so far as apt, to applications submitted under section nineteen. Petition forms for such applications submitted under section nineteen shall be made available for use on or before the

fifteenth Tuesday preceding the final date for filing as provided in section twenty-one. 7
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53:21. Applications; filing; number of questions; resubmission.

Section 21. Applications shall be filed with the state secretary not later than the first Wednesday of August before the election at which the questions are to be submitted. Not more than three questions under section nineteen shall be placed upon the ballot at one election, and they shall be submitted in the order in which the applications are filed. No question negatived and no question substantially the same shall be submitted again in less than three years. 1
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53:22. Instructions to representatives; necessity of majority vote.

Section 22. No vote under the three preceding sections shall be regarded as an instruction under article nineteen of the bill of rights of the constitution of the commonwealth, unless the question submitted receives a majority of all the votes cast at that election. 1
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INITIATIVE AND REFERENDUM PETITIONS.

53:22A. Signing initiative and referendum petitions; forms; receipt; filing date.

Section 22A. The provisions of law relative to the signing of nomination papers of candidates for state office, and to the identification and certification of names thereon and submission to the registrars therefor, shall apply, so far as apt, to the signing of initiative and referendum petitions and to the identification and certification of names thereon, and, except as otherwise provided, to the time of their submission to the registrars. Initiative or referendum petition forms shall be made available no later than the fourteenth day after the date such petitions are filed with the state secretary by the first ten signers; provided, however, that in the instance of petitions filed under the provisions of section three or section four of that part of Article XLVIII of the Amendments of the Constitution under the heading "THE REFERENDUM. III. Referendum Petitions.", the petition forms shall be made available no later than the fourteenth day after a summary has been prepared. Registrars shall receipt in writing for each initiative or referendum petition submitted to and received by them, and shall deliver such petitions only on receiving written receipts therefor or other identification acceptable to the registrars. Each initiative and referendum petition shall state the last day and hour for filing such petitions with the registrars and with the state secretary. Certificates showing that each of the ten original signers is a registered voter at the stated address, signed by a majority of the registrars of voters, shall accompany an original initiative or referendum petition. In no case shall any blank forms 1
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for such initiative or referendum petitions be larger than eight and	25
one half inches by fourteen inches, nor shall anyone be prohibited	26
from making exact copies of such blanks provided by the secretary of	27
state for the purpose of collecting signatures for such petitions, nor	28
shall any such copies be rejected for certification or submittal to the	29
secretary of state.	30

53:22B. Repealed, 1985, 124.

PROVISIONS APPLYING TO ALL PRIMARIES.

53:23. Sections applicable to all primaries.

Section 23. Sections twenty-four to forty, inclusive, shall apply to	1
all primaries, except as therein otherwise provided.	2

53:24. Applicability of sections relating to elections and corrupt practices.

Section 24. Primaries shall be subject to all laws relating to	1
elections and corrupt practices therein, so far as applicable and except	2
as otherwise provided in this chapter and in chapters fifty-four, fifty-	3
five and fifty-six.	4

53:25. Withdrawal of candidates.

Section 25. Withdrawals of nominations of persons to be voted for	1
at primaries shall be subject to section thirteen, except that the date	2
from which the time for filing withdrawals shall be computed shall be	3
the last day for filing nomination papers for such primaries, and that	4
the time shall be forty-eight hours in the case of a town primary.	5

53:26. Repealed, 1977, 927, Sec. 8.

53:27. Repealed, 1980, 134, Sec. 4.

53:28. Times and places of holding primaries.

Section 28. State primaries shall be held on the seventh Tuesday	1
preceding biennial state elections and on the fourth Tuesday preced-	2
ing special state elections, except that primaries before special con-	3
gressional elections shall be held on the fifth Tuesday preceding said	4
elections. Presidential primaries shall be held on the second Tuesday	5
in March in any year in which presidential electors are to be elected.	6
Notwithstanding any provision of law to the contrary, any town may	7
hold its preliminary or regular town elections on the same date	8
designated as the date to hold a presidential primary, in any year in	9
which presidential electors are to be elected, provided that such	10
election is by a ballot independent of the ballot used at a presidential	11
primary. City and town primaries before all city and town elections	12
shall be held on the twenty-eighth day preceding such elections.	13

Except in Boston, primaries shall be held wholly or partly by wards, 14
precincts or towns, as the aldermen or selectmen may designate. 15

Notwithstanding the provisions of any general or special law, town 16
charter or by-law to the contrary, if the date for holding a prelimi- 17
nary, primary or town election or annual town meeting falls within 18
thirty days before or after the presidential primary, the town council 19
in a town having a town council and the board of selectmen in any 20
other town, after consulting the town clerk may, by majority vote, 21
establish a date between February first and May thirty-first for 22
holding such preliminary, primary or town election or annual town 23
meeting. Any preliminary, primary or town election or annual meet- 24
ing shall be held on the date or dates established and shall be called 25
as provided by sections nine A and ten of chapter thirty-nine. 26

Notwithstanding the provisions of any general or special law to the 27
contrary, if the date for holding a district election falls within thirty 28
days before or after the presidential primary, the prudential commit- 29
tee, if any, otherwise the commissioners, of the district may, by 30
majority vote, establish a date between February first and May thirty- 31
first for holding such district election. Any district election shall be 32
held on the date established and shall be called as provided by section 33
one hundred and nineteen of chapter forty-one. For the purposes of 34
this section, district shall mean a district created by special law or 35
established under the provisions of a general law. 36

53:29. Designation of primary officers, etc.; compensation.

Section 29. The city or town clerk may designate two inspectors 1
and two deputy inspectors, representing the two leading political 2
parties, to serve at primaries, and from the whole body of election 3
officers he may designate officers equally representing the two 4
leading political parties to serve as tellers in any precinct or ward 5
during part of the day for the purpose of receiving ballots, checking 6
names, or canvassing and counting votes, such tellers to receive such 7
part of a full day's compensation of election officers as the aldermen 8
or selectmen may determine. 9

53:30. Designation of primary officers, etc.; wards or towns.

Section 30. In wards or towns where voting is by precincts at 1
elections but by wards or towns at primaries, the city or town clerk 2
shall designate which of the election officers shall serve as primary 3
officers. 4

53:31. Ineligibility to act as primary officers.

Section 31. A person shall not be ineligible to act as a primary 1
officer because he is a candidate for delegate to a convention, or, 2

except in Boston, a candidate for or member of a ward or town
committee. 3
4

53:32. Ballots; preparation and number.

Section 32. Ballots shall be prepared and provided, and the num- 1
ber thereof determined, in state and presidential primaries by the 2
state secretary, in city and town primaries by the city or town clerk. 3
Notwithstanding the provisions of section forty-five of chapter fifty- 4
four or any other general or special law to the contrary, the state 5
secretary may provide only paper ballots for a state or presidential 6
primary in a city or town where a political party has enrolled fewer 7
than five percent of the total number of registered voters, as of the 8
most recent count submitted to the state secretary under section 9
thirty-eight A before the decision to prepare said ballots must be 10
made. No other ballots shall be received or counted, except that if 11
ballots provided for a state or presidential primary are not delivered, 12
or after delivery lost, destroyed or stolen, ballots similar as far as 13
possible shall be provided by the city or town clerk and used at the 14
primary. The number of ballots provided at a city or town primary 15
shall not for any ward or town exceed one ballot of each party for 16
each voter therein. 17

53:33. Ballots; color; specimen ballots.

Section 33. Ballots for each party shall be printed on paper of a 1
different color from that on which the ballots for any other party are 2
printed. At least three facsimile copies of the ballot for each party, 3
printed on colored paper, shall be provided for each polling place as 4
specimen ballots. 5

53:34. Ballots; substance; arrangement; form.

Section 34. At the top of each ballot shall be printed the words 1
"Official ballot of the (here shall follow the party name)". There shall 2
also be printed on the ballot the number of the precinct and ward or 3
the name of the town for which the ballot is prepared, the date of the 4
primary and for state primaries a facsimile of the signature of the 5
state secretary and for city or town primaries a facsimile of the 6
signature of the city or town clerk. Names of candidates for each 7
elective office shall be arranged alphabetically according to their 8
surnames except as otherwise provided. 9

Names of candidates for nomination for all offices to be voted for 10
at a state primary of which they are the elected incumbents or the 11
incumbents chosen by the senate and house of representatives, or 12
appointed by the governor, or appointed by the justices of the su- 13
preme judicial or superior court, or appointed by the county commis- 14
sioners, or appointed by the county commissioners and the clerk of 15

the courts for a county, shall be placed first in alphabetical order and names of other candidates shall follow in like order. 16
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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. 18
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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. 21
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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. 29
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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. 32
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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 primaries, and preliminary elections except where city charters 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 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 primaries, and preliminary elections except where city charters pro- 36
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vide 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 state 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.

53:34A. Absentee ballots; application; forms; envelopes.

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:—

(a) Official absent voting ballots, similar in all respects to the official ballot to be used at such primary, 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 the primary, and shall also indicate the party whose ballot the voter desires to obtain.

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, 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.

53:35. Marking with a cross to constitute vote, etc.

Section 35. A cross (X) marked against a name shall constitute a vote for the person so designated except that no cross shall be required where the voter has inserted the name of the candidate for whom he intends to vote. A cross in the circle at the head of a group of candidates for a ward or town committee shall count as a vote for each candidate therein. A voter may vote for one or more candidates in any such group by marking a cross against the name of each such candidate, except that no cross shall be required where the voter has inserted the name or names of candidates for whom he intends to

vote. If he votes for more candidates than the number to be elected, 10
his vote shall not be counted. 11

53:35A. Use of pasters or stickers.

Section 35A. Pastors, commonly called stickers, to be used at 1
primaries shall not be more than one half inch in width and four and 2
one half inches in length and shall be subject to the same restrictions 3
with respect to names and residences of candidates and the size of the 4
type in which the names shall be printed as are imposed by sections 5
forty-one and forty-four of chapter fifty-four with respect thereto in 6
the case of election ballots. 7

53:35B. Persons nominated by pasters or write-ins; notice of necessity of compliance with sec. 3.

Section 35B. The city or town clerk shall forthwith notify a person 1
who appears to have been nominated by means of pasters or write-ins 2
of the necessity of complying with section three. 3

53:36. Delivery of ballots, etc., at polling places; posting specimen ballots.

Section 36. The city or town clerk, before the opening of the polls 1
on the day of the primary, shall deliver at the polling place to the 2
warden or, if he is absent, to the clerk or, if both are absent, then to 3
any inspector, ballot boxes, ballots, specimen ballots, voting lists, 4
suitable blank forms and apparatus for canvassing and counting the 5
ballots and making the returns, a seal of suitable device and a record 6
book for each polling place. The presiding officer at each polling 7
place shall, before the opening of the primary, conspicuously post in 8
such polling place at least three specimen ballots, as provided in 9
section thirty-three, for each party, which shall be kept so posted until 10
the polls are closed. 11

53:37. Party enrollment of voters.

Section 37. The voting lists used at primaries shall contain the 1
party enrollment of the voters whose names appear thereon estab- 2
lished as provided in this section, in section thirty-eight, and in section 3
forty-four of chapter fifty-one. Except as provided by section thirty- 4
seven A, a voter desiring to vote in a primary shall give his name, 5
and, if requested, his residence, to one of the ballot clerks, who shall 6
distinctly announce the same, and, if the party enrolment of such 7
voter is shown on the voting list, the name of the party in which he is 8
enrolled. If the party enrolment of the voter is not shown on the 9
voting list he shall be asked by the ballot clerk with which political 10
party he desires to be enrolled, and the ballot clerk, upon reply, shall 11
distinctly announce the name of such political party and shall record 12
the voter's selection upon the voting list. The ballot clerk shall then 13

give the voter one ballot of the political party in which he is thus 14
enrolled. 15

After marking his ballot the voter shall give his name, and, if 16
requested, his residence, to the officer in charge of the voting list at 17
the ballot box, who shall distinctly announce the same. If the party 18
enrolment of the voter is shown on the voting list he shall also make 19
announcement of such enrolment and the officer in charge of the 20
ballot box shall, before the voter's ballot is deposited, ascertain that it 21
is of the political party in which such voter is enrolled. If the 22
enrolment of the voter is not shown on such voting list, the officer in 23
charge of the ballot box shall announce the political party whose 24
ballot the voter is about to deposit, and the officer in charge of the 25
voting list shall repeat the same distinctly and record the same upon 26
such voting list. 27

The voting lists used at primaries shall be returned to the city or 28
town clerk to be retained in his custody as long as he retains the 29
ballots cast, whereupon such voting lists shall be transmitted to the 30
registrars of voters for preservation for two years, after the expira- 31
tion of which they may be destroyed. Said officers shall, at any time 32
after the primary, upon receiving a written request therefor signed by 33
any person, furnish a copy of said list to such person upon the 34
payment of a reasonable fee or shall allow such person to examine 35
and copy such list without charge under such supervision as the clerk 36
may reasonably require. The party enrolment of each voter, if any, 37
shall be recorded in the current annual register of voters, and 38
whenever a voter shall establish, cancel or change his enrolment it 39
shall likewise be so recorded. In preparing the current annual 40
register of voters, the party enrolment, if any, of each voter included 41
therein, as shown by the register of voters for the preceding year, 42
shall be transferred thereto. Upon receipt of a written request from 43
a primary candidate or any officer of any ward, town or city commit- 44
tee or duly organized political committee for a copy of the party 45
enrolment list of voters in any city or town, the board of registrars or 46
the election commissioners, as the case may be, shall prepare said list 47
and shall furnish at once the said list, free of charge, to the party 48
requesting the same and they shall also furnish a copy of said list to 49
any person on payment of a reasonable fee, not to exceed the cost of 50
printing such list. 51

53:37A. Absentee ballots; application; restriction to voters enrolled in one party; recording upon voting lists; defective ballots.

Section 37A. A voter desiring to vote by absentee ballot in a 1
primary shall specify on his application for the ballot the party with 2
which he is enrolled or, if he is unenrolled, the party with which he 3
desires enrollment. A city or town clerk shall not supply any voter 4

with the absentee ballot of more than one party at any one primary. 5
 If an enrolled voter requests the ballot of a party other than the party 6
 in which the voter is enrolled, the clerk shall supply the voter with the 7
 absentee ballot of the party in which such voter is enrolled. 8

If unenrolled, the voter shall not be deemed to be enrolled in a 9
 party by applying for an absentee ballot, nor upon the return of said 10
 ballot, but only upon the processing of the ballot under the provisions 11
 of section ninety-four of chapter fifty-four. Said voter shall be 12
 deemed an enrolled member of the party whose ballot he has re- 13
 turned, notwithstanding the rejection of the ballot as defective. The 14
 officers processing absentee ballots shall cause to be recorded upon 15
 the voting lists to be used at the polling place said enrollment of the 16
 voter if he is unenrolled, or the officers charged with the casting of 17
 said absentee ballot at the polling place shall so record the enrollment 18
 of the voter on their list if he is unenrolled. In the case of a voter 19
 whose ballot is rejected as defective, his enrollment in the political 20
 party shall be entered by the registrars in the annual register 21
 forthwith, if the voting list for use on the day of the primary is 22
 unavailable. 23

**53:38. Party designation of voters and eligibility to vote under party enroll-
 ments; certificate.**

Section 38. No voter enrolled under this section or section thirty- 1
 seven shall be allowed to receive the ballot of any political party 2
 except that with which he is so enrolled; but, except as otherwise 3
 provided by said section thirty-seven, a voter may, except within a 4
 period beginning at ten o'clock in the evening of the twenty-eighth 5
 day prior to a state or presidential primary or the twentieth day prior 6
 to a special state primary or city or town primary and ending with the 7
 day of such primary, establish, change or cancel his enrolment by 8
 forwarding to the board of registrars of voters a certificate signed by 9
 such voter under the pains and penalties of perjury, requesting to 10
 have his enrolment established with a party or political designation, 11
 changed to another party or political designation, or cancelled, or by 12
 appearing in person before a member of said board and requesting in 13
 writing that his enrolment be so established, changed or cancelled. 14
 The processing of an absentee ballot to be used at a primary shall also 15
 be deemed to establish the enrolment of a voter in a political party, 16
 effective as of the date of said processing. Except as otherwise 17
 provided in section twelve of chapter four, sections one and two of 18
 chapter fifty-two, sections twenty-six, forty A and forty-eight of this 19
 chapter, such enrollment, change or cancellation shall take effect 20
 forthwith following the receipt by said board of such certificate, or 21
 such appearance, as the case may be; provided, however, that no such 22
 enrollment, change or cancellation shall take effect for a state or 23
 presidential primary during the twenty-eight days prior to that pri- 24

mary or for a special state primary or city or town primary during the 25
 twenty days prior to that primary. No voter enrolled as a member of 26
 one political party or political designation shall be allowed to receive 27
 the ballot of any other political party, upon a claim by him of 28
 erroneous enrolment, except upon a certificate of such error from the 29
 registrars, which shall be presented to the presiding officer of the 30
 primary and shall be attached to, and considered a part of the voting 31
 list and returned and preserved therewith; but the political party or 32
 political designation enrolment of a voter shall not preclude him from 33
 receiving at a city or town primary the ballot of any municipal party, 34
 though in no one primary shall he receive more than one party ballot. 35

At primaries the city or town clerk shall make available within the 36
 polling place certificates to enable a voter to change his party or 37
 political designation enrollment, which shall be in substantially the 38
 following form: 39

Name 40
 (Print) 41

Date 42

Address 43

I hereby request that my political party or political designation 44
 enrollment be changed as follows: 45

From: 46
 (Name of party or political designation or Unenrolled) 47

To: 48
 (Name of party or political designation or Unenrolled) 49

Signed under the pains and penalties of perjury. 50
 51
 (Signature) 52

On the same day as he casts his ballot, the voter may transmit the 53
 certificate to the city or town clerk, who shall transmit them as soon 54
 as possible after the primary to the board of registrars, to be retained 55
 in their custody. The party or political designation enrolment of each 56
 voter shall be recorded in the current annual register of voters, and 57
 whenever a voter shall establish, cancel or change his enrolment it 58
 shall likewise be so recorded. 59

Said board shall forthwith notify each voter transmitting any such 60
 certificate that the same has been received and that his enrolment has 61
 been established, changed or cancelled in accordance with his request 62
 or that said certificate is void and of no effect, if such be the case. 63

53:38A. Enrolled and unenrolled voters; counts by boards of registrars of voters.

Section 38A. The board of registrars of voters of every city or 1
 town shall submit to the state secretary a count for each precinct of 2

the number of voters enrolled in each political party and each political designation and the number of unenrolled voters. The count shall be correct as of the last day to register voters under section twenty-six of chapter fifty-one before every regular state and presidential primary and biennial state election, and in an even-numbered year in which no presidential primary is held, also as of February first. The secretary shall receive the count in writing not later than ten days after each such date, and shall issue a report thereof. 3
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53:39. Counting votes.

Section 39. In counting votes when the ballots are removed from the ballot box, they shall first be sorted into piles, one for each party, and each pile shall be counted and sealed separately. Votes shall be counted only for nominations of the party on whose ballot they appear. 1
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53:39A. Repealed, 1966, 176, Sec. 1.

53:40. Number of votes necessary to nominate candidate not on ballot.

Section 40. No person who is a candidate at a primary for nomination for or election to a political office, if no candidate's name is printed on the ballot therefor, shall be deemed to be nominated or elected unless he receives a number of votes at least equal to the number of signatures which would be required by law to place his name on the ballot at such primary as a candidate as aforesaid. 1
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53:40A. Petitions for recount.

Section 40A. Petitions for recounts of the ballots cast at a primary of a political party may be signed only by registered voters enrolled in such political party on or before the last day to register to vote for the primary. 1
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PROVISIONS APPLYING TO STATE PRIMARIES.

53:41. Sections applicable to nominations at state primaries.

Section 41. Primaries shall be held for the nomination of candidates of political parties for all offices to be filled at a state election, except presidential elector. Sections forty-two to fifty-three A, inclusive, shall apply to such primaries. 1
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53:42. Primaries held by wards, precincts or groups of precincts; notice to state secretary.

Section 42. In cities or towns where the aldermen or selectmen determine the question of holding state primaries by wards, precincts or groups of precincts, they shall give notice of their determination to 1
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the state secretary on or before June first; except that in the case of
 primaries before special elections they shall give such notice at least
 twenty-one days before the primaries.

53:43. Polls; hours when open.

Section 43. The polls at every primary shall be open at least
 thirteen hours. Such hours shall be designated in cities by the
 aldermen or councillors, and in towns by by-laws or vote, or, in
 default of such by-laws or vote, by the selectmen. The polls shall in
 no case be kept open after eight o'clock in the evening. The polls
 shall not be closed before eight o'clock in the evening.

53:44. Nomination papers; number of signatures.

Section 44. The nomination of candidates for nomination at state
 primaries shall be by nomination papers. In the case of the governor,
 lieutenant-governor, attorney general and United States senator, nom-
 ination papers shall be signed in the aggregate by at least ten
 thousand voters; in the case of the state secretary, state treasurer
 and state auditor, they shall be signed by at least five thousand
 voters. Such papers for all other offices to be filled at a state election
 shall be signed by a number of voters as follows: for representative
 in congress, two thousand voters; for councillor, district attorney,
 clerk of courts, register of probate, register of deeds, county commis-
 sioner, sheriff and county treasurer, one thousand voters, except that
 in Barnstable, Berkshire, Franklin, and Hampshire counties such
 papers for nomination to the office of clerk of courts, register of
 probate, register of deeds, county commissioner, sheriff and county
 treasurer shall be signed by five hundred voters; for state senator,
 three hundred voters; for representative in the general court, one
 hundred and fifty voters. If ten per cent of the number of voters in
 the respective district who are enrolled in the party whose nomination
 the candidate seeks is a lesser number than the number otherwise
 required by the preceding sentence, then the number of voters re-
 quired shall be such ten per cent or shall be fifty per cent of the
 number of voters otherwise required by the preceding sentence,
 whichever is greater. The total number of such enrolled voters shall
 be determined from the records in the office of the state secretary.
 In Dukes and Nantucket counties such papers for nomination to all
 offices within the county to be filled at any state election shall be
 signed by twenty-five voters. In no event shall the number of
 signatures required be more than the number of a candidate for the
 same office in the same electoral district or division to have his name
 placed on the ballot as provided for under section six.

53:45. Nomination papers; contents; signatures; acceptance; number of candidates; penalty provisions.

Section 45. Every nomination paper shall state in addition to the name of the candidate, (1) his residence, with street and number thereof, if any, (2) the office for which he is nominated, and (3) the political party whose nomination he seeks. This information, in addition to the district name or number, if any, shall be stated on the nomination papers before any signature of a purported registered voter is obtained and the circulation of nomination papers without such information is prohibited. The candidate may state, on one or more nomination papers, in not more than eight words, 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. 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.

Signatures shall be subject to section seven.

A nomination paper shall be valid only in respect to a candidate whose written acceptance is thereon; provided, however, that a candidate for ward or town committee who accepts nomination for such office more than once shall withdraw from all but one such nomination paper or shall be disqualified.

No nomination paper for use in the nomination of candidates to be voted for at state primaries shall contain the name of more than one candidate.

Whoever knowingly subscribes falsely to a statement on a primary nomination paper shall be punished by a fine of not more than fifty dollars.

53:46. Nomination papers; submission to registrars; certification; correction of district; number of names.

Section 46. Every nomination paper of a candidate for state office shall be submitted on or before five o'clock post meridian of the twenty-eighth day preceding the day on which it must be filed with the state secretary to the registrars of the city or town in which the signers appear to be voters; provided, however, that before special state primaries, every such nomination paper shall be so submitted on or before five o'clock post meridian of the seventh day preceding the day on which it must be filed with the state secretary. Every nomination paper of a candidate for president at the presidential primaries shall be submitted to said registrars on or before five o'clock post meridian of the fourteenth day before the final date for filing said papers with the state secretary and certification of said

papers shall be completed no later than the seventh day before the final day for filing said papers with the state secretary. Nomination papers for candidates for state, ward, and town committees shall be submitted to said registrars on or before five o'clock post meridian on the eleventh day before the final day for filing with the state secretary and certification shall be completed no later than the fourth day before the final day for filing said papers with the state secretary. Each nomination paper shall be marked with the date and time it was submitted and such papers shall be certified in order of submission. Said registrars shall check each name to be certified by them on the nomination paper and shall forthwith certify thereon the number of signatures so checked which are names of voters both in the city or town and in the district for which the nomination is made, and who are not enrolled in any other party than that whose nomination the candidate seeks, and only names so checked shall be deemed to be names of qualified voters for the purpose of nomination. The registrars shall place next to each name not checked symbols indicating the reason that name was disqualified. The certification of voters shall be signed by a majority of the board of registrars.

The registrars shall inform the candidate submitting such papers if the designation of the district only in which he seeks office is incorrect, and shall give said candidate the opportunity to insert the correct designation on such papers before the signatures are certified. The registrars shall, if the candidate so desires, allow a change of district on the nomination papers in the presence of the candidate whose name appears on the nomination papers, and the registrar and the candidate shall both initial the change of district so made and further shall in writing explain the change of district causing three copies to be made, one of each for the registrar and candidate and one to be attached to the nomination papers. If the correct district designation is not so inserted, the nomination papers shall not be approved. In no case may a correction be made to change the office for which such candidate is nominated.

The provisions of section seven relative to the number of names to be certified and received, and, except as otherwise provided in this section, the provision relative to time of certification shall apply to such papers.

No person shall be a candidate for nomination for more than one office; but this shall not apply to candidates for membership in political committees.

53:47. Nomination papers; preparation; blank forms.

Section 47. Nomination papers for use in the nomination of candidates to be voted for at state primaries shall be prepared, and on request furnished, by the state secretary. Nomination papers for use

in the nomination of candidates for all offices shall be available for use on or before the fifteenth Tuesday preceding the date for filing as provided in section forty-eight, except in the case of primaries before special elections. In no case shall any blank forms for such nominations be larger than eight and one half inches by fourteen inches, nor shall anyone be prohibited from making exact copies of such forms provided by the secretary of state for the purpose of collecting signatures for such nominations, nor shall any such copies be rejected for certification or submittal to the secretary of state.

53:48. Nomination papers; filing; certificates of nomination.

Section 48. Nomination papers of candidates to be voted on at presidential primaries except candidates for state, ward and town committees, shall be filed with the state secretary on or before the first Friday in January preceding the day of the primaries.

Nomination papers of candidates for election to state, ward and town committees at presidential primaries shall be filed with the state secretary on or before the third Tuesday in November of the year preceding said presidential primaries.

All certificates of nomination and nomination papers of candidates for the office of state representative, state senator, executive council, or county office shall be filed with the state secretary on or before the last Tuesday in May of the year in which a state election is to be held. Certificates of nomination or nomination papers for the office of senator in congress, representative in congress, governor, lieutenant governor, attorney general, treasurer and receiver general, state auditor and state secretary, shall be filed on or on before the first Tuesday in June of the year in which a state election is to be held. In the case of primaries before special elections, such nomination papers shall be filed on or before the fifth Tuesday preceding the day of the primaries. The state secretary shall forthwith issue to the candidate or other person filing such nomination papers a certificate acknowledging the time and date of the receipt thereof.

There shall not be printed on the ballot at the state primary the name of any person as a candidate for nomination for any office to be filled by all the voters of the commonwealth, or for representative in congress, governor's councillor, senator in the general court, representative in the general court, district attorney, clerk of court, register of probate and insolvency, register of deeds, county commissioner, sheriff, or county treasurer, unless a certificate from the registrars of voters of the city or town wherein such person is a registered voter, certifying that he has been enrolled as a member of the political party whose nomination he seeks throughout the ninety days prior to the last day herein provided for filing nomination papers with the state secretary, is filed with the state secretary on or before such filing

deadline. Said registrars shall issue such certificate, signed by a majority thereof, forthwith upon request of any such candidate so enrolled or of his authorized representative. Said registrars of voters shall issue such certificate to any person seeking the nomination of a political party, who is a newly registered voter of that city or town enrolled in that political party and who has not been an enrolled member of another political party during the year preceding the last day for filing nomination papers with the state secretary. No such certificate shall be issued to any person who is a candidate for nomination for any such office, if such person has been an enrolled member of another political party during the year prior to the last day for filing nomination papers with the state secretary as provided by this section.

53:48A. Repealed, 1985, 477, Sec. 21.

53:49. Nomination in case of withdrawal, death or ineligibility.

Section 49. If a person nominated to be voted for at a state primary dies before the day of the primary, or withdraws his name from nomination, or is found ineligible, and there is no other candidate for the party nomination for the office, the vacancy may be filled by the state committee, if the candidate is one to be voted for by all the voters of the commonwealth; and, in the case of candidates for nomination or election in a district, by the members of the ward and town committees in the wards and towns comprising the district.

53:50. Vacancies caused by withdrawal; time of filling; objections.

Section 50. In cases of withdrawal, nominations to fill vacancies shall be filed with the state secretary within seventy-two week day hours succeeding five o'clock in the afternoon of the last day for filing withdrawals.

They shall be open to objections in the same manner, so far as practicable, as other nominations.

No vacancy caused by withdrawal shall be filled before the withdrawal has been filed.

53:51. Counting of ballots.

Section 51. No ballots cast at a state primary in cities or towns shall be counted until the close of the polls.

53:52. Canvass and return of votes; certification and notification of nominees.

Section 52. Upon receipt of the records of votes cast at state primaries, the city or town clerk shall forthwith canvass the same and within four days after said primary make return of the votes for

candidates for nomination for state offices to the state secretary, who shall forthwith canvass such returns, determine the results thereof, notify the successful candidates, and certify to the state committees the names of the persons nominated for state offices. Said secretary shall also forthwith notify a person who has received sufficient votes by pasters or write-ins to be nominated of the necessity of complying with the requirements of section three. 4
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53:53. Vacancies caused by ties; filling.

Section 53. In case of a tie vote where the number of persons receiving equal votes exceeds the number of nominations available, there shall be deemed to be a vacancy. If the tie is between candidates for an office to be filled by all the voters of the commonwealth, the vacancy shall be filled by the state committee. If the tie is between candidates for nomination for any other office, the vacancy shall be filled by the members of the ward and town committees in the district for which the nomination is to be made. 1
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All vacancies caused by ties shall be filled only by the choice of one of the candidates receiving the tie vote. 9
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53:53A. Objections to nominations; withdrawals by nominees.

Section 53A. When nominations at the state primaries are in apparent conformity with law, they shall be valid unless written objections are made thereto in accordance with the provisions of chapter fifty-five B. A person nominated at such primaries may withdraw his name from nomination by a request signed and duly acknowledged by him and filed with the state secretary within the time prescribed in said chapter fifty-five B for filing objections to such nominations. 1
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PROVISIONS APPLYING TO PRE-PRIMARY CONVENTIONS.

53:54. Repealed, 1973, 429, Sec. 5.

53:54A, 54B. Repealed, 1939, 473, Sec. 20.

53:54C, 54D. Repealed, 1973, 429, Sec. 5.

PROVISIONS APPLYING TO CITY AND
TOWN PRIMARIES.

53:55. Primaries for municipal nominations; objections; withdrawals.

Section 55. The nomination of candidates of political and municipal parties to be voted for at city and town elections, in cities and towns where such nominations are permitted by law, and which vote that primaries shall be held therein, shall be made under sections twenty-three to forty, and fifty-six to sixty-four, both inclusive. 1
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The provisions of section fifty-three A relative to filing objections to nominations at state primaries and to the withdrawal of names from nomination shall apply in the case of nominations at city or town primaries, except that such objections or withdrawals shall be filed with the city or town clerk.

53:56. Primaries for nomination; submission of question; notice of result to state secretary.

Section 56. In any city or town which has adopted the provisions of law for nominating by primaries, the following question shall be put on the official ballot at any city election or annual town meeting on petition of five per cent of the voters registered at the time of the preceding city election or annual town meeting, filed with the city or town clerk on or before the last day for filing nomination papers: "Shall primaries for the nomination of candidates to be voted for at city (or town) elections continue to be held in this city (or town)?" In any city or town not nominating by primaries, where such nominations are permitted by law, the following question may, by similar petition, be put on the ballot at the next city election or annual town meeting: "Shall primaries for the nomination of candidates to be voted for at city (or town) elections be held in this city (or town)?" In accordance with the result of such vote, such primaries shall or shall not thereafter be held.

Clerks of cities or towns which vote to hold primaries or to rescind such action shall forthwith notify the state secretary of such vote.

The provisions of law relative to the signing of nomination papers of candidates for state office, and to the identification and certification of names thereon and submission to the registrars therefor, shall apply, so far as apt, to the signing of petitions under this section and to the identification and certification of names thereon.

53:57. Notices of intention to participate in primaries.

Section 57. Notices of intention to participate in primaries shall be furnished to the city or town clerk, not later than the thirtieth day prior to the day on which the primaries are to be held, by the city and town committees of such political and municipal parties as are entitled to and desire to participate therein.

53:58. Blank nomination papers provided; contents.

Section 58. The city or town clerk shall seasonably prepare, and the city or town shall provide, blank nomination papers for use in the nomination of candidates to be voted for at city or town primaries. Such papers shall state the place where, and the day and hour prior to which, nomination papers shall be filed. The city or town clerk shall not furnish such papers to any person other than a candidate seeking

nomination or a person presenting the signed authorization of a candidate to secure said papers on his behalf. 7
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53:59. Nominations on blank nomination papers; signatures; acceptance.

Section 59. Nominations of candidates for elective offices, to be voted for at a primary, shall be made by nomination papers, as hereinafter provided. Such nominations shall be made on the blank nomination papers prepared in accordance with the preceding section; and no nomination paper offered for filing shall be received or be valid to which is attached any card, paper or other device containing the name of a candidate, his written acceptance, or the signature of any voter required by this section. Such papers shall be signed by at least five voters of the ward or town where the primary is to be held, who shall add to their signatures the street and number, if any, of their residences. Such papers for a district composed of more than one ward shall be signed by a number of voters equal in the aggregate to not less than five voters for each ward in said district. In towns, nomination papers shall not contain a larger number of names of candidates than there are persons to be elected. In cities, nomination papers shall not contain the name of more than one candidate. No vacancy caused by the death, withdrawal or ineligibility of any candidate shall be filled, unless the person entitled to fill such vacancy files the written acceptance of the candidate who is nominated to fill the vacancy. 1
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53:60. Nomination papers, etc.

Section 60. Section forty-five shall apply to nomination papers for city and town primaries, except that in towns such nomination papers may contain the names of candidates for any or all of the offices to be filled at the town election, but the number of names of candidates on such paper for any one office shall not exceed the number to be elected thereto. 1
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53:61. Nomination papers; filing; certification; correction of district.

Section 61. All nomination papers of candidates to be voted for at city or town primaries shall be filed with the city or town clerk not less than thirty-five days previous to the day on which the primary is to be held for which the nominations are made. Every such nomination paper shall be submitted at or before five o'clock in the afternoon of the fourteenth day preceding the day on which it must be filed to the registrars of the city or town where the signers appear to be voters, and the registrars shall check each name to be certified by them on the nomination paper and shall forthwith certify thereon the number of signatures so checked which are names of voters both in the city or town and in the district for which the nomination is made 1
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and only names so checked shall be deemed to be names of qualified voters for the purposes of nomination. The registrars need not certify a greater number of names than are required to make a nomination, increased by one fifth thereof. Names not certified in the first instance shall not thereafter be certified on the same nomination papers. The city or town clerk shall not be required, in any case, to receive nomination papers for a candidate after receiving papers containing a sufficient number of certified names to make a nomination, increased by one fifth thereof.

The registrars shall inform the candidate submitting such papers if the designation of the district only in which he seeks office is incorrect, and shall give said candidate the opportunity to insert the correct designation on such papers before the signatures are certified. The registrars shall, if the candidate so desires, allow a change of district on the nomination papers, and the registrar and the candidate shall both initial the change of district so made and further shall in writing explain the change of district causing three copies to be made, one each for the registrar and candidate and one to be attached to the nomination papers. If the correct district designation is not so inserted, the nomination papers shall not be approved. In no case may a correction be made to change the office for which such candidate is nominated.

There shall not be printed on the ballot at a city or town primary the name of any person as a candidate for nomination for any office to be filled at a city or town election unless such person has been an enrolled member of the political party whose nomination he seeks throughout the ninety days prior to the last day for submitting primary nomination papers to the registrars of voters prior to said primary, or is a newly registered voter of the city or town enrolled in the political party.

53:62. Death, withdrawal, etc., of candidates; filling vacancies.

Section 62. If a person nominated to be voted for at a city or town primary dies before the day of the primary, or withdraws his name from nomination, or is found ineligible, and there is no other candidate for the party nomination for the office, the vacancy may be filled by vote of the town committee in a town, by vote of the city committee if it occurs for an office to be filled by all the voters of a city, or by vote of the ward committee if it occurs for an office to be filled by the voters of a ward. In cases of vacancies caused by withdrawal, nominations to fill such vacancies shall be filed with the town clerk within twenty-four week-day hours, by a certificate signed by the chairman and secretary of said committee, or if the vacancy occurs in a city, with the city clerk within forty-eight week-day hours, by a similar certificate, signed by the chairman and secretary of the

city committee or of the ward committee, as the case may be. No 14
 vacancy caused by withdrawal shall be filled before the withdrawal 15
 has been filed. If there is a failure to make a nomination at a city or 16
 town primary by reason of a tie vote, the vacancy, if in respect to an 17
 office to be filled by all the voters of the city or town, shall be filled 18
 by vote of the city or town committee and, if in respect to an office to 19
 be filled by the voters of a ward, by vote of the ward committee; 20
 provided, that any such vacancy shall be filled only by the choice of 21
 one of the candidates receiving the tie vote. 22

53:63. Polls open during certain hours.

Section 63. The polls at every such primary shall be open during 1
 such hours, not less than nine in cities nor four in towns, as may be 2
 designated by the aldermen or selectmen. 3

53:64. Canvass of returns of votes.

Section 64. City and town clerks shall canvass the returns of 1
 votes, determine the results, and issue proper certificates thereof to 2
 the successful candidates. 3

PROVISIONS APPLYING TO PRESIDENTIAL PRIMARIES.

53:65—70. Repealed, 1932, 310, Sec. 23.

53:70A. Sections applicable.

Section 70A. Sections seventy B to seventy H, inclusive, shall 1
 apply to presidential primaries. 2

53:70B. Delegates to national conventions; election; number.

Section 70B. In any year in which candidates for presidential 1
 electors are to be elected, the selection of delegates and alternate 2
 delegates to national conventions of political parties shall be by that 3
 system adopted by the state committee, provided such system shall 4
 not include the placing of the names of delegates on the presidential 5
 primary ballot; and provided, further, that the distribution of dele- 6
 gates under any such system shall reflect the preference expressed 7
 by the voters on the presidential preference portion of the ballot at 8
 the presidential primary. The system adopted by the state committee 9
 shall be set forth in written rules and procedures covering all aspects 10
 of the delegate selection process and a copy of such rules and 11
 procedures shall be filed with the state secretary on or before October 12
 first of the year preceding the year in which presidential electors are 13
 to be elected. The number of district delegates and alternate district 14
 delegates, not less than two from each congressional district, and the 15
 number of delegates and alternate delegates at large shall be fixed by 16
 the state committee, who shall give notice thereof to the state 17

secretary on or before the first Tuesday in January. At such primaries, members of the state, ward and town committees shall also be chosen as provided in chapter fifty-two. 18
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53:70C. Primaries by wards, precincts, etc.; notice to state secretary.

Section 70C. In cities and towns where the question of holding presidential primaries by wards, precincts or groups of precincts is determined by the aldermen or selectmen, they shall give notice of their determination to the state secretary on or before the third Wednesday in November in the year preceding the year in which presidential electors are to be elected. 1
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53:70D. Nomination papers.

Section 70D. Nominations of candidates for state, ward and town committee shall be by nomination papers which shall be prepared and, on request, furnished by the state secretary. Nomination papers for candidates for state committees shall be signed by at least fifty voters, and nomination papers for candidates for ward and town committees shall be signed by at least five voters. 1
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The provisions of section forty-five shall apply to the nomination papers of candidates to be voted for at presidential primaries, except that only candidates for state committee may use the eight word statement allowed under the provisions of said section forty-five; provided, however, that a candidate for state committee may, if he is a veteran, as defined in section one of chapter thirty-one, use the word "veteran". The nomination papers of a candidate for state committee who is an elected incumbent thereof may also contain the statement "Candidate for Re-election". Nomination papers may contain the name of more than one candidate for members of ward and town committees. 7
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53:70E. Order of names on ballots; statement of preference; assent of candidates; counting preferential votes.

Section 70E. The state secretary shall cause to be placed on the official ballot for use at presidential primaries the names of those candidates or potential candidates for the office of president of the United States whom he shall have determined to be generally advocated or recognized in national news media throughout the United States, the names of any other candidates or potential candidates for nomination for president whose names are proposed therefor by nomination papers prepared and furnished by the state secretary, signed in the aggregate by at least twenty-five hundred voters, and the names of those candidates or potential candidates for nomination for president whose names appear on written lists signed by the chairman of the state committees of the political parties, arranged in 1
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such order as may be determined by lot under the direction of the state secretary, a blank space in which the voter may, if he does not vote for any of the candidates for president whose names are printed on the ballot insert the name of any person of his choice as a candidate for president and a blank space in which a voter may vote no preference. A vote both for no preference and for a candidate whose name has been inserted by the voter shall be counted as a vote for that candidate. The chairman of the state committee of a political party and the state secretary shall submit lists or prepare lists of candidates for president, as aforesaid, no later than the first Friday in January and shall notify each such candidate forthwith, by registered mail, of the presence of his name on said lists. No name shall be removed from said lists, nor from the ballot, unless such candidate shall file with the state secretary an affidavit stating that he does not desire his name printed upon said ballot at the forthcoming presidential primary. Such affidavit shall be filed with the state secretary no later than five o'clock post meridian on the second Friday in January.

The names of candidates for state committee shall next be placed upon the ballot in the manner provided in section thirty-four. The names of candidates for ward or town committee appearing in nomination papers containing three or more nominations shall next be placed upon said ballot, arranged in groups and in the same order as in the nomination papers. The order in which the groups shall appear shall be determined by lot in the manner provided in section thirty-four. The names of candidates appearing in nomination papers containing one or two nominations shall follow, alphabetically arranged.

There shall also be printed on the ballot appropriate instructions to aid the voter with respect to expressing his preference for a candidate for nomination as president. Election officers in the presidential primaries, in counting and tabulating the votes showing the voters' preference for president, shall disregard the omission or inaccuracy of initials, the omission, inaccuracy or misspelling of Christian names, and the misspelling of surnames, if the intent of the voter to express a preference for any particular individual can be ascertained. Such statements of voters of presidential preference shall be counted, tabulated and entered in the records of election officers of votes cast.

53:70F. Canvass of returns; notice; certification; certificates.

Section 70F. Upon the receipt of the records of the votes cast at presidential primaries and within four days after said primary the city or town clerk shall forthwith canvass the same and make return of the votes for nomination for president, and for election as members of the state committee to the state secretary, who shall forthwith canvass such returns, determine the results thereof, notify the suc-

cessful candidates, and certify to the state committees the names of 7
 the persons appearing on the ballots as candidates or potential candi- 8
 dates for president and the results of the vote therefor, and the 9
 names of the persons elected as members of state committees. Said 10
 clerks shall determine the results of the votes for members of ward 11
 and town committees, issue proper certificates thereof to the success- 12
 ful candidates and notify the chairmen of the city and town commit- 13
 tees of the respective parties, and the chairmen of the state commit- 14
 tees of the respective parties. 15

53:70G. Filling vacancies.

Section 70G. In case of the death, withdrawal or ineligibility of a 1
 candidate for state committee, the vacancy may be filled as provided 2
 in section forty-nine. 3

In case of the death, withdrawal or ineligibility of a candidate for a 4
 ward or town committee, the vacancy may not be filled but members 5
 may be added as provided in section four of chapter fifty-two. 6

If there is a tie vote, as defined in section fifty-three, for members 7
 of the state committee it shall be filled by the ward and town 8
 committees of the district in which it exists. 9

If there is a vacancy in a ward or town committee caused by a tie or 10
 a failure to elect the number provided for in section nine of chapter 11
 fifty-two the members elected shall fill the vacancy. 12

All vacancies caused by ties shall be filled only by the choice of one 13
 of the candidates receiving the tie vote. 14

53:70H. Applicability of certain other sections.

Section 70H. The provisions of law relating to primaries and 1
 nomination papers consistent with the five preceding sections shall 2
 apply to presidential primaries, so far as practicable. 3

53:70I. Delegates and alternate delegates to national conventions; voting for president on first roll call.

Section 70I. If there is a roll call vote for president at the national 1
 convention of a political party, all delegates and alternate delegates 2
 whose selection is subject by party rule to the approval of a presiden- 3
 tial candidate shall vote on the first such roll call for that presiden- 4
 tial candidate unless released by such candidate. 5

53:70J. Repealed, 1975, 600, Sec. 20.

53:70K. Repealed, 1969, 61, Sec. 4.

PROVISIONS APPLYING TO ALL CAUCUSES OF POLITICAL PARTIES.

53:71. Certain municipalities to nominate at caucuses.

Section 71. In cities and towns which have not accepted the	1
provisions of law relating to primaries for the nomination of municipal	2
officers, political parties which nominate candidates for elective city	3
or town offices shall do so by direct plurality vote in caucuses, except	4
when city or town charters provide otherwise. All provisions of law	5
relative to the preparation of nomination papers and ballots, to	6
primaries and elections, to ballots cast at primaries and elections, and	7
to recounts of such ballots, shall, so far as applicable, apply to such	8
caucuses.	9

53:72. Regulations for city or town caucuses.

Section 72. Each city or town committee may make reasonable	1
regulations, consistent with law, relative to caucuses called by it and	2
to determine membership in the party, and to restrain persons not	3
entitled to vote at caucuses from attendance thereat or taking part	4
therein. But no political committee shall prevent any voter from	5
participating in a caucus of its party for the reason that the voter has	6
supported an unenrolled candidate for political office.	7

53:72A. Time for holding city or town caucuses.

Section 72A. Caucuses before regular city or town elections shall	1
be held not later than the thirty-eighth day preceding such city or	2
town elections, notwithstanding any contrary provision in any general	3
or special law.	4

53:73. Caucuses held by precincts or groups of precincts.

Section 73. If in a city, except Boston, or town wherein elections	1
are held by precincts, the city or town committee of either of the two	2
leading political parties shall file with the aldermen or selectmen, at	3
least two weeks prior to the time of holding its caucuses, a notice that	4
such party desires to hold its caucuses by precincts, or by groups of	5
precincts in any ward, the aldermen or selectmen shall furnish a	6
polling place in each precinct or group of precincts for the use of such	7
party, as provided in section ninety-three, and the caucuses of such	8
party shall be held accordingly.	9

53:74. Caucuses relative to special elections.

Section 74. Caucuses relative to a special election shall be held at	1
such time and place and subject to such reasonable notice as the	2
political committee whose duty it is to provide for holding the same	3

may determine. Calls therefor shall be issued by the chairman and secretary of said political committee. 4
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53:75. Calling of caucuses; notice, etc.

Section 75. Every caucus of a political party shall be called by a written or printed notice. No caucus or meeting of a political party not so called shall be recognized as valid under sections seventy-one to eighty-one, inclusive. The presiding officer at a caucus shall open it at the hour appointed therefor in the notice thereof. 1
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53:76. Persons entitled to attend caucuses; challenges; oath; penalties.

Section 76. Notices of caucuses shall apply to all members of the party calling them, and to them only. No person having voted in the caucus of one political party shall be entitled to vote or take part in the caucus of another political party within the twelve ensuing months; except that voting or taking part in the caucuses of any municipal party by any voter shall not affect his legal right to vote or to take part in the caucuses of any political party, for any other election, and having voted or taken part in the caucuses of a political party for any previous election, shall not affect his right to vote or take part in the caucuses of any municipal party, nor shall a voter who is enrolled under section thirty-seven or thirty-eight as a member of a political party be entitled to vote in the caucus of another political party held in a city while so enrolled. No voter, not hereinbefore disqualified, shall be prevented from voting or participating in any caucus if he takes the following oath, which shall be administered to him by the presiding officer of the caucus: 1
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You do solemnly swear (or affirm) that you are a registered voter in this ward (or town) and have the legal right to vote in this caucus; that you are a member of the political party holding the same, and intend to vote for its candidates at the polls at the election next ensuing; and that you have not taken part or voted in the caucus of any other political party for twelve months last past. 17
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Such voter may be challenged like any other voter. Any person whose right to vote is challenged for any cause recognized by law shall not be permitted to vote until he has taken the foregoing oath; and the clerk or secretary of the caucus shall make a record of the administration of said oath to every person taking the same, which record shall state whether or not said person voted. The record shall be returned with the proceedings of said caucus and shall be prima facie evidence in any court that such person took said oath and voted in said caucus. 23
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A caucus officer or a voter violating any provision of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months. 32
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53:77. Balloting; use of voting lists.

Section 77. In balloting, the voting lists furnished under section 1
 sixty-two of chapter fifty-one shall be used as check lists, and no 2
 person shall vote or take part in a caucus whose name does not 3
 appear upon said lists, unless he presents to the presiding officer of 4
 the caucus the certificate provided for by section fifty-nine of said 5
 chapter. 6

53:78. Tie vote for caucus officers.

Section 78. If there is a tie vote for any caucus officer, the caucus 1
 officers elected shall fill the vacancy. 2

53:79. Certificate of election; notice of nomination.

Section 79. The presiding officer and secretary or clerk of each 1
 caucus shall within three week days after its final adjournment 2
 deliver or send to each caucus officer a certificate of his election, and 3
 to each candidate for an elective office a notice of his nomination. 4

53:80. Returns of caucuses at which direct nominations are made; tabulation of results; notice; recounts.

Section 80. Returns of all caucuses of political parties at which are 1
 made any direct nominations for a district comprising more than one 2
 ward, or where caucuses are held by precincts or by groups of 3
 precincts in any ward or town, shall be made in accordance with 4
 section one hundred and ten. Immediately upon receipt of such 5
 returns the city or town clerk shall tabulate and determine the results 6
 thereof, shall notify the successful candidates, and cause their names 7
 to be printed on the ballot to be used at the ensuing election. 8
 Recounts of ballots cast at such caucuses shall be made as provided in 9
 section one hundred and twelve. 10

53:81. Tie votes in direct nominations; filling vacancies.

Section 81. If there is a tie vote for any candidate of a political 1
 party nominated directly for any office, for a district comprising more 2
 than one ward, the regularly elected general or executive committee 3
 representing the party for the election district in which such vote has 4
 been cast shall fill the vacancy, but only by the choice of one of the 5
 candidates receiving such tie vote. 6

PROVISIONS APPLYING TO CAUCUSES OF POLITICAL
 PARTIES AT WHICH OFFICIAL BALLOTS ARE NOT USED.

53:82. Polling places provided; notice.

Section 82. At least two weeks prior to the date on which caucuses 1
 are to be held, the chairman or secretary of the city or town 2

committee shall notify the aldermen or the selectmen respectively of
such date, and said aldermen or selectmen shall, at the expense of the
city or town, provide polling places for said caucuses, in case of a city,
not less than one for each ward; and shall, at least ten days prior to
the date of said caucus, give said chairman or secretary notice of the
places so provided. 3
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53:83. Notice of caucuses; procedure.

Section 83. Notice of caucuses, signed by the chairman and secre- 1
tary, shall be issued by each city and town committee not less than 2
seven days prior to the day on which they are to be held. The notices 3
shall state the place where and the day and hour when the several 4
caucuses are to be held. They shall be conspicuously posted in at 5
least five places on the public ways, and, if practicable, in every post 6
office in the city or town, or shall be published at least twice in one or 7
more local newspapers. The hour fixed for calling the caucus to 8
order shall not be later than eight o'clock in the evening. The notice 9
shall designate by name or office the person who shall call such 10
caucus to order, and he shall preside until a chairman is chosen. If he 11
is absent at the time appointed, any member of the ward or town 12
committee present shall call the caucus to order and preside until a 13
chairman is chosen. The first business in order shall be the choice of 14
a chairman, a secretary and such other officers as the meeting may 15
determine. No person shall serve as a caucus officer at any caucus in 16
which he is a candidate for a nomination to an elective office. 17

53:84. Balloting and duration of caucus.

Section 84. A ballot shall be taken for the choice of any candidate, 1
to be selected by such caucus, and the polls shall be kept open at least 2
thirty minutes. 3

53:85. Tie vote for elective office; proceedings.

Section 85. If a majority of caucus officers is not elected, or there 1
is a tie vote for candidates for an elective office, the caucus shall at 2
once proceed to another ballot unless some one present entitled to 3
vote objects; in which case the caucus shall adjourn to any subse- 4
quent day. The hour and place shall, if practicable, be the same as 5
that named in the call. 6

**53:86. Ballots and check lists; transmission to city or town clerk; preserva-
tion.**

Section 86. The secretary of each caucus shall forthwith, after the 1
ballots cast therein have been counted, transmit them, with the check 2
list used at the caucus, to the city or town clerk, who shall preserve 3
them for ten days. If during said time ten voters entitled to vote in 4

said caucus shall file with said clerk a written request so to do, he 5
 shall preserve the ballots and voting lists for three months, and shall 6
 produce the same if required by any court having jurisdiction or 7
 authority over them. 8

53:87. Contested elections, etc.; preservation of ballots; notice; recount; penalties.

Section 87. If within three week days after any caucus a person 1
 who has received votes thereat for nomination or election to any 2
 office shall file a written statement with the city or town clerk, 3
 claiming an election or nomination or declaring an intention to contest 4
 the election or nomination of any other person, the clerk shall pre- 5
 serve the ballots for such nomination or office until the claim or 6
 contest has been finally determined. Upon receipt of such statement, 7
 the clerk shall immediately give written notice to the persons affected 8
 and to the chairman and secretary of the caucus, fixing a time within 9
 twenty-four hours thereafter and a place at which said ballots will be 10
 recounted. The chairman and secretary of the caucus shall, at said 11
 time and place, recount said ballots and determine the questions 12
 raised. Each candidate affected may be present during such recount, 13
 or may be represented by an agent appointed by him in writing. If it 14
 shall appear upon a recount that persons were nominated or elected 15
 other than those declared to have been nominated or elected, certifi- 16
 cates of such change shall be made in the manner provided in section 17
 five as to an original certificate. 18

Any presiding officer, secretary or clerk of a caucus who wilfully 19
 neglects or refuses to comply with the provisions of this section shall 20
 be punished by a fine of not more than five hundred dollars or by 21
 imprisonment for not more than six months. 22

PROVISIONS APPLYING TO CAUCUSES OF POLITICAL
 PARTIES AT WHICH OFFICIAL BALLOTS ARE USED.

53:88. Calling of caucuses.

Section 88. All caucuses for the election of caucus officers, or for 1
 the nomination of candidates for any city or town office in any city or 2
 town wherein the laws relating to primaries have not been adopted, 3
 held by a political party which has adopted the provisions of law for 4
 the use of official ballots, shall be called and held as provided in 5
 sections eighty-nine to one hundred and sixteen, inclusive. 6

53:89. Adoption of law for official ballots; calling caucuses; notice.

Section 89. Any city or town committee shall, at the written 1
 request of fifty voters, members of its party, call caucuses of said 2
 party to determine by ballot whether the provisions of law for the use 3

of official ballots shall be adopted. The notice of said caucus shall state the purpose for which it is called, the place, the day, and the hour, not earlier than six o'clock and not later than half past seven o'clock in the evening, of holding said caucus. It shall be issued at least seven days prior to the day named therefor, and shall be published at least twice in one or more local newspapers, if any, and shall be posted in at least five public places in each ward or town. The polls shall be kept open at least one hour. If said caucuses shall vote to adopt said provisions, all caucuses of said political party in said city or town shall thereafter be called and conducted accordingly.

53:90. Revocation of acceptance of special provision; notice.

Section 90. A political party in a city or town which has accepted said special provisions may, not less than one year after the date of the caucus wherein such provisions were adopted, revoke such action at a caucus called and held in the manner provided in the preceding section. Upon the adoption of said provisions or upon the revocation of such adoption, the secretary of the city or town committee of such political party shall, within ten days thereafter, file a notice thereof with the state secretary and with the clerk of the city or town and the secretary of the state committee of the political party so voting.

53:91. Time of holding caucuses.

Section 91. All such caucuses of a political party for the choice of candidates for a city or town election, except caucuses relating to a special election, shall be held on the same day in each city and town. The city or town committee shall fix the days for holding all caucuses mentioned in this section, and all calls for the same shall be issued by its chairman and secretary. No two political parties shall hold their caucuses on the same day. The party first filing a copy of the call for a caucus with the city or town clerk shall be entitled to precedence as to the day so fixed.

53:92. Notices of caucuses; contents.

Section 92. Notices of caucuses in said cities or towns shall state the place where and the day and hour when nomination papers shall be issued; the place where and the earliest day and hour when such nomination papers may be filed, which time shall be not less than twenty-four week day hours succeeding three o'clock of the day fixed for issuing such papers; the place where and the day and hour prior to which such nomination papers shall be filed; and the day on which the several caucuses will be held, and shall be issued not less than eighteen days prior thereto.

53:93. Polling places provided, etc.; voting lines.

Section 93. At least two weeks prior to the day named for a caucus, the chairman or secretary of the city or town committee shall give notice of such date to the aldermen or to the selectmen, who shall, at least ten days prior to such date, notify the city or town committee of the places selected for holding the caucuses, and shall, at the expense of the city or town, provide polling places, in a city not less than one for each ward, and in cities and towns where elections or caucuses are held in voting precincts, one in each of such precincts, as the city or town committee shall designate, but not less than one for each ward, and furnish them with booths, registering ballot boxes, guard rails and the like, as they are arranged for state elections, also postage for mailing credentials and notices or certificates of nomination and election.

If twenty-five voters of a ward or of a town shall request in writing at least twelve days before any caucus of the political party to which they belong, the aldermen or selectmen shall so arrange the polling place of such ward or town as to allow voting to proceed in two or more lines at the caucus.

53:94. Notice by city or town committees.

Section 94. At least seven days prior to the day named for a caucus, the city or town committee shall issue a notice that such caucus will be held, stating the place, the day and the hour of holding the same. The hour shall not be earlier than two o'clock in the afternoon nor later than half past seven o'clock in the evening. Such notices, and notices relative to the filing of nomination papers, shall be published at least twice in one or more local newspapers, if any.

53:95. Blank nomination papers provided; contents.

Section 95. The city or town shall provide, and the city or town clerk shall seasonably prepare, for each political party, blank nomination papers for use in the different wards of the city or in the town. Such papers shall state the place where and the day and hour prior to which, signed nomination papers shall be filed. On the back of each, the first sentence of section seven, sections forty-five and sixty, and sections ninety-six to one hundred and one, inclusive, shall be printed. They shall be delivered only to the chairman or secretary of the political committee for whose use they have been prepared.

53:96. Nominations to be made by nomination papers; acceptance; vacancies, etc.

Section 96. Nominations of candidates for elective city or town offices and for caucus officers to be voted for at a caucus, shall be made by nomination papers, as hereinafter provided. Such nomina-

tions shall be made on the blank nomination papers prepared and delivered in accordance with the preceding section; and no nomination paper offered for filing shall be received or shall be valid to which is attached any card, paper or other device, containing the name of a candidate, his written acceptance, or containing the signature of any voter required by this section. Such papers shall be signed in person by at least five voters of the ward or town where the caucus is to be held, and for a district composed of more than one ward shall be signed by a number of voters equal in the aggregate to not less than five voters for each ward in said district, and shall be subject to sections forty-five and sixty, except that the nomination paper of a candidate for caucus officer shall not contain the statement permitted by section forty-five. No vacancy caused by the death, withdrawal or ineligibility of any of the above candidates shall be filled, unless the person entitled to fill such vacancy files the written acceptance of the candidate nominated to fill the vacancy.

53:97. Nomination papers; sealing; filing; opening, etc.

Section 97. All nomination papers shall be sealed up and filed with the secretary of the city or town committee not less than ten week days previous to the day on which the caucus is to be held for which the nominations are made, and he shall endorse upon them the time when he received them. They shall not be opened until the time for their filing has expired, when the secretary, at his office, shall publicly open them and publicly announce the nominations therein made.

53:98. Correction of errors; notice.

Section 98. The secretary of the city or town committee shall immediately give notice to the person filing the nomination paper of any error, irregularity or informality appearing therein, and such person may, within two week days after the time when the nomination papers were opened, correct the same, or said secretary may make such correction.

53:99. Proceedings in cities when papers not filed; filling vacancies.

Section 99. If, in a city, nomination papers placing persons in nomination for all the offices to be filled at a caucus in any ward are not filed, the secretary of the city committee shall forthwith notify the chairman or secretary of the committee of such ward, who shall forthwith call a meeting of said committee, which may nominate candidates for all offices for which nomination papers have not been filed, and shall immediately file with the secretary of the city committee nomination papers signed by all the members of the committee who agree to the nominations therein made. In case of disagreement

two sets of such nomination papers may be filed. If, at the expiration of two week days after the time at which nomination papers were opened, proper nomination papers have not been filed for all the offices to be filled, or upon any vacancy caused by death or otherwise, except a withdrawal, the chairman and secretary of the city committee may file nomination papers for such offices or vacancies.

53:100. Proceedings in towns when papers not filed.

Section 100. If, in a town, nomination papers placing persons in nomination for all the offices to be filled at a caucus are not filed, or upon a vacancy by death or otherwise, except a withdrawal, the chairman or secretary of the town committee shall forthwith call a meeting of said committee, which shall have all the powers relative to the nomination of candidates conferred in the preceding section upon a ward committee and the chairman and secretary of a city committee.

53:101. Withdrawals; filling vacancies.

Section 101. A person nominated by a nomination paper may, within forty-eight week day hours succeeding five o'clock in the afternoon of the day fixed for opening nomination papers, withdraw his name from nomination by a request signed by him in person and filed with the secretary of the city or town committee. Thereupon, the secretary shall immediately give notice of such withdrawal and of the provisions of this section to the person who filed such nomination paper, and such person may, within twenty-four week day hours succeeding five o'clock in the afternoon of the last day fixed for making withdrawals, present a new name on a nomination paper signed by himself in person; otherwise the chairman and secretary of the committee may file nomination papers for the vacancy. If at any time after the expiration of the time for filling vacancies it shall appear that a vacancy has been created by death, the chairman of the committee may file with the city or town clerk a new name to fill such vacancy; and if the time is sufficient therefor, the new name shall be printed upon the official ballot.

53:102. Nomination papers; delivery to city or town clerk.

Section 102. Not less than seven week days before the day upon which the caucuses are to be held and before five o'clock in the afternoon of the last day, the secretary of each city or town committee shall deliver to the city or town clerk the nomination papers filed with him.

53:103. Nomination papers; correction of errors.

Section 103. If an error or informality is found in any nomination paper, it shall be forthwith returned to the secretary of the committee

by whom it was filed, for correction; and if not corrected and again
 filed before five o'clock in the afternoon of the day following its
 return to said secretary, it shall be void. 3
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53:104. Objections to nomination papers.

Section 104. Objections to nomination papers, and all other ques- 1
 tions relating thereto, shall be considered in cities by the board of 2
 registrars, the city clerk and the city solicitor; and in towns by the 3
 board of registrars. 4

53:105. Ballots; cities or towns to provide.

Section 105. Ballots for each political and municipal party, ballot 1
 boxes, voting lists, specimen ballots, blank forms and apparatus, seals 2
 and record books, shall be provided and treated in accordance with 3
 sections thirty-two to thirty-six, inclusive, so far as applicable, except 4
 that the chairman and secretary of the city or town committee, or, if 5
 they fail to do so, the city or town clerk, may determine the number 6
 of ballots to be provided for each ward or town, not exceeding one for 7
 each voter therein. 8

53:106. Form of official ballot, etc.

Section 106. On the back and outside of each ballot when folded 1
 shall be printed the words "Official ballot of the (here shall be 2
 inserted the party name)" followed by the number of the precinct and 3
 ward or the name of the town for which the ballot is prepared, the 4
 date of the caucus and a facsimile of the signature of the secretary of 5
 the political committee. 6

Ballots shall be printed on white paper, except as otherwise provid- 7
 ed by law. 8

Names of candidates for caucus officers shall be arranged in 9
 groups in the order in which they are filed. 10

Against the name of a candidate for an elective or caucus office 11
 shall be printed the street and number, if any, of his residence. 12

A star (*) against a name shall indicate that a person is a candidate 13
 for re-election. 14

53:107. Applicability of certain laws.

Section 107. Caucuses, except as otherwise provided, shall be held 1
 in general accordance with the laws governing the conduct of elec- 2
 tions and the manner of voting thereat. 3

53:108. Order of business.

Section 108. The order of business shall be as follows: 1

First, Any necessary preliminary business. 2

Second, Balloting until half past eight o'clock in the evening, when the polls shall be closed unless the caucus shall vote to keep them open until a later hour; but every voter waiting in line at the hour for closing the polls shall be allowed to vote.

Third, After the polls have been closed, any other business properly before the caucus.

53:109. Challenges.

Section 109. If the right of a person offering to vote is challenged for any legal cause, and he takes the oath required by section seventy-six, the presiding officer shall require him, or some one in his behalf, to write his name and residence on the outside of the ballot offered, and before it is received the presiding officer shall add thereto the name of the person challenging and the cause alleged for the challenge. No officer or other person shall give any information in regard to a ballot cast by a challenged voter unless required by law so to do.

53:110. Counting of ballots; announcing result; sealing; transmittal of records.

Section 110. Immediately after the polls have been declared closed, but not before, the ballots shall be counted in full view of the voters. When they have been counted and the result ascertained, the presiding officer shall make public announcement thereof in open meeting, and the clerk shall, in open meeting, enter in words at length in the record book, the total number of names checked on the voting list, the total number of ballots cast, the names of all persons voted for, the number of votes for each person, and the title of the office for which he was a candidate. The clerk shall forthwith make a copy of said record, certify, seal and transmit it to the city or town clerk. He shall then, before the adjournment of the caucus, and in the presence of those who counted the same, seal up all ballots cast, with the voting lists used, and a statement of any challenge made.

The warden and clerk shall endorse upon such package the name of the political party holding the caucus, its date, its purpose, and, if in a city, for what ward and precinct the ballots were cast. The warden shall forthwith transmit, by the officer detailed to attend the caucus, to the city or town clerk, the ballots cast, the voting lists, the ballot boxes, the ballot box seals, the counting apparatus, the copy of the records, and the record book.

The city or town clerk shall safely keep such sealed packages for ten days. If within said time ten voters entitled to vote in said caucus file with him a written request so to do, he shall preserve said ballots

and voting lists for three months and shall produce them if required 24
by any court having jurisdiction or authority over them. 25

53:111. Certified copy of voting list.

Section 111. The city or town clerk, upon written application 1
signed by at least ten voters of a ward or town, for a copy of a list as 2
checked, shall open the envelope containing the voting list used at any 3
caucus in such ward or town and shall furnish to them a certified copy 4
thereof as checked. 5

53:112. Recount of ballots.

Section 112. If before five o'clock in the afternoon of the second 1
day next succeeding the day of a caucus, ten or more voters of any 2
town or ward shall sign, adding thereto their respective residences on 3
January first of that year, and file with the city or town clerk a sworn 4
statement that the records and returns made by the caucus officers of 5
such town or ward are erroneous, specifying the error, or that 6
challenged votes were cast by persons not entitled to vote therein, 7
said city or town clerk shall forthwith transmit such statement to the 8
registrars of voters with the sealed package containing the ballots 9
and voting lists, and said registrars shall give written notice to the 10
person affected, fixing a place and time, as early as may be, at which 11
said ballots will be recounted, and at such place and time shall open 12
the packages containing the ballots and voting lists and recount said 13
ballots and determine the questions raised, and shall reject any 14
challenged vote cast by a person found not to have been entitled to 15
vote; and such recount shall stand as the true result of the vote cast 16
in such caucus. Each candidate affected may be present during such 17
recount, or may be represented by an agent appointed by him in 18
writing. If it shall appear upon a recount that persons were nominat- 19
ed or elected other than those declared to have been nominated or 20
elected, certificates of such change shall be made as in the case of the 21
original certificate. 22

53:113. Caucus officers; eligibility; terms; oaths; duties.

Section 113. At the caucus held for the choice of candidates for a 1
city or town election there shall be chosen annually a warden, a clerk, 2
and at least five inspectors, and, in wards having more than five 3
precincts, such additional inspectors as the city committee of the 4
political party whose caucuses are to be held may determine. They 5
shall be voters of the ward or town where elected and members of the 6
political party whose caucus is to be held. No person shall be eligible 7
to the position of warden, clerk or inspector who is a state, county or 8
city employee, or a member of a ward or town committee, and no 9
person shall serve as a caucus officer at any caucus wherein he is a 10

candidate for nomination to an elective office. Every caucus officer shall hold office for one year, beginning with the first day of the month succeeding his election, and until his successor is elected. He shall, before entering upon the performance of his duties, be sworn by the warden, clerk, or a justice of the peace, and a record thereof made upon the record book of such caucus. The respective duties of caucus officers shall be in general the same required of election officers at elections.

53:114. Vacancies; additional officers.

Section 114. A majority of the caucus officers present at a caucus may fill temporary vacancies and elect additional officers to serve in that caucus only. Such temporary officers shall be duly sworn. Permanent vacancies shall be filled by a majority vote of all the caucus officers.

53:115. Appointment of officers for first caucus.

Section 115. A city or town committee of a political party which has adopted the provisions of law for the use of official ballots shall, at least ten days before holding any caucus thereunder, appoint caucus officers in each ward, town, or voting precinct in cities and towns where caucuses are held in such precincts, to serve at the first caucus to be held thereafter.

53:116. Caucus officers in newly incorporated cities or cities redivided into wards.

Section 116. In a newly incorporated city, or upon a redivision into wards of a city to which said provisions apply, the caucus officers to serve in the first caucuses held in the next succeeding year shall be appointed by the city committee; and at such caucuses the regular caucus officers shall be chosen. Where additional polling places are provided, after the election of caucus officers, officers to act in such polling places shall be appointed by the city committee.

PROVISIONS APPLYING TO CAUCUSES OTHER THAN THOSE OF POLITICAL PARTIES.

53:117. Caucuses to nominate municipal officers; convention delegates; committees.

Section 117. A caucus of the voters, or of a specified portion thereof in a ward of a city, or in a town, may be called and held for the nomination of candidates to be voted for at any city election, or at any election of town officers for which official ballots are used, or for the selection of delegates to a convention, or for the appointment of a committee. The proceedings of such caucuses shall be invalid unless

at least twenty-five voters participate and vote therein. Except as 7
 provided in this section and in section one hundred and twenty-one, no 8
 caucus or meeting other than those of political parties shall be 9
 entitled to nominate a candidate whose name shall be placed on the 10
 official ballot, or to select delegates to a political convention for the 11
 nomination of a candidate whose name shall be placed on such ballot. 12

53:118. Notice of caucus; chairman; order of business.

Section 118. The notice for a caucus under the preceding section 1
 shall be written or printed, shall state the place where, and the day 2
 and hour when, said caucus is to be held, shall be issued at least seven 3
 days prior thereto, and shall be conspicuously posted in at least five 4
 places on lines of public travel, and, if practicable, in every post office 5
 within the city or town, or shall be published at least twice in one or 6
 more local newspapers. Said notice shall be signed by one or more 7
 voters of the ward, town or district for which the caucus is called, and 8
 shall designate by name or office the person who shall call such 9
 caucus to order, and he shall preside until a chairman is chosen. In 10
 his absence, the caucus may choose a temporary chairman. The first 11
 business in order shall be the organization of the caucus by the choice 12
 of a chairman, a secretary, and such other officers as the meeting 13
 may require. The persons receiving the highest number of votes 14
 shall be declared elected or nominated. The caucus may adopt 15
 regulations consistent with law. 16

53:119. Elections by ballot; written request.

Section 119. Upon the written request of ten or more voters 1
 present at a caucus and entitled to vote therein, presented by a motion 2
 or otherwise to the presiding officer for the time being, at any time 3
 before the choice of the officer to which it relates, any candidate, 4
 delegate or member of a political committee, and unless the caucus 5
 votes otherwise, the chairman of the caucus, shall be elected by ballot. 6
 In balloting, the voting lists furnished under section sixty-two of 7
 chapter fifty-one shall be used as check lists. 8

53:120. Preservation of ballots and voting lists, etc.

Section 120. The secretary of a caucus held under the three 1
 preceding sections shall, at the written request of ten voters entitled 2
 to vote in the caucus, preserve all ballots cast and voting lists used 3
 therein for three months, and shall produce the same if required by 4
 any court, board, convention or other tribunal having jurisdiction 5
 thereof. 6

53:121. Calling town caucus at annual meeting; rescission, etc.; nominations; tie vote.

Section 121. A town in which official ballots are used, may at any 1
 annual meeting vote to hold a town caucus for the nomination of 2

candidates for town officers required to be voted for by official ballot 3
 at its annual meeting and after such vote has been in effect therein 4
 for a period of not less than three years may, by a vote at a meeting 5
 held at least sixty days before an annual town meeting, rescind such 6
 action. Such caucus shall be called by the selectmen in the same 7
 manner as provided in section one hundred and eighteen for the 8
 calling of other caucuses and shall be called to order by the town 9
 clerk who shall preside until the election of a chairman. Except as 10
 aforesaid, the town clerk shall not act or serve as a caucus officer. 11
 The town in town meeting may determine whether nominations shall 12
 be made separately or partly or wholly on one ballot, and may within 13
 the limits defined by law, prescribe the day and hour when such 14
 caucus shall be held and how long the polls shall be kept open, and 15
 make provision for the preparation and use of ballots. Such action 16
 may be altered, amended or rescinded at any future town meeting but 17
 shall continue in effect until so altered, amended or rescinded. 18

At a town caucus held under the provisions of this section the two 19
 persons receiving the highest number of votes cast for the nomination 20
 of candidates for an office shall be declared nominated for such 21
 office; but, if two or more persons are to be elected to the same office 22
 at such election, the several persons, to a number equal to twice the 23
 number so to be elected to such office, receiving at such caucus the 24
 highest number of votes, the second highest number of votes, and so 25
 on to the number to be nominated shall be the candidates whose 26
 names shall be printed on the official ballots to be used at such 27
 election. If the caucus results in a tie vote among candidates for 28
 nomination receiving the smallest number of votes, which, but for the 29
 tie vote, would entitle a person receiving such number to have his 30
 name printed upon the official ballot for the election, all candidates 31
 participating in such tie vote shall have their names printed upon the 32
 official ballots, although there be printed upon them the names of 33
 candidates to a number exceeding twice the number to be elected. 34

If a person receives less than eight per cent of the votes of those 35
 voting for candidates for such office, he shall not be declared nomi- 36
 nated therefor, although thereby the number of names to be printed 37
 upon the official ballots will be less than twice the number to be 38
 elected. 39

During such time as town caucuses are held under this section in 40
 any town, no political or municipal party caucus shall be held therein 41
 for the nomination of candidates for town office. The provisions of 42
 sections one hundred and seventeen to one hundred and twenty, 43
 inclusive, so far as applicable, shall apply to caucuses held under this 44
 section. 45

PROVISIONS APPLYING TO REGIONAL
SCHOOL DISTRICT-WIDE ELECTIONS.

53:122. Regional school district-wide elections; applicable provisions.

Section 122. The following provisions shall apply to regional school district-wide elections: 1
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(a) Any person who is a resident of a member community and is a registered voter in the community in which he resides shall be entitled to have his name printed on the ballot to be used in the district-wide election if he shall file with the district clerk nomination papers signed by the number of voters as provided in section six who are registered and qualified to vote in the regional school district in which he resides. 3
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(b) The state secretary shall supply candidates with a certificate of nomination and nomination papers through the district clerk. 9
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(c) Other provisions of this chapter and chapters fifty-four and fifty-six relative to state elections shall apply to regional school district elections. 11
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(d) Every nomination paper of a candidate shall be submitted to the registrars of the city or town where the signers appear to be voters on or before five o'clock post meridian of the twenty-eighth day preceding the day on which it must be filed with the district clerk. Nomination papers shall be filed by the candidate with the district clerk on or before the eleventh Tuesday preceding the day of election. The district clerk shall certify a correct list of candidates to the state secretary on or before the tenth Tuesday preceding the day of election. If the state secretary does not receive said certified list of candidates, on or before said date, the names of candidates for the regional district school committee shall not be printed on the ballot. The district clerk shall receive the election results from the city and town clerks, tabulate the results and certify the winners. 14
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CHAPTER 54.

ELECTIONS.

Section

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WARDS AND VOTING PRECINCTS.**54:1. Decennial division of cities into wards and precincts.**

Section 1. In the year nineteen hundred and ninety-two, and every tenth year thereafter, no later than June fifteenth, a city, by vote of

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its city council may, or if the existing wards in such city do not contain, as nearly as can be ascertained, an equal number of inhabitants, shall make a new division of its territory into such number of wards as may be fixed by law. Any such vote of a city council hereunder dividing a city into wards shall, at the same time, divide each ward into such number of precincts as is required by section two. Not later than July first in such year the city clerk shall give written notice to the state secretary of the number and designation of wards and precincts provided for in this section and in section two, together with an official map and description of said wards and precincts indicating, as nearly as can be ascertained, the numbers of inhabitants residing therein. The provisions of this section and section two shall not apply to any city which has a special law to the contrary covering the procedure for the division of wards and precincts.

The state secretary shall make available to the local election districts review commission, for its scrutiny, the written notices, maps and descriptive information submitted to him by city clerks in reference to the new or unrevised wards and precincts of their respective cities under this section. If the said commission shall find that any such plan of new or unrevised wards or precincts of any city conflicts with the applicable requirements of this chapter, or is of questionable constitutionality, it shall transmit a written notice of such findings, with a clear indication of the deficiencies of such plan, to the mayor of such city, or in a city having a council-manager form of government to the city manager, not later than September first immediately following. Said mayor or city manager shall, within fifteen days following his receipt of such notice, present to the city council of such city his recommendations for a division of the city into wards and precincts free of the defects cited by the commission. If the city council shall fail to ordain such division, or a substitute division, conformable to this chapter within twenty days after said presentation by said mayor or city manager, he shall issue forthwith, not later than October fifteenth immediately following, an executive order making a division of said city into wards and precincts subject to the approval of the local election districts review commission which shall take effect according to the provisions of this chapter, as though it had been ordained by the city council.

54:2. Division of cities and wards into voting precincts; census; effect upon formation of congressional, representative, senatorial or councillor districts.

Section 2. Each city shall be divided into convenient voting precincts, designated by numbers or letters and containing not more than four thousand inhabitants. Every ward shall constitute a voting precinct by itself, or shall be divided into precincts containing as nearly as may be an equal number of inhabitants, consisting of compact and contiguous territory entirely within the ward, and bound-

ed, so far as possible, by the center line of known streets or ways or 7
 by other well defined limits that constitute block boundaries recog- 8
 nized by the United States bureau of the census. If a ward constitut- 9
 ing one precinct contains more than four thousand inhabitants, the 10
 aldermen shall divide it into two or more voting precincts. They may 11
 so divide a ward or precinct containing less than four thousand 12
 inhabitants. Except as provided in section one, when new precincts 13
 are established, the new division shall take effect on the thirty-first 14
 day of December next following. 15

Notwithstanding any authorization or requirement of this chapter, 16
 any precinct established or remaining unchanged following the decen- 17
 nial federal census shall remain unchanged for the purpose of form- 18
 ing congressional, representative, senatorial or councillor districts 19
 based on said census until the formation thereof as aforesaid, and if 20
 such precinct is within a ward the territory of which in such formation 21
 is included in two or more congressional, representative, senatorial or 22
 councillor districts, shall remain unchanged for the purpose of elect- 23
 ing such officers so long as such districts are required by the 24
 constitution to be used for such purpose. 25

54:3. Repealed, 1971, 820, Sec. 5.

**54:4. New divisions of cities into wards, when effective; congressional dis-
 tricts.**

Section 4. All regular municipal elections and primaries held in 1
 any city after it has been redivided into wards or into any districts for 2
 electing city officers shall be held in such city as redivided. 3

In the division of wards into voting precincts under this chapter, no 4
 voting precinct shall be so formed that it will be partly in one 5
 congressional district and partly in another congressional district. 6

54:5. Map or description of new divisions; publication and posting.

Section 5. When a ward has been divided into new voting precincts, 1
 or the voting precincts thereof have been changed, the alder- 2
 men shall forthwith cause a map or description of the division to be 3
 published, in which the new precincts shall be designated by numbers 4
 or letters and shall be defined clearly and, so far as possible, by 5
 known boundaries; and they shall cause copies thereof to be fur- 6
 nished to the registrars of voters, to the assessors, and to the election 7
 officers of each precinct so established. The aldermen shall cause 8
 copies thereof to be posted in such public places in each precinct of a 9
 ward so divided as they may determine or shall give notice by mail to 10
 each registered voter affected by such change of voting precinct. 11

54:6. Division of towns into voting precincts; census; report.

Section 6. In the year nineteen hundred and ninety-two and every tenth year thereafter, no later than June fifteenth, the board of selectmen of every town of less than six thousand, two hundred inhabitants may, on their own motion, or shall, when so directed by the town meeting, and the board of selectmen of every town having six thousand, two hundred or more inhabitants shall, divide the town in the manner hereinafter provided into convenient voting precincts. Any voting precincts so established hereunder shall be composed of compact and contiguous territory. The selectmen shall, so far as possible, make the center line of streets or ways, or other well defined limits that constitute block boundaries recognized by the United States bureau of the census, the boundaries of such precincts, and shall designate them by numbers or letters.

In any town of six thousand, two hundred or more inhabitants, each precinct established hereunder shall contain, as nearly as may be, an equal number of inhabitants, but not more than four thousand inhabitants. The times and procedures required by this section for precincts shall also apply to any district for electing town councillors, school committee members, representative town meeting members, or other town officers, notwithstanding any general or special law or charter to the contrary.

Such division of a town into precincts shall be made by the board of selectmen setting forth an official description of the precincts so established, together with a statement of the number of inhabitants residing in each precinct as nearly as such number may be determined. The board of selectmen shall also cause an official map of the precincts established by them hereunder to be prepared. Upon the adoption by the board of selectmen of a town of such a division, the town clerk shall transmit forthwith to the state secretary, not later than July first of the year in which such division is authorized or required to be made under this section, a copy of said division, together with an official map of said precincts and a statement by the board of selectmen of the number of inhabitants in each such precinct, as nearly as such number may be determined. The state secretary shall make the same available to the local election districts review commission for its scrutiny. If said commission shall find that any plan of town precincts established under this section conflicts with the applicable provisions of this chapter, or is of questionable constitutionality, it shall transmit a written notice of such findings, with a clear indication of the deficiencies of such plan, to the board of selectmen of the town not later September first of said year. The board of selectmen of such town shall make a new or revised division of the town into precincts in the manner and within the time pre-

scribed by said commission, but not later than September twentieth of
said year. 44
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If any town consisting of one precinct and having six thousand, two
hundred or more inhabitants, which is required to be divided into
precincts under this section shall not be so divided within the time
specified above, the local election districts review commission shall, no
later than October fifteenth make such division of the town into
precincts conforming with the standards set forth in this section. The
commission may appoint a master who shall, within fifteen days,
make such division of the town into precincts, said division to be
subject to approval by the commission and to amendment by it. 46
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54:7. Change of voting precincts in towns.

Section 7. Upon its own initiative a board of selectmen of a town
may, and upon direction of the town meeting of such town said board
shall, make any change in the voting precincts of said town, in the
same manner provided in section six and subject to the restrictions
contained in section nine A. 1
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54:7A. Dividing precincts to facilitate voting; laws applicable.

Section 7A. Any precinct in a town where town meeting members
are elected may be divided for the sole purpose of facilitating voting
therein. Every such division of a precinct shall be designated by the
addition of a letter to the number designating such precinct, or of a
number to the letter designating such precinct, as for example,
precincts 1A, 1B and so on, or precincts A1, A2 and so on. The
number of town meeting members representing such precinct immedi-
ately preceding such a division shall remain unchanged and such
members shall be elected from the same territory until a general
revision of precincts is made. Notice of every such division shall be
given forthwith to the state secretary. Except as provided herein, all
provisions of law relating to voting precincts and to polling places
shall apply to such divisions. Within twenty days after such a
division, the selectmen shall cause notice in writing to be given to
each registered voter in any precinct so divided specifying the polling
place to be used by such voter. A division of a precinct made
hereunder shall take effect on the thirty-first day of December
following the making thereof. 1
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54:8. Maps or descriptions of new precincts; posting.

Section 8. When a town has been divided into voting precincts or
the voting precincts thereof have been changed, the selectmen shall
post in the office of the town clerk and in at least three public places
in each new precinct a map or description in which the new precincts
shall be designated by numbers or letters, and defined clearly and, so 1
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far as possible, by known boundaries. They shall furnish copies 6
thereof to the registrars of voters and the assessors of such town, 7
and to the election officers of each precinct so established. 8

54:9. Discontinuance of voting precincts.

Section 9. Any town of fewer than six thousand inhabitants may 1
discontinue its voting precincts; and subsequent elections therein 2
shall be held as if no such division had been made. Any such 3
discontinuance shall be subject to the second paragraph of section 4
nine A. 5

54:9A. Congressional, representative, senatorial or councillor districts in certain towns; decennial census; revision of precincts.

Section 9A. All regular municipal elections and primaries held in 1
any town after it has been redivided into precincts or into any districts 2
for electing town officers shall be held in such town as redivided. 3

Any precinct established or remaining unchanged following the 4
decennial federal census shall remain unchanged for the purpose of 5
forming congressional, representative, senatorial or councillor dis- 6
tricts based on said census until the formation of the districts afore- 7
said, and, if such precinct is in a town the territory of which in such 8
formation is included in two or more congressional, representative or 9
senatorial districts, shall remain unchanged for the purpose of elect- 10
ing such officers as long as such districts are required by the 11
constitution to be used for such purpose. 12

54:10. Notice of changes in wards to state secretary.

Section 10. When wards of a city have been changed or when 1
voting precincts in a city or town have been established, changed or 2
discontinued, the city or town clerk shall forthwith give a written 3
notice thereof to the state secretary, stating the number, designation 4
and official description of such wards or voting precincts and in a city 5
the wards where such precincts are situated. 6

ELECTION OFFICERS.

54:11. Election officers in certain cities.

Section 11. Subject to section eleven B, the mayor of every city, 1
except where city charters provide otherwise and except as provided 2
in sections eleven A and thirty-six, shall annually not earlier than July 3
fifteenth nor later than August fifteenth appoint as election officers 4
for each voting precinct, one warden, one deputy warden, one clerk, 5
one deputy clerk, four inspectors and four deputy inspectors, who 6
shall, at the time of their appointment, be enrolled voters of the city. 7

The persons so appointed shall be enrolled voters of the city. He may, in like manner, appoint two inspectors and two deputy inspectors in addition, and such additional inspectors as he may deem necessary, not less than two nor more than four for each three hundred voters, to count and tabulate the votes or to serve at any election. Every such appointment shall be filed in the office of the city clerk of such city within forty-eight hours after it is made, and shall be acted on by the aldermen not less than three days after the filing of such appointment and on or before September first following. After said September first, the mayor, with the approval of the aldermen, may, from time to time, appoint temporary additional inspectors to count and tabulate the votes. Records of appointments made under authority of this section shall be open to public inspection.

54:11A. Deputies.

Section 11A. In any city subject to section eleven, the aldermen of which accept this section or have accepted corresponding provisions of earlier laws, no deputy warden, deputy clerk or deputy inspector provided for by said section shall be appointed.

54:11B. Filing for appointment in cities; procedure; eligibility; examinations, etc.

Section 11B. The chairman of the city committee of each political party entitled to representation in the appointment of election officers may, not later than June first in each year, file with the registrars lists of enrolled members of such party who desire appointment as election officers as submitted to him by the several ward committees. The registrars shall, not later than April fifteenth of each year, make written notification to the chairman of record of the city committee of each political party and the chairman of record of the ward committee of each political party that said list must be submitted no later than June first of the same year. Upon the filing of such lists the registrars shall forthwith proceed to the consideration thereof and shall, on or before June thirtieth, submit to the mayor or other appointing authority the names of persons whose names appear on the lists, who in their opinion are qualified to act as election officers. The lists submitted by the several ward committees shall contain not more than eight names for each office to be filled. Supplemental lists for any election district as submitted by the several ward committees therein may be filed by the said chairman at any time before the appointments for such district are made, for the purpose of filling vacancies which may occur in the original lists. No person shall be appointed as an election officer until he is found qualified to act as such as herein provided. Appointments shall be made from the original list before any names are taken from any supplemental list.

If, upon the expiration of fifteen days after notice given in writing prior to June fifteenth, in any year by the mayor or other appointing authority to the chairman of any political committee by whom lists are to be filed hereunder, and to the chairman of the state committee of such political party, neither the state nor city chairman shall have filed original or supplemental lists, the mayor or other appointing authority may appoint as election officers registered voters of the city recommended by the city clerk or election commission, who, in the opinion of the mayor or other appointing authority, are qualified to act as such.

The registrars may, if they deem it necessary, conduct examinations of persons whose names appear on the lists filed hereunder. Five days' notice shall be given of any such examination. The chairman of each city committee may appear and be heard either in person or by counsel, during the conduct of such examinations.

54:12. Election officers in towns.

Section 12. The selectmen of every town shall annually, not earlier than July fifteenth nor later than August fifteenth, appoint as election officers for each voting place or precinct, except as provided in section twenty-four, one warden, one deputy warden, one clerk, one deputy clerk, two inspectors and two deputy inspectors, who shall be enrolled voters of the town. They may, in like manner, appoint two inspectors and two deputy inspectors in addition, and such number of tellers as may be necessary to count the ballots cast. Said tellers shall be appointed for the counting of said ballots at the close of the polls. In the event that the selectmen fail to appoint such election officers on or before August fifteenth, the board of registrars of voters shall forthwith appoint said officers.

The chairman of the town committee of each political party may, not later than June first in each year, file with the registrars a list of enrolled members of such party who desire appointment as election officers. The selectmen shall, not later than April fifteenth of each year, make written notification to the chairman of record of the town committee of each political party that said list must be submitted no later than June first of the same year. Upon the filing of such lists the registrars shall forthwith proceed to the consideration thereof, and shall, on or before June thirtieth submit to the selectmen the names of persons whose names appear on the lists who in their opinion are qualified to act as election officers. The lists submitted by town committees shall contain not more than eight names for each office to be filled. Supplemental lists may be filed with the selectmen and registrars by the said chairman at any time before the appointments are made, for the purpose of filling vacancies which may occur in the original lists. No person shall be appointed as an election

officer until he is found qualified to act as such as herein provided. 29
 Appointments shall be made from the original list before any names 30
 are taken from any supplemental list. All persons listed on the 31
 original list who have not been appointed as election officers shall be 32
 notified by certified mail of the appointment of a person listed on the 33
 supplemental list at least five days prior to such appointment. 34

If, upon the expiration of fifteen days after notice given in writing 35
 prior to June fifteenth in any year by the selectmen to the chairman 36
 of any political committee who has not filed original or supplemental 37
 lists, and to the chairman of the state committee of such political 38
 party, neither the state nor town chairman shall have filed such lists, 39
 the selectmen may appoint as election officers registered voters of the 40
 town and recommended by the town clerk, who in the opinion of the 41
 selectmen, are qualified to act as such. 42

The registrars may, if they deem it necessary, conduct examina- 43
 tions of persons whose names appear on the lists filed hereunder. 44
 Five days' notice shall be given of any such examination. The 45
 chairman of each town committee may appear and be heard either in 46
 person or by counsel, during the conduct of such examinations. 47

54:13. Party representation; term of office; removal.

Section 13. Such election officers shall be enrolled voters so ap- 1
 pointed as equally to represent the two leading political parties, 2
 except that, without disturbing the equal representation of such 3
 parties, not more than two of such election officers not representing 4
 either of them may be appointed. The warden shall be of a different 5
 political party from the clerk, and not more than one half of the 6
 inspectors shall be of the same political party. In each case the 7
 principal officer and his deputy shall be of the same political party. 8
 The preceding party representation requirements of this section apply 9
 only if the chairman of the city or town committee of each political 10
 party or the chairman of the state committee of such party files with 11
 the registrars lists of enrolled members of the party who desire 12
 appointment as election officers in accordance with the provisions of 13
 sections eleven B and twelve. Except as otherwise provided in sec- 14
 tions eleven and twelve, every election officer shall hold office for one 15
 year, beginning with September first succeeding his appointment, and 16
 until his successor is qualified, or until his removal; provided, that 17
 election officers appointed to count and tabulate votes shall serve at 18
 such primaries or elections and at such times as shall be designated 19
 by the appointing authority. An election officer may be removed by 20
 the mayor, with the approval of the aldermen, or by the selectmen, 21
 after a hearing, upon written charge of incompetence or official 22
 misconduct preferred by the city or town clerk, or by not less than six 23

voters of the ward, or, in a town, of the voting precinct where the officer is appointed to act. 24
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54:14. Vacancies; filling.

Section 14. If there is a vacancy in the number of election officers, 1
or if an election officer declines his appointment and gives notice 2
thereof to the city or town clerk within ten days following the date of 3
his appointment, the mayor or the selectmen shall, except as provided 4
in section sixteen, fill the vacancy; and, if the party representation 5
requirements of section thirteen apply, the appointment shall be so 6
made as to preserve the equal representation of the two leading 7
political parties. Appointments to fill vacancies shall not be subject to 8
confirmation by the aldermen, any provision of general or special law 9
to the contrary notwithstanding. 10

54:15. Eligibility of candidates.

Section 15. No person shall, at a state, city or town election, be 1
eligible or act as an election officer in a voting precinct where he is a 2
candidate for election; and if a person appointed an election officer 3
becomes such a candidate, and does not forthwith resign his office, 4
the mayor or selectmen, if he is a candidate at a state election, shall 5
remove him from office before November first, or, if a candidate at a 6
city election, the mayor shall so remove him at least eight days before 7
the day of the election, or if a candidate at a town election the 8
selectmen shall remove him before the election. Neither a town 9
moderator nor any member of a board of selectmen shall be eligible 10
or act as an election officer in a state or presidential primary, or state 11
election. 12

54:16. Deputies; duties.

Section 16. If a warden, clerk or inspector is absent at the opening 1
of the polls or subsequently on the day of election, or if the office is 2
vacant, the deputy of such officer shall act for that election in his 3
place. If the warden and deputy warden, clerk and deputy clerk, or 4
an inspector and his deputy, shall be absent, the voters of the precinct 5
on nomination and by hand vote shall fill the vacancy, and the officer 6
so elected shall act during the remainder of the election; but other- 7
wise no deputy officer shall act in an official capacity or be admitted 8
to the space reserved for election officers while the polls are open or 9
during the counting of the votes. 10

In cities where no deputy warden or deputy clerk is appointed, if a 11
warden or clerk is absent at the opening of the polls or subsequently 12
on the day of election, or if the office is vacant, the senior inspector of 13
the same political party as such warden or clerk shall act as warden 14

or clerk for that election, and the voters of the precinct, on nomination 15
and by hand vote, shall fill the vacancy in the office of inspector. 16

54:16A. Vacancies; appointments by city or town clerks to fill.

Section 16A. In any city or town which accepts this section, if the 1
warden, clerk or inspector, or the deputy of any such officer, if any, is 2
not present at the opening of the polls, the city or town clerk may 3
appoint a person to fill such vacancy who shall be an enrolled voter of 4
the same political party as the absent officer, if any competent person 5
enrolled in such party is present and willing to serve. 6

54:17. Ballot clerks; duties.

Section 17. At state elections in cities and in towns, and in city 1
elections, the presiding election officer of each voting place or pre- 2
cinct shall detail two inspectors of different political parties to act as 3
ballot clerks, who shall have charge of the ballots and shall furnish 4
them to voters. 5

54:18, 19. Repealed, 1960, 431, Sec. 4.

54:20. Oath of office.

Section 20. Every election officer before entering upon the perfor- 1
mance of his official duties shall be sworn before the city or town 2
clerk, the presiding officer or clerk at the polls, or any officer 3
qualified to administer oaths, and a record thereof shall be made. 4

54:21. Repealed, 1960, 431, Sec. 4.

54:22. Compensation of election officers.

Section 22. Election officers shall receive such compensation as 1
the city council or the selectmen respectively may determine; but no 2
deputy officer shall receive compensation except for attendance at the 3
opening of the polls or for services in place of an absent officer. 4

54:23. Supervisors of elections; political party representation.

Section 23. Upon the written petition of ten qualified voters of a 1
ward or of a town, presented at least twenty-one days before a state 2
or city election therein, the governor may appoint, for such ward or 3
town for each voting precinct named in the petition, two voters of the 4
city or town, who shall not be signers of the petition or members of 5
any political committee or candidates for any office, to act as super- 6
visors at such election. One supervisor shall be appointed from each of 7
the two leading political parties. They shall be sworn by the city or 8
town clerk or by an officer qualified to administer oaths. The 9
supervisors shall attend the polling places for which they are appoint- 10

ed, may challenge persons offering to vote, and shall witness the
 conduct of the election and the counting of votes; but they shall not
 make any statement tending to reveal the state of the polls before the
 public declaration of the vote. They shall remain where the ballot
 boxes are kept after the polls are open and until the ballots are sealed
 for transmission to the officers entitled to receive them. Each
 supervisor may affix his signature, for the purpose of identification,
 to the copy of the record of votes cast, or attach thereto any
 statement touching the truth or fairness or conduct of the election.
 Supervisors shall receive such compensation as the city council or
 selectmen may determine.

Any supervisor appointed under this section violating any provision
 of this section, or any person who prevents any such supervisor from
 doing any of the acts authorized by this section, or hinders or molests
 him in doing any such acts, or aids or abets in preventing, hindering
 or molesting him in doing any of such acts, shall be punished by a fine
 of not more than five hundred dollars or by imprisonment for not
 more than six months.

VOTING PLACES.

54:24. Designation of polling places.

Section 24. The aldermen in cities, except where city charters
 provide otherwise, and the selectmen of towns divided into voting
 precincts, shall, twenty days at least before the biennial state or
 annual or biennial city election and ten days at least before any
 special election of a state or city officer therein, designate the polling
 place for each voting precinct and cause it to be suitably fitted up and
 prepared therefor. In a city or town which has provided voting
 booths such booths may be placed in the public ways of such city or
 town, provided said ways are left reasonably safe and convenient for
 public travel. It shall be in a public, orderly, and convenient portion
 of the precinct; provided, however that if the aldermen or selectmen
 determine that the public convenience would be better served, the
 aldermen may designate a polling place in an adjacent precinct of a
 city, and the selectmen may designate a polling place in another
 precinct of a town or may house all polling places in a single building
 within the town. In any city or town, if the polling places for two or
 more precincts are located in the same building and the total number
 of registered voters in any such two or more precincts does not
 exceed three thousand, only one set of election officers need be
 appointed for such precincts, but separate ballot boxes and voting
 lists for each precinct shall be used. If, in a town of five precincts or
 less, all of which are located in one building, the selectmen so vote,
 only one warden need be appointed to supervise all such precincts,
 and the number of inspectors shall be determined by the selectmen,

without disturbing the balance between the political parties. There shall, however, be one clerk appointed for each such precinct. Alcoholic beverages shall not be sold in any portion of a building which is designated as a polling place, during voting hours or while ballots are being counted therein. When the polling places have been designated in the city of Boston, the board of election commissioners of said city may post in such places as it may determine a printed description of the polling places designated and may give further notice thereof; and when the polling places have been designated in any other city or in any town, the aldermen of such city in at least five public places in each precinct thereof, and the selectmen of such town in at least three public places in each precinct thereof, shall forthwith post a printed description of the polling places designated and may give further notice thereof. When a polling place in a voting precinct is changed from one location to another, the board of election commissioners in the city of Boston, the aldermen in any other city or the selectmen in any town shall cause printed descriptions of such polling place to be posted in such public places in such precinct as they determine and shall give notice by mail to each residence of one or more registered voters therein.

54:25. Marking shelves and guard rails.

Section 25. The aldermen or selectmen shall cause each polling place in their respective cities and towns to be provided with a sufficient number of suitable marking shelves or compartments where voters may conveniently and secretly mark their ballots; and they shall cause a guard rail to be so placed that only persons inside thereof can approach within six feet of the ballot boxes or of the marking shelves or compartments, or of the voting machines if any are used. The ballot boxes, marking shelves or compartments and voting machines, if any are used, shall be in view of persons in the polling place outside the guard rail. The number of marking shelves or compartments shall be not less than one for every seventy-five voters at such polling place, and not less than five in any voting precinct of a city, and not less than three in any town or voting precinct thereof, except that, where voting machines are used, only one such marking shelf or compartment need be provided, which shall be for the use of challenged voters. Every marking shelf or compartment shall at all times be provided with proper supplies and conveniences for marking the ballots. Where voting machines are used, one voting machine shall be provided at each polling place for every four hundred voters, or the major part thereof, entitled to vote therein.

Where electronic voting systems are used, if the system requires the use of a special marking unit, such units shall be supplied to a

number of not less than one for every one hundred and twenty-five voters.	24 25
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54:25A. Display of national flag.

Section 25A. In any city or town which accepts this section by vote of its city council or selectmen, the national flag shall be displayed at each polling place during the hours when voting is taking place thereat.	1 2 3 4
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BALLOT BOXES, VOTING MACHINES, COUNTING APPARATUS AND BLANKS.

54:26. State ballot boxes; furnishing.

Section 26. The state secretary shall, at the expense of the commonwealth, provide every city and town for use at every precinct or division of a precinct therein under the provisions of section seven A with a state ballot box approved by the state secretary in accordance with section thirty-two.	1 2 3 4 5
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54:27. Blank forms and envelopes for returns; furnishing; tampering, etc., penalties.

Section 27. The state secretary shall provide every city and town with suitable blank forms and envelopes for all certificates, copies of records and returns required to be made at his office, with such printed directions thereon as he may deem necessary; and such other blank forms and suggestions and instructions, as will assist the election officers in the performance of their duties. The clerks of the courts of the several counties shall in like manner provide cities and towns with suitable blank forms and envelopes for all certificates, copies of records and returns required to be made to the county commissioners and boards of examiners.	1 2 3 4 5 6 7 8 9 10
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Whoever wilfully or maliciously injures, tampers with or destroys a ballot box or any of the blank forms or apparatus furnished to a city or town under this section or section twenty-six shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year.	11 12 13 14 15
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54:28. Care, custody and repair of ballot boxes, voting machines, etc.

Section 28. The clerk of each city or town shall provide therein a place for the safe keeping of the ballot boxes and counting apparatus furnished by the commonwealth, and of voting machines used in such city or town. He shall have the care and custody thereof, and see that they are kept in good order and repair. The custody, care and repair of all such voting machines, ballot boxes and apparatus shall be at the expense of the city or town, but shall be subject to the	1 2 3 4 5 6 7
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supervision and control of the state secretary, who may, at the expense of the commonwealth, subject to approval as provided in section thirty-two, cause necessary improvements to be made in any of such voting machines, ballot boxes or apparatus.

54:29. Replacement of defective ballot boxes, etc.

Section 29. If a state ballot box becomes defective or is lost or destroyed, the state secretary, upon application by the city or town clerk, shall provide another ballot box at the expense of such city or town.

54:30. Voting place or precinct seals; use and custody.

Section 30. The city or town clerk shall furnish to the clerk of each voting place or precinct a seal of suitable device with a designation thereon of such voting place or precinct; and such seal shall be used in sealing all envelopes or other containers required by law to be used at elections. The clerk of the voting place or precinct shall retain custody of the seal, and shall, at the end of his term of office, deliver it, with the records of the voting place or precinct and other official documents in his custody to the city or town clerk.

54:30A. Custodians of voting machines; duties; eligibility.

Section 30A. Notwithstanding any contrary provision of section thirteen, where voting machines are used the city or town clerk or election commissioners shall appoint in writing one or more custodians of voting machines, who shall assist him or them in the preparation and upkeep of voting machines, shall instruct the election officers in the use of said machines, and shall perform their duties under the supervision of the city or town clerk or election commissioners. If a voting machine requires adjustment during the course of an election, a custodian shall, if requested to do so by the warden, make such repairs or adjustments as may be required to return the voting machine to operating condition, and for this purpose may enter within the guard rail in any polling place, but he shall not make any such adjustments or repairs except in the presence of not less than two election officers of the precinct, who shall be designated by the warden so as to give equal representation to the two leading political parties. No person holding an appointment as an election officer under section eleven shall be appointed a custodian under this section. No person shall be appointed or act as a custodian in a voting precinct where he is a candidate for election, nor shall such person be permitted to perform any work in advance upon a voting machine to be used in such a precinct.

54:31. Sending ballot boxes, etc., to polls; installing voting machines; voters' authority certificates.

Section 31. Every city and town clerk shall send to the election officers at each polling place, before the opening of the polls on the day of an election or meeting at which the same are required to be used, the ballot box, blank forms and counting and other apparatus.

Where voting machines are used the city or town clerk on or before the day of election and before the hour fixed for the opening of the polls shall provide for the installation of the machines in the polling places. He shall send to the election officers before the polls are opened on election day blank forms and other necessary supplies, including voters' authority certificates, not less than one for each registered voter, in a form approved by the state secretary. Each voter's certificate shall be so prepared as to be capable of being inserted by the election officer after receiving it from the voter in a suitable container to be furnished by the board or officer responsible for the conduct of the election. The city or town clerk shall also forward to the election officers before the polls are opened an amount of official absent voting ballots to be used in the event all of the voting machines require repair or adjustment during the course of an election. All such ballots cast shall be marked "cast due to machine failure" in large type on the back of each ballot. Election officials at such voting place shall indicate on their official voting list those voters using said marked ballots.

54:32. Examination and approval of voting equipment.

Section 32. The state secretary shall examine all types of voting equipment including ballot boxes, counting apparatus, and voting machines and determine whether such equipment complies with the minimum requirements for such equipment imposed by law and whether the use of such equipment would further the efficient administration of elections.

Any person owning or interested in such equipment may submit it to the state secretary for examination. For the purpose of assistance in examining such new equipment, the secretary, subject to appropriation, may employ not more than three individuals who are experts in one or more of the fields of data processing, mechanical engineering and public administration.

Within thirty days after completing the examination and approval of any such equipment the state secretary shall make and file in his office his report on the equipment together with a written or printed description and drawings and photographs clearly identifying the equipment. As soon as practicable after such filing, the state secretary upon request shall send a copy of the report to any governing body within the state.

Any voting equipment that receives the approval of the state secretary may be used for conducting elections. Any voting equipment that does not receive such approval shall not be adopted for or used at any election. After such equipment has been approved by the state secretary, any change or improvement in the equipment that does not impair its accuracy, efficiency or capacity shall not render necessary a reexamination or reapproval of the equipment.

All voting equipment being used upon the effective date of this act shall within twelve months of said effective date be submitted to the state secretary for his approval. Within twenty-four months of the effective date of this act the secretary shall approve or disapprove of such equipment and promulgate uniform regulations for such equipment in accordance with section thirty-seven.

54:33. Requirements and use of voting machines, electronic voting systems, ballots, etc.

Section 33. Voting machines shall furnish convenient, simple and satisfactory means of voting at primaries and elections and of ascertaining and recording the true result thereof with facility and accuracy, special regard being given to the prevention and detection of double voting at primaries and elections and of voting for candidates of more than one political party at a primary; but no machine shall be approved which does not secure to the voter as much secrecy in voting as is afforded by the use of the official ballot. Ballot boxes shall have sufficient locks and keys or seal fastenings, and shall contain mechanical devices for receiving, registering and cancelling every ballot deposited therein; but no such box shall record any distinguishing number or mark upon a ballot. No machine, ballot box or counting apparatus, not approved in accordance with this and the preceding section, shall be used at any election, primary or caucus; nor shall any such machines, ballot boxes or counting apparatus be used except in accordance with the laws relating to primaries and elections.

On voting machines which provide adequate mechanical safeguards, the names of candidates and the questions to be submitted to the voters may be arranged in the same manner as on the official paper ballot. On all other voting machines to be used at state elections the names of the candidates for each office shall be arranged in a horizontal row or vertical column under or opposite to the titles of the offices, to be determined in accordance with the type of mechanical safeguard against over-voting used in the particular machine. At state primaries separate voting machines may be used for the listing of names of candidates of each of the political parties; provided, that the number of machines to be used for each such party in each polling place shall be determined by the city or town clerk or election

commissioners and notice of such determination shall be sent to the state secretary not later than one hundred and twenty days preceding the date of the primary. 30
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Electronic voting systems shall furnish convenient and simple means of voting at primaries, preliminary elections and elections, and of ascertaining and recording the results thereof with facility and accuracy, special regard being given to the prevention and detection of double voting, or of voting for candidates of more than one political party at a primary; but no system shall be approved which does not secure to the voter as much secrecy in voting as is afforded by the use of the official ballot. 33
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At primaries, separate marking units, where necessary, may be used for the marking of the ballots of each party, as determined by the city or town clerk. 41
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The arrangement of names and questions on voting machines and on ballots or ballot labels used in electronic voting systems shall be, in general, the same as on the official ballot, except as hereinbefore provided. 44
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54:33A. Additional requirements of voting machines.

Section 33A. Voting machines shall be provided with convenient spaces, which shall be specified and described on the cards of instructions, where the name of a person may be written in or a paster or sticker affixed by a voter who desires to vote for a person whose name does not appear on the voting machine. They shall be suitably lighted so that the voter will be able to easily read the titles of the offices, the names of the candidates and the questions submitted to the voters. The machines shall be equipped with proper devices or locks to prevent any operation of the machine before or after the voting, and with the following counters or indicators:— A “Public Counter”, which shall mean the counter or other device that registers each time the machine is operated during the election and shows the number of persons who have voted thereon, a “Protective Counter”, which shall mean the device or counter which registers the grand total of times that the machine has been operated, a “Candidate Counter”, which shall mean the counters on which are registered numerically the votes cast for candidates, a “Question Counter”, which shall mean the counters upon which are registered numerically the votes cast on questions submitted to the voters, and the “Vote Indicators”, which shall mean the pointers or other devices upon which are registered the votes for candidates or on questions submitted to voters. Voting machines which contain electronic components need not be equipped with a protective counter, and, instead of candidate and question counters, may be equipped with internal components which register votes electronically. All voting machines 1
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used in primary elections shall be so equipped that the election	26
officers can adjust the machines to prevent voters from voting for	27
candidates of any party in which they are not enrolled.	28

54:33B. Voting machines; regulations; mechanical failures.

Section 33B. During the period the polls are open for voting, the	1
exterior of the voting machine shall remain in plain view of the	2
election officers. If so requested, an election officer shall instruct	3
voters outside the guard rail in the manner of operating the machine.	4
When the name of a voter has been checked on the voting list, as	5
required by sections sixty-seven and seventy-six, and he is found to be	6
qualified to vote, he shall be given a voter's authority certificate and	7
admitted within the guard rail. Before entering a machine, the voter	8
shall hand his voter's authority certificate to the officer in charge of	9
the machine, who shall deposit it in the receptacle provided therefor	10
and shall then release the machine to permit the voter to close the	11
curtain and cast his ballot. Except as otherwise provided in section	12
seventy-nine, during the voting no officer shall be, nor permit any	13
other person to be, in any position to see or learn how any voter is	14
voting or has voted. The election officer attending the machine shall	15
from time to time inspect the face of the machine to see that neither	16
the ballot labels nor the voting indicators have been tampered with or	17
injured. During the election the doors of the counter compartment	18
shall not be unlocked or opened. If through mechanical failure a	19
machine ceases to function, it shall be inspected and put in working	20
order, if possible, by the custodian of voting machines, designated	21
under section thirty A, in the presence of two election officers of	22
different political parties, who shall make and sign a statement	23
setting forth the cause of the failure of the machine to properly	24
operate and such statement shall be filed with the election returns.	25
If the machine cannot be put in working order, it shall be placed out	26
of service for that election and a statement that the machine is out of	27
order shall be signed by the election officers and filed with the	28
election returns.	29

54:33C. Instructions to voter after entering voting machine booth; re-entry after voting.

Section 33C. If any voter, after he has enclosed himself in the	1
voting machine booth, or in a compartment which contains a marking	2
unit, wherever electronic voting systems are used, shall ask for	3
further instructions concerning the manner of operating the machine	4
or marking unit, two election officers of different political parties	5
shall give him such instructions. No officer or person instructing him	6
shall in any manner request or seek to persuade or induce any such	7
voter to vote for any candidate or candidates, or for or against any	8
question submitted to the voters. After giving such instructions, and	9

before such voter shall have registered his vote, the officers or persons instructing him shall retire, and such voter shall then register his vote as he may desire. No voter after registering his vote and emerging from the machine booth or the marking compartment shall be permitted to reenter it.

54:33D. Voting for persons not listed on ballot labels of machine.

Section 33D. Every vote cast for any person whose name does not appear on the ballot labels of the machine as a nominated candidate for office shall be written or affixed or enclosed on or in the appropriate place on the machine provided for that purpose, or it shall not be counted.

54:33E. Electronic voting systems; marking implements; stickers or pasters on ballots; inspection; instructions to voters; write in candidates.

Section 33E. If there is an approved electronic voting system in use, a voter may vote by punching holes in a data processing card, or by marking his ballot with special inks, or in a special manner, in conformity with the approved electronic voting system in use.

The city or town clerk shall provide special marking implements, styluses, fluorescent or opaque inks, in such quantity as to insure a sufficient supply throughout the election. The presiding officer shall periodically inspect each unit to ascertain that all things necessary are available to the voter. If special marking implements are used, pencils shall also be supplied for inserting the names of candidates which are not printed upon the ballot or ballot label. If the system used employs the paper ballot, every vote cast for any person whose name does not appear upon said ballot as a nominated candidate for the particular office shall be written or affixed by sticker or paster in the appropriate place provided on said ballot for the purpose or it shall not be counted. This section shall not be construed to limit in any way the right of the voter to write in his choice for any office in the appropriate space provided. Notwithstanding the provisions of section thirty-four of chapter fifty-three, on paper ballots to be used in any system which counts said ballots electronically, blank spaces shall be left at the end of the list of candidates for each different office equal to the number to be nominated or elected thereto.

At each precinct where special marking units are used, one or more such units, properly equipped for voting, shall be placed on public exhibition for the instruction of voters waiting to vote. These shall be placed outside the guard rail, and an election officer shall be detailed by the presiding officer to provide instructions for voters.

Before the opening of the polls the presiding officer, accompanied by a majority of the election officers, shall examine each such special

marking unit and determine whether it is properly equipped and 30
whether the ballot labels, if used, are properly in place. 31

If the system used requires the employment of a punch card or data 32
processing card, each voter shall be supplied with an envelope for 33
such card or an equivalent means for preserving the secrecy of the 34
ballot, approved by the state secretary under the provisions of section 35
thirty-two. If a voter wishes to vote for a candidate whose name is 36
not printed upon the official ballot for an office, he may write in the 37
name and address of the candidate of his choice or may affix a sticker 38
or paster containing such name and address inside said envelope or in 39
another approved place. After voting, the voter shall remove his card 40
from the marking unit, shall enclose it at once in any envelope 41
required, and shall insert the card, in any required envelope, in the 42
ballot box. So far as practical, the same proceedings shall be had in 43
each polling place as are required by sections seventy-six to eighty- 44
five A, inclusive. 45

**54:33F. Computers and counting units; central tabulation centers; prepara-
tion; testing.**

Section 33F. If the system employed makes use of a computer, or 1
similar counting unit for the tabulation of the vote cast either on 2
paper ballots or punched cards, the city or town clerk shall designate, 3
no later than one week prior to the date of the primary, preliminary 4
election or election, a central tabulation center, or may designate all 5
the polling places as tabulation centers, where such ballots or cards 6
shall be counted. There shall be at least one computer or counting 7
unit at each such tabulation center. If a central tabulation center is 8
designated, it may be located in any municipality within the common- 9
wealth; provided, however, that said tabulation center is no greater 10
distance than fifty miles from the municipality conducting said pri- 11
mary, preliminary election, or election. Said clerk shall also require 12
that a program for the counting of the votes, prepared by a suitably 13
skilled technician, be in readiness for use in said computer or counting 14
unit, no later than the fourth day prior to the primary, preliminary 15
election or election. Said clerk shall cause to be prepared a set of 16
ballots or punched cards, whichever is appropriate, so marked or 17
perforated as to adequately test the programmed computer or count- 18
ing unit, to demonstrate its rejection of cards or ballots which contain 19
more votes for any office than the voter is entitled to, and to test any 20
other contents of the program which in the opinion of the clerk may 21
have a bearing upon the accuracy of the count to be made by such 22
computer or counting unit. 23

**54:33G. Lease or purchase of marking units or tabulating units; bonds of
manufacturers or distributors.**

Section 33G. If any special marking units or special tabulating 1
units are leased or purchased by a city or town, the manufacturer or 2

distributor of such units shall give to the city or town clerk a bond, with sufficient sureties, to keep such units in working order for at least two calendar years from the date of lease or purchase. Said manufacturer or distributor shall also give to said clerk a bond, with sufficient sureties, conditioned to defend and indemnify the city or town leasing the units against any suit at law or in equity and for any expense, damage or inconvenience which they may incur or suffer by reason of any suit brought against them for infringement of patents or other rights arising from the lease or use of such units.

54:33H. Election officers for tabulation center; tabulation of votes.

Section 33H. For any tabulation center designated under section thirty-three F, the mayor or the board of selectmen shall appoint, in conformity with sections eleven to twenty-two, inclusive, the following election officers: a warden, a deputy warden, a clerk and deputy clerk and as many inspectors and deputy inspectors as the city or town clerk determines to be necessary.

Each city or town chairman of a political party may appoint in writing a qualified computer expert to monitor the electronic counting of ballots at such tabulating center. He shall be assigned by the presiding officer to a position within the center which will enable him to observe all operations.

The warden shall be the presiding officer at the tabulations center; provided, however, that the city or town clerk shall be the presiding officer at a central tabulation center, and shall assign to the election officers such duties as will insure the accurate and complete tabulation of the ballots, in accordance with such rules and regulations for the operation of such tabulation center as are promulgated by the office of the state secretary.

Each precinct shall be tabulated separately. The sheet showing the result, as printed by the computer or tabulating unit, shall be fastened to the precinct record for transmittal to the office of the city or town clerk, and the warden and clerk shall be responsible for said sheet and shall each sign it. Each precinct tabulation sheet shall show the total number of names checked on the voting lists, the total number of ballots cast, the names of all persons voted for, the number of votes for each person and the title of the office for which he was a candidate, the number of blank ballots for each office and the number of affirmative and negative votes in answer to any question submitted to the voters. The machine record shall be added to the precinct record sheet showing hand-counted ballot totals, and the precinct record sheet shall then be signed by the precinct warden and clerk. The presiding officer at the tabulation center, or such election officer as he shall designate, shall then publicly and in the presence of the other election officers, audibly and distinctly, an-

nounce the number of votes cast for each candidate for each office, 35
 and the number of affirmative and negative votes cast upon any 36
 question. Such announcement may be made for each precinct, as 37
 soon as the precinct record has been completed. 38

Any ballot or card which is rejected by the computer or counting 39
 unit, or which is mutilated so that it cannot be inserted in the 40
 computer or counting unit, shall be counted by hand by two inspectors 41
 of different political parties, and the result of the count of all such 42
 ballots shall be entered separately on the precinct record sheet, and 43
 added to the machine tabulated totals and the absentee ballot and 44
 other totals thereon. No such rejected or mutilated ballot shall be 45
 repunished for inserting into the computer or tabulating unit. 46

54:34. Use of voting machines by cities and towns.

Section 34. A city or town may, by vote of a majority of the city 1
 council or by vote of a majority of the board of selectmen, at a 2
 meeting held at least one hundred and twenty days before the 3
 primary, preliminary election or election at which voting machines are 4
 to be used, determine upon and purchase, lease, or lease with an 5
 option to purchase, one or more voting machines approved as provided 6
 in section thirty-two, and order the use thereof at primaries, prelimi- 7
 nary elections and elections of state, city or town officers in such city 8
 or town; and thereafter at all primaries and elections of state, city or 9
 town officers in that city or town, until otherwise ordered by the city 10
 council in a city and the selectmen in a town, said machines shall be 11
 used at primaries and preliminary elections and for voting for the 12
 officers to be elected at such elections and for taking the vote upon 13
 questions submitted to the voters. Notice of such determination to 14
 use voting machines, or to discontinue the use thereof, shall be sent to 15
 the state secretary by the city or town clerk within five days after 16
 such determination; provided, however, that no such discontinuance 17
 shall take place later than ninety days prior to a state or presidential 18
 primary or state election, nor later than thirty days prior to a city or 19
 town primary, preliminary election or election at which it is to become 20
 effective. 21

A city or town may, by vote of a majority of the city council or by 22
 vote of a majority of the board of selectmen, at a meeting held not 23
 later than one hundred and twenty days prior to a state or presiden- 24
 tial primary or state election, and not later than sixty days prior to a 25
 municipal primary, preliminary election or election at which an elec- 26
 tronic voting system is first to be used, determine upon the use of, 27
 and may lease, purchase, or lease with an option to purchase, the 28
 marking units or automatic tabulating equipment necessary to any 29
 electronic voting system approved for use in the commonwealth in 30
 accordance with section thirty-two. Thereafter, at all primaries, 31

preliminary elections and elections held in said city or town, until 32
 otherwise ordered by vote of the city council in a city or of the 33
 selectmen in a town, said electronic voting system shall be used in 34
 those polling places designated by the city council or board of select- 35
 men. 36

Notice of determination to use an approved electronic voting sys- 37
 tem, or to discontinue its use, shall be sent to the state secretary by 38
 the city or town clerk within five days after such determination; 39
 provided, however, that no such discontinuance shall take place later 40
 than ninety days prior to a state or presidential primary or state 41
 election, nor later than thirty days prior to a city or town primary, 42
 preliminary election or election at which it is to become effective; and, 43
 provided further, that no such discontinuance shall prevent the state 44
 secretary from selecting appropriate voting machines and vote tally 45
 systems pursuant to section thirty-two. 46

**54:35. Public exhibition of voting machines and instruction to voters; deliv-
 ery to polls; examination by candidates; etc.**

Section 35. The body, board or official charged with the conduct of 1
 elections shall cause to be done all things necessary to properly carry 2
 on primaries and elections where voting machines are used. Before 3
 every primary and election they shall cause to be placed on public 4
 exhibition one or more machines for the instruction of voters. Such 5
 machines shall be equipped with ballot labels as nearly as practicable 6
 like those to be used on the machine at the primary or election, as to 7
 titles of offices, names of candidates and forms of questions. On the 8
 day of the election they shall provide at each polling place a mechani- 9
 cal model of the voting machine, which shall be placed outside the 10
 guard rail and shall be suitable for the instruction of the voters and 11
 illustrating the manner of voting. Before the opening of the polls 12
 they shall cause each machine to be prepared for use and delivered at 13
 the polling place. On the day of the election the keys to each voting 14
 machine shall be delivered by the city or town clerk to the election 15
 officers a reasonable time before the opening of the polls in a 16
 separate sealed envelope on which shall be written the number and 17
 location of the election precinct or polling place, the number of the 18
 voting machine, the number of the seal with which it is sealed and the 19
 number registered on the protective counter as reported by the city or 20
 town clerk. No such envelope shall be opened until at least one of the 21
 election officers from each of two political parties are present at the 22
 polling place and have examined the envelope to see that it has not 23
 been opened. Before opening such an envelope, all election officers 24
 present shall examine the seal on the machine to see that it is intact, 25
 and they shall compare the numbers on the envelope with the num- 26
 bers registered on the protective counter and on the seal on the 27
 machine to see whether or not they agree. If they do not agree, the 28

machine shall not be opened until the city or town clerk shall have 29
 been notified and personally or by the custodian designated under 30
 section thirty A shall have examined such machine and certified that 31
 it is properly prepared and arranged for the election. If the numbers 32
 agree, the election officers shall open the doors of the counter 33
 compartment of the machine. All the election officers present shall 34
 examine the county compartment of every machine to see whether or 35
 not it registers zero. A candidate for public office whose name 36
 appears on said machine or his representative duly authorized in 37
 writing shall likewise be permitted to examine and check the figures 38
 on the back of a voting machine before the polls open to determine 39
 that its figures are properly registered. In cities and towns which 40
 use printer type voting machines approved pursuant to section thirty- 41
 two, such examination by a candidate whose name appears on said 42
 machine or his representative, duly authorized in writing, shall be 43
 conducted by means of the printer sheets to determine the figures on 44
 each machine are properly registered. Polling places shall be open 45
 one half hour before voting begins for the purpose of permitting such 46
 candidates to examine said machines. After such examination the 47
 doors of each counter compartment shall be closed and locked and not 48
 again opened until the polls are closed. If any counter shall be found 49
 not to be set at zero, the number and letter of such counter, together 50
 with the number registered thereon, shall be stated in a writing 51
 signed by the election officers and posted on the wall of the polling 52
 place, and a duplicate of such writing shall be filed with the election 53
 returns. At the close of the polls such number shall be subtracted 54
 from the number then found registered on the counter. Each ma- 55
 chine shall remain locked and sealed against voting until the time set 56
 for opening the polls. It shall be then unlocked for voting and the 57
 seal removed. 58

54:35A. Challenged or absent voting ballots where voting machines used; questions submitted to voters.

Section 35A. At polling places where voting machines are used 1
 ballots cast by challenged voters, and absent voting ballots cast at 2
 elections where such voting is permitted by law, shall be deposited in 3
 ballot boxes provided in accordance with law. For such polling 4
 places, the state secretary or the city or town clerk, as the case may 5
 be, shall prepare for the use of voters voting in person whose right to 6
 vote is challenged official absent voting ballots, marked "Challenged 7
 Ballots" in large type on the back thereof, when folded. Any such 8
 official absent voting ballot so used shall be an official ballot, as such 9
 term is used in section thirty-five B. When the state secretary shall 10
 determine that it is not feasible to have a question or questions 11
 submitted to the people under Article XLVIII of the amendments to 12
 the constitution with the required description or descriptions thereof 13

appear on the voting machine, he shall prepare separate ballots 14
 containing such question or questions and provide such ballots for 15
 each such polling place, in accordance with section forty-five, to be 16
 used by the voters casting their votes by the use of the voting 17
 machine, and one such ballot shall be furnished to each voter as he 18
 prepares to cast his vote by the use of such a machine. Such ballot 19
 shall be deposited by the voter in the ballot box provided in accor- 20
 dance with law. 21

54:35B. Casting challenged votes where voting machines used; counting votes.

Section 35B. If the right of a person offering to vote by the use of 1
 such machine is challenged, said person shall not be permitted to cast 2
 his vote by the use thereof, but shall be supplied by the presiding 3
 officer at the polling place with an official ballot prepared under 4
 section thirty-five A, which shall be received, subject to section eighty- 5
 five. Upon the deposit of such ballot in the ballot box, the election 6
 officers having charge of the voting lists shall cause to be placed 7
 thereon, opposite the name of the person casting such ballot, the 8
 letters in capitals "C. V." 9

After the closing of the polls, where voting machines are used, the 10
 warden, or an election officer, in the presence of an election officer of 11
 a different political party, and subject to verification by any or all 12
 election officers present, shall, in the order of the offices as arranged 13
 on the voting machine, read and announce in distinct tones the result 14
 as shown by the counters. He shall, in the same manner, read and 15
 announce the vote on each constitutional amendment or other ques- 16
 tion as shown by the same machine. Such results and votes may be 17
 read by means of a printer mechanism, if the voting machine is so 18
 equipped, and such results may be accumulated through the use of 19
 memory cartridges which are read directly or indirectly to a central 20
 computer. As each vote is read and announced, it shall be recorded 21
 on the total sheets, and, when completed, the record thereof shall be 22
 compared with the numbers on the counters of the machine. The 23
 votes written in, or voted by pasters or stickers, for persons not 24
 named on the ballot labels of the machine shall then be announced 25
 and recorded. The result shall, in like manner, be read, compared and 26
 announced, one at a time, from each machine in the polling place until 27
 all the votes on the counters have been read, compared and an- 28
 nounced, after which the total vote shall be tabulated and entered in 29
 the official returns. A candidate for public office whose name ap- 30
 pears on said machine, or his representative duly authorized in 31
 writing shall, within one hour after the official vote for said office has 32
 been announced, be permitted to examine and check the vote recorded 33
 on each voting machine. After the vote is tabulated, the election 34
 officers shall lock and seal each machine, and enclose and seal the 35

keys in an envelope on which shall be written the number, if any, and the location of the election precinct or polling place, the number of the machine, the number on the seal and the number registered on the counters. In tabulating the votes, total sheets shall be used upon which shall be set down the total number of votes cast for each candidate and the total number of yes and no votes cast on each question as recorded by the voting machines. The totals of ballots cast by challenged voters and of absent voter ballots shall be recorded separately or on separate total sheets and added to the total vote cast by the use of voting machines for each candidate and each question. The total sheets shall be sealed up in envelopes and transmitted to the city or town clerk with the ballots, keys, voting lists and records of the election officers.

All provisions of law relative to primaries and elections, so far as applicable to the use of voting machines and not inconsistent with this section or sections thirty-two, thirty-five A, thirty-seven or regulations promulgated thereunder, shall apply to all primaries and elections held at polling places where voting machines are used.

54:36. Number of election officers when voting machines used.

Section 36. In any election when voting machines are used in any polling place in any city or town, the number of election officers in such polling place may be less than six in the discretion of the board, body or official in which or in whom the authority to determine the number of election officers in such polling place is vested by law, subject to section thirteen.

54:37. Regulations governing approval of voting equipment, ballots, and voting procedures.

Section 37. The state secretary shall promulgate regulations governing the approval of voting equipment under section thirty-two.

The state secretary shall promulgate regulations governing the contents, form, character and kind of ballots, ballot labels, ballot cards, formats, records, papers and documents and other materials and supplies and procedures necessary in the use of any voting equipment approved in accordance with section thirty-two and in the process of counting and tabulating the ballots.

The state secretary shall prescribe by regulation approved methods of voting such as paper ballot voting, machine voting and electronic voting.

The state secretary shall prescribe rules and regulations to achieve and maintain the maximum degree of accuracy, impartiality and efficiency on the procedures of voting and of counting, tabulating and recording votes.

54:38. Repealed, 1977, 930, Sec. 8.

54:39. Seller's bonds; electronic voting system, voting machines or ballot boxes.

Section 39. When an electronic voting system, voting machines or ballot boxes are purchased by the commonwealth or by a city or town, the persons of whom the purchase is made shall give to the state secretary, city or town clerk or election commissioners, as the case may be, a bond with sufficient sureties to keep such system, machines or ballot boxes in working order for two years. Such persons shall also give a bond with sufficient sureties, conditioned to defend and indemnify the commonwealth or cities and towns purchasing, leasing or using the system, machines or ballot boxes against any legal action and for any expense, damage or inconvenience which they may incur or suffer by reason of any suit brought against them for infringement of patents or other rights, arising from the purchase, lease, or use of such system, machines or ballot boxes.

PREPARATION AND FORM OF BALLOTS.

54:40. Preparation and furnishing of ballots.

Section 40. All ballots for use in elections of state officers shall be prepared and furnished by the state secretary, and all ballots for use in elections of city or town officers, by the city or town clerk. Ballots for use in an electronic voting system shall be in a form approved by the state secretary under sections thirty-two and thirty-seven.

54:41. Names; residences; political designations; incumbents.

Section 41. Ballots for the use of voters in a voting precinct, polling place or town shall contain the names of all candidates duly nominated for election therein, and, except as provided in section forty-three, they shall contain the name of no other person.

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

To the name of each candidate for a state or city office, except for city elections which are not preceded by primaries, shall be added in the same space his party or political designation. Failure to make a political designation shall result in the term "Unenrolled" being used. To the name of a candidate for a state or city office who is an elected

incumbent thereof there shall be added in the same space the words 18
 "Candidate for Reelection", except in the case of political party 19
 candidates for the offices of governor and lieutenant governor. A 20
 candidate for election to the same office in a precinct, ward or district 21
 which contains any portion of the territory which he was elected to 22
 represent at the last preceding municipal or state election for that 23
 office shall be considered an elected incumbent within the meaning of 24
 this section; provided, however, that a district alderman, councilor or 25
 school member seeking election as an at-large alderman, at-large 26
 councilor or at-large school committee member, shall not be consid- 27
 ered an incumbent. To the name of each candidate for a town office 28
 upon an official ballot shall be added the name of the street on which 29
 he resides, with his street number, if any and, except for town 30
 elections which are not preceded by primaries or political party 31
 caucuses, the political designation contained in the certificate of 32
 nomination or nomination papers. To the name of each candidate for 33
 a town office upon an official ballot who is an elected incumbent 34
 thereof shall be added the words "Candidate for Re-election". The 35
 town clerk shall add the words "Caucus Nominee" to the name of any 36
 candidate nominated for a town office by a caucus held under the 37
 provisions of sections one hundred and seventeen to one hundred and 38
 twenty, inclusive, of chapter fifty-three. 39

If a candidate shall receive the nomination of more than one party 40
 or more than one political designation for the same office, he may, by 41
 a writing delivered to the officer or board required by law to prepare 42
 the official ballot, direct in what order the several nominations or 43
 political designations shall be added to his name upon the official 44
 ballot, and such directions shall be followed by such officer or board. 45

For all elections following primaries, such direction shall be filed 46
 within the time required by section three of chapter fifty-three for 47
 acceptance of a write-in or sticker nomination; and for all other 48
 elections, within seventy-two hours next succeeding the last time for 49
 filing nomination papers or certificates of nomination. 50

If, during said time, said candidate shall neglect to so direct, said 51
 officer or board shall add said nominations or political designations to 52
 the name of said candidate upon the official ballot in such order as 53
 said officer or board shall determine. The name of any person shall 54
 not be printed on the official ballot or on ballot labels more than once 55
 as a candidate for the same office nor more than once for any office 56
 wherein a full term and a partial term running concurrently are to be 57
 filled. 58

**54:41A. Governor and lieutenant governor candidates; grouping party nomi-
 nees; order.**

Section 41A. The surnames of candidates for the offices of gover- 1
 nor and lieutenant governor shall be placed upon the official ballot for, 2

use at state elections in groups, according to their political party or designation; except, in the case where two candidates have the same surname, then christian names and addresses as they appear on the voting list for each candidate, shall be placed on the ballot. On the right of each such group shall appear a square in which the voter may designate by a cross (X) his choice. The placing of such a cross in the square shall constitute a vote for the candidate for governor and a vote for the candidate for lieutenant governor so designated. The order of the various groups on the ballot shall be determined as follows:— The group in which appears the name of a candidate for governor who is an elected incumbent shall be placed first, except as provided in section thirty-three. Next in order shall appear the groups of candidates of political parties, arranged alphabetically in accordance with the surnames of the candidates for governor, and all other groups of candidates for such offices shall follow, in like order.

54:42. Arrangement of names; blank spaces; name of city or town, etc.

Section 42. Except as provided in section forty-one A, under the designation of the office, the names of the candidates for re-election to any office to be filled at a state election of which they are the elected incumbents shall be placed first on the ballot in alphabetical order according to their surnames; next and in like order the names of candidates of political parties, as defined in chapter fifty, and the names of all other candidates shall follow in like order.

Under the designation of the office, the names of candidates for each municipal elective office shall, except as city charters otherwise provide, be arranged alphabetically according to their surnames, except that names of candidates for re-election to any such office 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 on the ballot in alphabetical order according to their surnames, next and in like order the names of candidates of political parties as defined in chapter fifty, and the names of all other candidates shall follow in like order. A candidate for election 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; provided, however, that a district alderman, councilor or school committee member seeking election as an at-large alderman, at-large councilor or at-large school committee member shall not be considered an incumbent. The names of candidates for different terms of service in the same office shall be arranged in groups according to the length of their respective terms, and the names of candidates nominated by single wards but to be voted for at large,

shall be arranged in groups by wards in like order. In the case of representatives in congress, the designation may be "congressman". Blank spaces shall be left at the end of the list of candidates for each different office equal to the number to be elected thereto, in which the voter may insert the name and address of any person not printed on the ballot for whom he desires to vote for such office; provided, however, that a mistake in stating the address of such person shall not invalidate a vote if the address stated is sufficient to indicate the person for whom the vote was intended. If the approval of any question is submitted to the voters, it shall be printed on the ballot after the names of the candidates.

The names and addresses of the candidates for regional district school committees elected district-wide at state elections who are elected incumbents shall be placed first on the ballot in alphabetical order according to their surnames; and the names and addresses of all other such candidates shall follow in like order. No political or other designation shall appear on the ballot. There shall be printed such directions as shall instruct the voter to vote for the appropriate number of candidates from each community. If the state secretary cannot accommodate all the names on the ballot in a particular community, he may in his discretion print a separate paper ballot for candidates for regional district school committees.

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

54:42A. Question submitted to voters; designation.

Section 42A. The state secretary and the city or town clerks shall cause each question appearing upon ballots prepared by them to be designated as follows:— Questions submitted to the people under Article XLVIII of the Amendments to the constitution of the commonwealth shall appear first in order upon the ballot, numbered consecutively and the first such question so appearing shall be designated by the numeral 1; additional questions shall follow numbered so that all questions appearing upon such ballot shall be numbered consecutively. The questions required to be placed upon the official ballot at a biennial state election by section eleven of chapter one hundred and thirty-eight shall be numbered as a single question having three parts, and the questions required to be placed upon the official ballot at such an election by section fourteen of chapter one hundred and twenty-eight A shall be numbered as a single question having two parts.

54:42B. Public policy questions; requisite notice.

Section 42B. When a question to be submitted to the voters is one of public policy, it shall be stated upon the ballot of every voter thereon: "This question is not binding."

54:42C. Final written notice of questions received after sixtieth day before election; printing on ballot prohibited.

Section 42C. Notwithstanding the provisions of any general or special law to the contrary establishing a later time, the state secretary shall not print on the biennial state election ballot any question to the voters for which he receives final written notice after the sixtieth day before said election.

54:43. Presidential electors; arrangement of names, etc.

Section 43. The names of the candidates for presidential electors shall not be printed on the ballot, but in lieu thereof the surnames of the candidates of each party for president and vice president shall be printed thereon in one line under the designation "Electors of president and vice president" and arranged in the alphabetical order of the surnames of the candidates for president, with the political designation of the party placed at the right of and in the same line with the surnames. A sufficient square in which each voter may designate by a cross (X) his choice for electors shall be left at the right of each political designation.

54:43A. State elections and primaries; officers to be elected; manner and order of appearance on ballots.

Section 43A. At state elections and primaries at which any of the following offices are to be voted for, such offices shall appear on

ballots and on ballot labels on voting machines in the following order 3
 consecutively:— Presidential elector, senator in congress, governor 4
 and lieutenant governor, as a group at a state election, attorney 5
 general, secretary of state, treasurer and receiver general, auditor, 6
 congressman, councillor, senator and representative in the general 7
 court; all other offices to be voted for shall immediately follow said 8
 offices consecutively, in such order as the secretary of state may 9
 determine; and on ballots, and on ballot labels on voting machines on 10
 which the names of the candidates of each political party are arranged 11
 in a vertical row, questions to the voters shall follow all of said 12
 offices, in such order as the secretary of state may determine. 13

On ballot labels on voting machines used at state elections and 14
 primaries there shall be a space separating the names of the candi- 15
 dates for the office of senator in congress from the names of the 16
 candidates for the office of governor, which space shall be not less 17
 than one inch in width horizontally when the names of the candidates 18
 of each political party are arranged in a horizontal row or one inch in 19
 depth vertically when the names of the candidates of each political 20
 party are arranged in a vertical row. 21

On ballots at state elections at which the office of presidential 22
 elector is to be voted for, said office shall appear on the ballot in the 23
 first column at the left side thereof and the office of senator in 24
 congress, if any is to be voted for, shall appear in the same column 25
 beneath said office of presidential elector; on ballots at state election 26
 and primaries at which the office of presidential elector is not to be 27
 voted for, the office of senator in congress, if any is to be voted for, 28
 shall appear in the first column at the left side thereof, the groups of 29
 candidates for the offices of governor and lieutenant governor shall 30
 follow. If neither of the offices of presidential elector or senator in 31
 congress is to be voted for, the groups of candidates for the offices of 32
 governor and lieutenant governor shall appear on the ballot at the top 33
 of the first column at the left of the ballot. 34

54:44. Official ballots.

Section 44. The official ballots shall, except as otherwise provided 1
 in this chapter, be of ordinary white printing paper, of two or more 2
 pages, and shall, before distribution, be so folded as to measure not 3
 less than four and one half nor more than five inches in width and not 4
 less than six nor more than thirteen and one half inches in length. 5
 The names of all candidates shall be printed in black ink in lines at a 6
 right angle with the length of the ballot. The names of all candidates 7
 shall be in capital letters not less than one eighth nor more than one 8
 quarter of an inch in height, except that surnames and political 9
 designations of the candidates for president and vice president and 10

the names of the candidates for the office of senator in congress shall 11
be in capital letters not less than three sixteenths of an inch in height. 12

54:45. Number of ballots provided; ballot labels for voting machines.

Section 45. One set of ballots, not less than one for each regis- 1
tered voter, shall be provided for each polling place at which an 2
election for state, city or town officers is to be held. The state 3
secretary or the city or town clerk, as the case may be, may provide a 4
duplicate set of ballots for any polling place when he deems it 5
necessary. 6

Where voting machines or electronic voting systems are used, the 7
state secretary or the city or town clerk, as the case may be, shall 8
provide sets of ballot labels equal to at least one and one half sets for 9
each such machine or marking unit, provided that at least two sets 10
are provided for each precinct. Official ballots shall also be furnished 11
where voting machines are used, in accordance with section thirty-five 12
A. 13

54:46. Packaging ballots; record.

Section 46. Ballots, in convenient numbers, shall be arranged in 1
packages. A record of the number of ballots printed and delivered to 2
each polling place shall be kept by the state secretary, or the city or 3
town clerk, for one year. 4

54:47. Vacancies; printing ballots.

Section 47. If a vacancy occurs or is declared in the list of 1
nominations, by reason of death or ineligibility, the name of the 2
candidate nominated to fill such vacancy shall, if the ballots have not 3
been printed, be placed on them or, if the ballots shall have been 4
printed, ballots containing the new nomination shall, when practicable, 5
be substituted. 6

INFORMATION TO VOTERS.

54:48. Cards of instruction; specimen ballots; copies of information for voters material.

Section 48. The state secretary in state elections, city clerks in city 1
elections, and town clerks in town elections at which official ballots 2
are used, shall, for every such election, prepare and cause to be 3
printed in large clear type cards containing full instructions to voters 4
for obtaining ballots, marking them, obtaining assistance and new 5
ballots in place of those accidentally spoiled; and on separate cards 6
such abstracts of the laws imposing penalties upon voters as they 7
shall deem proper. They shall also provide for each polling place ten 8
or more specimen ballots which shall be facsimiles of the ballots 9

provided for voting, but printed without the endorsements and on 10
 colored paper. For each polling place where voting machines are 11
 used they shall also provide ten voting machine sample ballots which 12
 shall be facsimiles of the face of the voting machine as it will appear 13
 when set up for use. For each polling place where an electronic 14
 voting system is used they shall also provide ten marking unit sample 15
 ballots which shall be facsimiles of the booklet, page or ballot display 16
 contained in the marking units, printed on one sheet, in a manner 17
 suitable for posting. For state elections the state secretary shall 18
 supply to each polling place at least one for every one hundred voters 19
 thereof copies of the information for voters material provided for in 20
 section fifty-four. 21

54:49. Lists of candidates; copies of proposed constitutional amendments or laws.

Section 49. The state secretary, at least five days before state 1
 elections, shall transmit to the city or town clerk printed lists of the 2
 names, residences and designations of candidates to be voted for at 3
 each polling place, substantially in the form of the official ballot, and 4
 also printed copies of any proposed amendment to the constitution, 5
 law, or proposed law, to be submitted to the people. Upon the receipt 6
 thereof the city or town clerk shall conspicuously post in not less than 7
 three public places in each ward of a city, or in each town, or in towns 8
 divided into voting precincts in each precinct, the lists and copies 9
 aforesaid for such ward, town or precinct. 10

54:50. City elections; posting names of candidates.

Section 50. At least four days before a city election, city clerks 1
 shall cause to be posted in every voting precinct the names, residences 2
 and designations of all candidates duly nominated to be voted for in 3
 their respective cities, substantially in the form of the official ballot. 4

54:51. Town elections; posting names of candidates.

Section 51. In towns using official ballots the town clerk, at least 1
 four days before an election therein, shall cause to be posted in one or 2
 more public places the names, residences and designations of all 3
 candidates duly nominated to be voted for in the town, substantially 4
 in the form of the official ballot. 5

54:52. Lists of candidates; questions submitted to voters; availability for publication; state and city elections.

Section 52. Before every state election, the state secretary shall 1
 make available a list of all candidates to be voted for. He shall also 2
 print with said lists the form of any question to be submitted to the 3
 voters. Such lists shall be public records and one copy shall be sent 4

to every newspaper in the commonwealth listed in the Directory of
 New England Newspapers and Periodicals, to be used at the discre-
 tion of said newspapers. Before every city election, city clerks shall
 make available a list of all candidates to be voted for in their
 respective cities, and the form of any question to be submitted to the
 voters at such election. Such lists shall be public records and one
 copy shall be sent to every newspaper listed in the Directory of New
 England Newspapers and Periodicals, located in such city, to be used
 at the discretion of said newspapers.

54:53. Mailing lists of voters; copies of measures, summaries and arguments to voters.

Section 53. The election commissioners in the city of Boston, at
 least twenty-four days, and the registrars of voters in every other city
 or town, at least ninety days, before the biennial state election, shall
 cause to be sent to the state secretary mailing lists of the voters
 whose names appear on the latest voting lists of their respective cities
 and towns, prepared as required by section fifty-five of chapter fifty-
 one and indicating, so far as practicable, those addresses that appear
 to be group residential quarters, with the number of registered voters
 residing at each such address, and shall promptly furnish him with
 subsequent additions to and corrections in such lists. The secretary
 shall cause to be printed and sent to all residential addresses and to
 each voter residing in group residential quarters, with copies of the
 measures to which they refer, summaries prepared by the attorney
 general, a one-sentence statement describing the effect of a yes or no
 vote prepared by the state secretary, and, as provided in section fifty-
 four, arguments for and against measures to be submitted to the
 people under Article XLVIII of the Amendments to the Constitution.

The secretary shall also cause to be printed and sent in like manner
 any question to be placed on the ballot at a biennial state election for
 the purpose of ascertaining the will of the people upon a particular
 subject provided that such question is received by the secretary on or
 before the first Wednesday of July preceding such election. Any
 such question shall be accompanied by a fair, concise summary
 prepared by the attorney general, a one-sentence statement describ-
 ing the effect of a yes or no vote prepared by the secretary, and
 arguments for and against said question as provided in section fifty-
 four. This section shall not apply to a question of public policy filed
 in accordance with section nineteen of chapter fifty-three.

54:54. Arguments on measures; preparation; submission, filing; printing; mailing.

Section 54. The state secretary shall cause to be printed and sent,
 in the manner provided in section fifty-three, arguments for and

against every measure to be submitted to the voters of the common- 3
wealth. No argument shall contain more than one hundred and fifty 4
words. The secretary shall seek such arguments from the principal 5
proponents and opponents of each initiative or referendum petition, 6
legislative amendment, legislative substitute or other measure to be 7
submitted to all the voters of the commonwealth and such arguments 8
may be filed on or before the tenth day following the date that any 9
such measure is finally received by the secretary for submission to 10
the voters or within such further time as he shall designate. For 11
purposes of this section, the principal proponents and opponents of a 12
measure shall be those persons determined by the secretary to be best 13
able to present the argument for and against the measure, respective- 14
ly, at the time the measure is finally received by the secretary for 15
submission to the voters, provided that the principal proponents of an 16
initiative or referendum petition shall be the first ten signers of such 17
petition, or a majority of them. In determining the principal propo- 18
nents and opponents of a measure, the state secretary shall contact 19
each nonelected political committee which is organized under the 20
provision of chapter fifty-five and which is on file with the director of 21
campaign and political finance to influence the outcome of such a 22
measure. If no argument is received by the secretary from the 23
principal proponents or opponents of a measure within the time 24
allowed by this section, the secretary shall prepare such argument. 25
All arguments filed with or prepared by the secretary under this 26
section shall be open to public inspection. 27

54:55—58. Repealed, 1991, 234, Sec. 11.

54:58A. General Laws submitted to municipal voters for acceptance; form of question; filing date.

Section 58A. Whenever any provision of the General Laws, sub- 1
mitted for acceptance to the voters of a city or town, is to be placed 2
on the ballot at any election, the city or town clerk shall place it on 3
the ballot in the following form:— 4

“Shall this (city or town) accept the provisions
of section (here insert section number) of chapter
(here insert chapter number) of the General Laws,
a fair and concise summary of which appears
below?”

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

(Set forth here a fair, concise summary and purpose of the law to 5
be acted upon, as determined by the city solicitor or town counsel, as 6
the case may be.) If a majority of the voters voting on said question 7
vote in the affirmative, then said provisions shall take effect in said 8
city or town, but not otherwise. 9

The provisions of this section relative to the form of submitting for acceptance to the voters of a city or town of any provision of the General Laws shall not apply to the submission for acceptance of any provision of the General Laws in which or in the act creating such provision there is set forth the form in which the question of the acceptance shall be submitted to the voters.

The final date for notifying, or filing a petition with, the city or town clerk or the state secretary to place such a question on the ballot shall be, if no final date is otherwise provided, thirty-five days before the city or town election or sixty days before the state election.

The provisions of this section, including the provision for a fair, concise summary determined by the city solicitor or town counsel, shall also apply whenever any special act is submitted for acceptance to the voters of a city or town, except to the extent that the special act expressly provides otherwise.

DELIVERY OF BALLOTS, ETC.

54:59. Packing and delivery of ballots to city or town clerks.

Section 59. Ballots for state elections shall be enclosed in a package by the state secretary, sealed and marked with the number of ballots of each kind therein, and specimen ballots, cards of instruction, cards containing abstracts of the laws imposing penalties upon voters, and copies of any measure to be submitted to the people shall be enclosed in another package, and the whole shall be further enclosed in a single package with marks on the outside indicating its contents and the polling place for which it is intended, and transmitted to city and town clerks, so as to be received at least twelve hours before the date of election. The clerks shall return receipts therefor to the secretary. He shall keep a record of the time when and the manner in which the several packages are transmitted, and shall preserve the receipts therefor for one year.

The clerk of each city and of each town using official ballots shall enclose the ballots, specimen ballots, cards of instruction and cards containing abstracts of the laws imposing penalties upon voters for city or town elections in the same manner.

54:60. Duties of city and town clerks; delivery to polls; receipts.

Section 60. The city or town clerk, on the day of every state or city election, before the opening of the polls, shall transmit to the election officers of each polling place therein, all things mentioned in the preceding section which have been provided for such polling place; and the presiding election officer at the polling place shall receipt therefor to the clerk, and such receipt, with a record of the number of ballots transmitted, shall be kept in the clerk's office for one year.

At town elections, the town clerk shall, on the day of the election, before the opening of the polls, deliver the ballots at the polling place to the ballot clerks, who shall receipt therefor, and their receipt shall be preserved in the office of the clerk for one year. If a moderator presides at such election, no such ballots shall be delivered to voters until he has been chosen. The town clerk shall also deliver the specimen ballots, cards of instruction and cards containing abstracts of the laws imposing penalties upon voters at the same time and place. No ballots or specimen ballots shall be delivered by city or town clerks except as provided herein and in section thirty-five A.

54:61. Failure to deliver; substitute ballots.

Section 61. If the ballots provided for any polling place are not delivered, or if after delivery they are destroyed or stolen, the city or town clerk shall cause similar ballots to be prepared; and upon receipt of such new ballots, accompanied by a statement by him on oath that they have been so prepared and transmitted by him, and that the original ballots have not been delivered or have been so destroyed or stolen, the ballots so substituted shall be used.

CALLING OF ELECTIONS.

54:62. Biennial state elections.

Section 62. The biennial state election for the choice of governor, lieutenant governor, councillors, state secretary, state treasurer, attorney general, state auditor and senators and representatives in the general court, shall be held on the Tuesday next after the first Monday in November in every even numbered year. There shall also be chosen at the biennial state election, when required by law, presidential electors, and senators in congress, and, in their respective districts or counties, representatives in congress, district attorneys, clerks of the courts, registers of probate, registers of deeds, county commissioners, sheriffs and county treasurers.

54:63. Calling city and town elections; notice.

Section 63. Elections of state officers and city officers shall be called by the aldermen, and the city clerk shall, under their direction, cause notice of such elections to be conspicuously posted in the office of the city clerk or on the principal official bulletin board of such city and any other public building they deem necessary. Before every city election, the clerk shall make available a list of all candidates. He shall also print with said list the form of any question to be submitted to the voters. Such lists shall be public records and one copy shall be sent to every newspaper in said city listed in the Directory of New England Newspapers and Periodicals, to be used at the discretion of said newspapers. Such notices shall be in lieu of the notices or

warrants for election required in any city by special statutes. Elec- 12
 tions of state officers and town officers shall be called in towns as 13
 provided in section ten of chapter thirty-nine. The biennial state and 14
 the annual or biennial city and town elections shall be called at least 15
 seven days before the day prescribed for the holding thereof. 16

54:64. Notices or warrants; requisites; time of opening and closing polls.

Section 64. Notices or warrants for state and city elections and for 1
 the election of town officers in towns where official ballots are used 2
 shall specify by name all the offices to be voted for, and state, in the 3
 form in which it will appear upon the ballot, any question submitted 4
 to the voters. They shall specify the time when the polls will be 5
 opened, and in cities and in towns when voting by precincts, when the 6
 polls will be closed, and in towns when not voting by precincts, when 7
 they may be closed. 8

The polls shall in no case be kept open after eight o'clock in the 9
 evening. At state elections the polls shall not be closed before eight 10
 o'clock in the evening. 11

In cities and towns at the election of state officers, the polls may be 12
 open as early as fifteen minutes before six o'clock in the forenoon, 13
 and shall be open not later than seven o'clock in the forenoon and 14
 shall be kept open at least thirteen hours. In cities at the election of 15
 city officers, the polls may be open as early as fifteen minutes before 16
 six o'clock in the forenoon, and shall be open not later than ten o'clock 17
 in the forenoon and shall be kept open at least ten hours. 18

In towns, at the election of town officers, the polls may be opened 19
 as early as fifteen minutes before six o'clock in the forenoon, and 20
 shall be opened as early as twelve o'clock, noon, and shall be kept 21
 open at least four hours, and until the time specified in the warrant 22
 when they may or will be closed; and in towns not voting by precincts 23
 they may be kept open for such longer time as the meeting shall 24
 direct. The selectmen in any town may provide that the hours during 25
 which the polls shall be open for the purpose of voting on a question 26
 to be submitted to the voters of said town shall be the same as the 27
 hours designated by said selectmen for the election of town officers. 28
 After an announcement has been made by the presiding officer of a 29
 time so fixed for closing the polls they shall not be closed at an earlier 30
 hour. 31

CONDUCT OF ELECTIONS.

54:65. Activities at polling place; regulations; penalties.

Section 65. At an election of state or city officers, and of town 1
 officers in towns where official ballots are used, the presiding election 2
 officer at each polling place shall, before the opening of the polls, post 3

at least three cards of instruction, three cards containing abstracts of the laws imposing penalties upon voters, and at least three specimen ballots within the polling place outside the guard rail, and have available at the check in area at state elections a number of copies of the information for voters material provided for in section fifty-four at least one for every one hundred voters; and no other poster, card, handbill, placard, picture or circular intended to influence the action of the voter shall be posted, exhibited, circulated or distributed in the polling place, in the building where the polling place is located, on the walls thereof, on the premises on which the building stands, or within one hundred and fifty feet of the building entrance door to such polling place. In polling places in which voting machines or approved electronic voting systems are used, the samples of the ballot posted shall be, substantially, replicas of the ballot labels, cards or ballots upon which the voters must vote in using the particular machine or system. Pastors, commonly called stickers, shall not be posted, circulated or distributed in the polling place, in the building where the polling place is located, on the walls thereof, on the premises on which the building stands, or within one hundred and fifty feet of the building entrance door to such polling place. Such pasters shall be subject to all the restrictions imposed by sections forty-one and forty-four as to names and residences of candidates and the size of the type in which the names shall be printed; but no political or other designation shall appear on such pasters, and no vote by paster shall be counted if such designation appears. The presiding election officer shall, at the opening of the polls, publicly open the packages containing the ballots and deliver them to the ballot clerks. All specimen ballots not posted shall be kept in the custody of the presiding officer until after the closing of the polls.

No rule, regulation or provision of law shall prohibit a person who is a member of a police or fire department of the commonwealth, or any political subdivision thereof, who is not on active duty, from distributing such material one hundred and fifty feet distant from a building entrance door to a polling place in an election where there appears on the ballot a referendum pertaining to, or affecting, the conditions of employment, including hours of labor and compensation, in the department of which said person is a member subject to the provisions of this section.

No person shall be allowed to collect signatures upon petitions, referendum petitions or nomination papers within one hundred and fifty feet from the building entrance door to a polling place.

Whoever posts, exhibits, circulates or distributes any poster, card, handbill, placard, picture or circular intended to influence the action of a voter, or any paster to be placed upon the official ballot, in

violation of any provision of this section, shall be punished by a fine 48
of not more than twenty dollars. 49

54:66. State ballot boxes; use and custody, etc.

Section 66. The state ballot boxes shall be used for receiving the 1
ballots in state and city elections, and in town elections where official 2
ballots are used. The election officers at each polling place shall, at 3
the opening of the polls and before any ballots are received, publicly 4
open the ballot box, and ascertain by personal examination, and 5
publicly show, that the same is empty, and shall immediately thereaf- 6
ter lock or fasten the box. The clerk of the precinct, polling place or 7
town shall make a record of the condition of the ballot box register 8
and, if a key is used, it shall be retained by the police officer or 9
constable at the polling place. The ballot box shall not, after it is 10
shown to be empty, be removed from public view until all ballots have 11
been removed therefrom and the box has been relocked or sealed. 12
The ballot box shall not be opened nor any ballot removed therefrom 13
until the polls are closed; but in order to make room for ballots, the 14
presiding officer may, in the presence of all the election officers, open 15
the box and pack and press down the ballots therein. 16

The presiding officer of each polling place shall have charge of the 17
ballot box and ballot box seal, and shall, at the close of each election, 18
return the same, either personally or by a police officer or constable 19
in attendance at the polling place, to the city or town clerk. 20

Except as hereinafter provided, if it becomes impossible to use the 21
state ballot box, the voting shall proceed in such manner as the 22
presiding officer shall direct, and in such case the clerk shall record 23
the reason why such ballot box is not used, and shall enclose an 24
attested copy of such record in the envelope with the ballots cast. 25
The provisions as to the use and custody of the state ballot box shall, 26
so far as applicable, apply to the ballot box substituted therefor. 27

If it becomes impossible for voting to proceed because the ballot 28
box is too full, the presiding officer, in the presence of a majority of 29
the other election officers, shall open the ballot box, remove the 30
ballots therefrom, without counting them, except that they may be 31
divided into convenient packages, and shall place them in a container 32
of fiber, wood, or metal. He shall then cause the container to be tied 33
up lengthwise and crosswise with heavy twine securely tied, and the 34
knot shall be sealed with stationer's sealing wax. Any election 35
officer who so desires may affix his private seal to the container in 36
such a way as to indicate later whether it has been opened. The 37
container, with the uncounted ballots, shall not be removed from the 38
polling place, but shall remain beside the ballot box, in full view of the 39
voters and the election officers, until the polls close, when the 40
container shall be opened in order to count the votes. 41

54:67. Voting lists; delivery and use; voting by persons not on voting list; prohibition.

Section 67. One voting list shall be delivered to the ballot clerks and another to the officer in charge of the ballot box; except that, where voting machines are used, one voting list shall be delivered to the officer at the entrance to the space within the guard rail. When a ballot is delivered to a voter, his name shall be checked on the first voting list and, except where voting machines are used, it shall be checked on the second when he deposits his ballot. Except where voting machines are used, the officer in charge of the ballot box and the officer in charge of the voting list shall be of different political parties. No person shall vote if his name is not on the voting list, nor until the election officer shall check his name thereon, unless he presents a certificate from the registrars of voters as provided by section fifty-one or section fifty-nine of chapter fifty-one.

54:67A. Additional state ballot boxes; use in towns.

Section 67A. If the selectmen so vote, more than one state ballot box may be used at any polling place in any town at state elections and at town elections if official ballots are used therein. If more than one ballot box is to be used at any polling place as aforesaid, the voting lists for use thereat shall each be divided by the selectmen into as many sections as there are ballot boxes. Upon written request of the selectmen of a town for one or more additional ballot boxes for use as herein provided, the state secretary shall provide the same at the expense of such town.

54:68. Statements made before public declaration of vote; penalties.

Section 68. No election officer shall, before the public declaration of the vote, make any statement of the number of ballots cast, the number of votes given for any person, the name of any person who has voted or whose name has not been checked, or of any other fact tending to show the state of the polls, except as expressly permitted by section one hundred and five and except that he shall when requested make a statement of the figures on the ballot box register, which statement shall not be considered an official declaration as to the state of the polls or of the number of ballots cast.

Any election officer who violates any provision of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months.

54:69. Persons permitted within guard rail.

Section 69. No persons except the election officers, supervisors, custodians of voting machines when acting in the course of their duties, the city or town clerks, and voters admitted for the purpose of

voting, shall, during the progress of an election and until the public declaration of the vote, be permitted within the guard rail, unless authorized by the election officers for the purpose of keeping order and enforcing the law. Children, in the company of a voter, may be admitted within the guardrail unless the election officer in charge deems that the admittance of such child would disrupt the maintenance of order.

54:70. Number of voters permitted within guard rail; voters in line at closing time.

Section 70. No more than four voters, besides election officers and supervisors, custodians of voting machines when acting in the course of their duties, and the city or town clerk, in excess of the number of marking compartments provided, shall be allowed at one time within the guard rail. Where voting machines are used, the number of voters allowed within the guard rail shall not be more than twice the number of voting machines provided. After the time fixed for closing the polls, no voters shall be admitted within the guard rail, except the election officers and supervisors, and except voters who are then in the polling place or in line at the door thereof. The presiding officer of the polling place shall provide or cause to be provided to each voter so outside the guard rail a card or slip bearing such voter's name, and the voter shall as soon as practicable present the same to one of the ballot clerks and shall then be permitted to vote if otherwise qualified. When the polls are closed, the presiding officer shall cause a police officer or other qualified person to be stationed at the end of the line of persons waiting to vote to see that no other persons vote than those who were in the polling place or in line at the door at the time fixed for closing the polls. After the last voter in line at the door has entered within the guard rail, the voters shall be allowed five minutes in which to cast their votes.

54:71. Presiding officers; powers and duties.

Section 71. The presiding officer at each polling place shall enforce the performance by election officers of their duties. During an election and the counting of the ballots after the close of the polls, he shall have authority to maintain order and to enforce obedience to his lawful commands, in and about the polling place and to keep the access thereto open and unobstructed, and he may require any police officer, constable or other person to communicate his orders and directions and assist in their enforcement.

54:71A. Supervision of election officers in cities and towns.

Section 71A. Election officers in cities and in towns shall perform their duties under the supervision of the city or town clerk.

54:72. Preservation of order by police.

Section 72. The board or officer in charge of the police force of
 each city and town shall detail a sufficient number of police officers
 or constables for each building that contains the polling place for one
 or more precincts at every election therein to preserve order and to
 protect the election officers and supervisors from any interference
 with their duties and to aid in enforcing the laws relating to elections.

54:73. Smoking or intoxicating liquors in polling places prohibited; penalties.

Section 73. Any person who, during an election or town meeting,
 shall, in a polling place or place of such meeting, smoke or have in his
 possession a lighted pipe, cigar or cigarette, or carry into any such
 place or keep therein any intoxicating liquor, shall be deemed guilty
 of disorderly conduct; and the presiding officer shall order him to
 remove such pipe, cigar, cigarette or liquor, or to withdraw from such
 place, and for disobedience of such order shall cause him to be
 removed from such polling place or meeting.

Whoever, when so ordered by the presiding officer of an election,
 caucus, primary or town meeting, refuses or fails to remove any pipe,
 cigar, cigarette or liquor, or to withdraw from the polling place, as
 provided by this section, shall be punished by a fine of not more than
 twenty dollars.

54:74. Detention of offenders; effect on right to vote.

Section 74. If a person at an election refuses to obey the lawful
 commands of the presiding officer or, by disorderly conduct inter-
 rupts or disturbs the proceedings of an election officer, the presiding
 officer may require any police officer, constable or other person to
 take him into custody and detain him until after the election; but the
 presiding officer may at any time order his release. Such order of
 detention shall not be so enforced as to prevent such person, if a voter
 at that polling place, from voting.

54:75. Report of violations; prosecutions.

Section 75. Every election officer shall forthwith report every
 violation of any provision of sections sixty-five to eighty-five and one
 hundred and four to one hundred and thirty-seven, both inclusive, to
 the police officer or constable in attendance at the polling place, and
 such police officer or constable shall cause the offender to be prose-
 cuted.

MANNER OF VOTING.

54:76. Voting; giving name, etc.; delivery of ballot.

Section 76. Each voter desiring to vote at a polling place shall give
 his name and, if requested, his residence to one of the officers at the

entrance to the space within the guard rail, who shall thereupon
distinctly announce the same. If such name is found on the voting
list, the election officer shall check and repeat the name and shall
admit the voter to the space enclosed by the guard rail and, in case
official ballots, other than those marked "Challenged Ballots" as
provided by section thirty-five A, are used, such voter shall be given
one ballot. The use of electronic means such as tape recording
equipment or radio broadcasting equipment for the recording or
broadcasting of the names of voters not yet checked as having voted
shall be prohibited.

54:76A. Repealed, 1975, 95.

54:76B. Failure to present voter identification; right to challenge vote.

Section 76B. Any person desiring to vote who fails to present
suitable written identification when so requested by an election offi-
cer, shall be permitted to vote; provided, however, that such person's
right to vote may be challenged under section eighty-five.

54:77. Marking ballots.

Section 77. The voter on receiving his ballot shall, without leaving
the enclosed space, retire alone to one of the marking compartments
and shall, except in the case of voting for presidential electors or
groups of candidates for governor and lieutenant governor, and
except as provided in section thirty-three E, prepare his ballot by
marking a cross (X) in the square at the right of the name of each
candidate for whom he intends to vote or by inserting the name and
residence of such candidate in the space provided therefor; and, upon
a question submitted to the vote of the people, by making a cross in
the square at the right of the answer which he intends to give.

54:77A. Repealed, 1972, 400, Sec. 8.

54:78. Voting for presidential electors, governor, and lieutenant governor; marking ballots.

Section 78. In order to vote for presidential electors, the voter
shall make a cross (X) in the square at the right of the party or
political designation appearing on the ballot at the right of the
surnames of the candidates for president and vice president, to vote
for whom such candidates for electors are nominated; and the making
of a cross as aforesaid shall be deemed and taken as a vote for such
candidates for presidential electors, except as provided in section
thirty-three E. A vote by sticker or write-in in the blank space at the
end of the list of names of presidential and vice presidential candi-
dates may be cast for those candidates whose names are contained in
lists filed with the state secretary under the provisions of section

seventy-eight A and shall be deemed to be a vote for each of the candidates for presidential elector whose names are contained in the appropriate list so filed; provided, however, that in such case the voter shall list only the surnames of the candidates for president and vice president. In order to vote for governor and lieutenant governor, the voter shall mark a cross (X) in the square at the right of the names of the group of candidates for said offices for whom he desires to vote, or by inserting the name and residence of any person for either office in the blank space provided therefor; provided, however, that no such inserted name may be that of a candidate whose name is printed upon the ballot as a candidate for the office.

54:78A. List of candidates for electors pledged to presidential candidates other than those on official ballot; written acceptances; filing; certification; form of write-in or sticker vote.

Section 78A. In any year in which presidential electors are to be elected, not later than the sixtieth day prior to the date of the election, there may be filed with the secretary of the commonwealth, in a form to be prescribed by him, a list of names and addresses of candidates for such electors, containing the names and addresses of a candidate for president and for vice president to whom such electors shall be pledged in writing. Said list shall contain the written acceptance of each candidate for presidential elector, who shall be a voter of the commonwealth, and the written acceptance of the presidential and vice presidential candidates, who shall be candidates other than those whose names are to be printed upon the official ballot. Said secretary shall certify to all city and town clerks and election commissioners the names of the candidates designated by any such list for the offices of president and vice president and the form of write-in or sticker vote for such candidate which will be deemed acceptable under the provisions of section seventy-eight.

54:79. Assistance in marking ballots.

Section 79. A voter who states to the presiding officer that from blindness or other physical disability or inability to read or to read in the English language he is unable to prepare his ballot or register his vote upon a voting machine shall be assisted in such marking or registering by any person whom he may designate.

54:80. Prohibited markings; use of red pencils or red ink.

Section 80. Except as authorized by this chapter, no voter, election officer or other person shall place on a ballot any mark by which it may be identified; nor shall any person place a mark against any name upon a ballot not cast by himself; nor shall any election officer engaged in counting ballots, except the election officer or officers

actually entering the count of ballots cast on tally sheets, hold in
 either hand during the counting of ballots a pen, pencil or other
 marking device. Election officers shall use only red pencils or red ink
 in recording or tabulating the vote in election precincts.

54:81. Spoiled ballots.

Section 81. If a voter spoils a ballot, he may obtain two others, one
 at a time, upon returning each spoiled one, and all ballots so returned
 shall immediately be marked by an election officer "Spoiled."

54:82. Folding ballots; leaving promptly.

Section 82. Before leaving the marking compartment the voter
 shall fold his ballot, without displaying the marks thereon, as it was
 folded when received by him, and shall keep it so folded until he has
 voted. A voter shall mark and deposit his ballot without undue delay,
 shall leave the space enclosed by the guard rail as soon as he has
 voted, and shall not remain within the guard rail more than ten
 minutes. No voter shall occupy a voting compartment more than five
 minutes, if all the marking compartments are in use and other voters
 are waiting to occupy the same, nor shall he occupy a marking
 compartment occupied by another, except as provided in section
 seventy-nine.

54:83. Depositing ballots, etc.

Section 83. Except where voting machines are used, a voter after
 marking his ballot shall give his name and, if requested, his residence,
 to one of the officers in charge of the ballot box who shall distinctly
 announce the same. If the name is found on the voting list by the
 election officer, he shall distinctly repeat the name and check it on the
 voting list; and the voter may then deposit his ballot in the ballot box
 with the official endorsement uppermost and in sight. No ballot
 without the official endorsement, except as provided in section sixty-
 one, shall be deposited in the ballot box.

54:84. Removal of ballots before polls closed.

Section 84. No person shall remove any ballot from the space
 enclosed by the guard rail before the polls are closed. No voter
 whose name has been checked on the voting list in charge of the
 ballot clerk, other than an election officer or supervisor, shall again
 enter such enclosed space during the election.

54:85. Proceedings when votes challenged.

Section 85. If in any state, city or town election at which official
 ballots are used the right of a person offering to vote is challenged

for any legal cause, the presiding officer shall administer to him the following oath: 3
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You do solemnly swear (or affirm) that you are the identical person whom you represent yourself to be, that you are registered in this precinct (or town) and that you have not voted at this election. 5
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He shall also be required to write his name and residence on the outside of the ballot offered, and the presiding officer shall add thereto the name of the person challenging, and the cause assigned therefor, whereupon such ballot shall be received; and no person shall make any statement or give any information in regard thereto, except as required by law. The clerk shall record the name and residence of every person who has been challenged and has voted. 8
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54:85A. Challengers.

Section 85A. The state committee of a political party may appoint a person to act as a challenger of voters at any polling place in the commonwealth at a state election, and a city or town committee of such a party, in a city or town in which municipal officers are nominated by primaries or by caucuses of political parties, may appoint a person to act as such challenger at any polling place in such city or town at a municipal election. Such challenger may challenge any voter during the hours that said polling place is open for the purpose of voting; and a statement signed by the chairman of the committee appointing him shall be sufficient evidence of his right so to act. He may be compensated for his services by the political party whose committee appointed him. He shall be assigned by the election officer presiding at the polling place to such position within the polling place as will enable him to see and hear each voter as he offers to vote. Nothing herein contained shall deprive any other person of the right to challenge a voter as provided by law. 1
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ABSENT VOTERS.

54:86. Absent or physically disabled voters.

Section 86. Any voter who during the hours that polling places are open on the day of a special state election or the biennial state election or of any special or regular state primary or of a presidential primary is absent from the city or town where he is a voter by reason of being a specially qualified voter as defined in section one hundred and three B of chapter fifty-four, or his employment in another community, attendance at any institution of higher education or for any other reason or who will be unable to by reason of physical disability to cast his vote in person at the polling place or who for reasons of religious belief will be unable to cast his vote in person on the day of an election and whose application for an official absent 1
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voting ballot has been filed with the city or town clerk as provided in section eighty-nine or eighty-nine A, and certified under section ninety-one, may vote in accordance with sections eighty-seven to one hundred and three, inclusive. A voter who will be unable by reason of permanent physical disability to cast his vote in person at the polling place may file once with the city or town clerk a certificate executed by a registered physician who is personally acquainted with the voter and aware of his permanent physical disability, stating that it is reasonably certain because of permanent physical disability that the voter will be unable to cast his vote in person at the polling place on the day of the election. The city or town clerk shall maintain a list of such permanently disabled voters and such voters shall not be required to file any such certification thereafter with their applications for an absent voting ballot. Not later than twenty-eight days before every primary, preliminary election or election, the city or town clerk shall send to each voter whose name appears on the permanently disabled voters' list an application for an absent voting ballot, which application said clerk shall complete so far as possible except for the voter's signature.

54:87. Preparation of absent voting ballots, applications, etc.

Section 87. Prior to each biennial state election the state secretary shall prepare in such quantities as he may deem necessary the following papers:

(a) Official absent voting ballots, similar in all respects to the official ballot to be used at such election, except that they shall be printed on paper differing in color from that used for official or specimen ballots.

(b) Blank forms of application for such ballots. Any form of written communication evidencing a desire that an absent voting ballot be sent to him for use for voting at any election where absent voting is permitted shall be given the same effect as an application for an absent voting ballot made in the form prescribed by the state secretary.

(c) Envelopes of sufficient size to contain the ballots specified in subsection (a) bearing on their reverse the affidavits of the voter and of the witness to his oath that they have complied with the requirements of section ninety-two.

(d) Envelopes of size sufficient to contain the envelope identified in subsection (c), addressed to the clerks of the several cities and towns within the commonwealth, upon which shall be printed blank spaces for the name, address and voting place of the sender, which shall be filled in by the city or town clerk prior to the mailing of such envelopes.

The state secretary shall furnish such explanatory matter and instructions as he may deem appropriate to carry into effect the purposes of sections eighty-six to one hundred and three, inclusive.

54:88. Distribution of absent voting ballots.

Section 88. The state secretary shall retain for his own use so many of the papers provided for in the preceding section as he may deem sufficient, and shall supply each city and town clerk in the commonwealth with as many of them as he may deem necessary.

54:89. Obtaining applications; delivery and mailing of ballots.

Section 89. The official absent voting ballot and other papers described in section eighty-seven shall be delivered as follows:—

(a) To a voter who is a patient or resident at a designated health care facility, the official absent voting ballot and all accompanying papers described in section eighty-seven shall be delivered in person as provided in subsection (c) of section ninety-two. “Designated health care facility” shall mean a health care facility as defined by section twenty-five B of chapter one hundred and eleven, within the city or town, which has been designated for the purpose of supervised absent voting in a writing filed with the city or town clerk, not later than twenty-eight days before any primary or election, by the city or town clerk or by any two registrars or election commissioners.

(b) To any other absent voter, the ballot and accompanying papers shall be mailed postage prepaid as provided in subsection (a) of said section ninety-two, or if the voter so requests, be delivered when called for at the office of the clerk as provided in subsection (b) of said section ninety-two. No ballot shall be mailed to a designated health care facility within the city or town where the voter is registered.

(c) To a voter who states under penalty of perjury that he has been admitted, after noon of the fifth day before the relevant election, to any health care facility, as defined by section twenty-five B of chapter one hundred and eleven, the ballot and accompanying papers shall, unless the clerk determines that there is clearly insufficient time, be delivered as provided in subsection (d) of said section ninety-two, provided that an application is received in the office of the registrars of voters no later than the close of the polls on the day of the election.

Except as provided in subsection (c), no application shall be deemed to be seasonably filed unless it is received in the office of the city or town clerk or the registrars of voters before noon on the day preceding the election for which such absent voting ballot is requested, but if the day preceding the election is a Sunday or legal holiday,

then before five o'clock post meridian on the last previous day on 34
 which the office is open. Any voter who has received the blank form 35
 of said application under this or the following section may file said 36
 application with the city or town clerk. The provisions of section 37
 eighty-one shall be applicable to absent voting ballots; provided, that 38
 no request for a substitute ballot from a voter who has received his 39
 ballot by mail shall be valid unless it is accompanied by the spoiled 40
 ballot and unless it is received in the office of the city or town clerk or 41
 the registrars of voters before noon on the day preceding the election 42
 for which such substitute absent voting ballot is requested. 43

No ballot shall be mailed or delivered as provided in this section 44
 until the voter has first filed his application and it has been certified 45
 by the registrars and returned to the clerk as provided in section 46
 ninety-one. Said application may request an absent voting ballot for 47
 each regular or special primary and regular or special election which 48
 occurs within the calendar year in which the application is received by 49
 the city or town clerk. 50

54:89A. Applications of specially qualified voters and persons attending institutions of higher education.

Section 89A. Application for an official absent voting ballot may 1
 be made in writing by a parent of a registered voter absent from the 2
 city or town, as set forth in section eighty-six by reason of being a 3
 specially qualified voter as defined in section one hundred and three 4
 B of chapter fifty-four, or by reason of his attendance at any 5
 institution of higher learning to the clerk of the city or town where 6
 said voter is registered. The applicant shall state his name, address 7
 and relationship to the person on whose behalf application is made as 8
 well as the name, current mailing address and legal domicile within 9
 the commonwealth of the person to receive the ballot. The applicant 10
 shall swear in writing to the truth of all statements made therein. 11
 Applications shall be processed in accordance with the provisions of 12
 section eighty-nine. 13

54:90. Repealed, 1946, 140, Sec. 14.

54:91. Applications; filing and certification; notation on voting lists; posting.

Section 91. When an application for an official absent voting ballot 1
 is received by the clerk of a city or town, it shall be transmitted by 2
 him to the registrars, who shall examine it and, if they believe the 3
 signature thereon to be genuine and the person executing the signa- 4
 ture to be a duly registered voter or the parent of a duly registered 5
 voter as set forth in sections eighty-six and eighty-nine A, shall 6
 execute the certificate thereon and return the application to said 7
 clerk. Notwithstanding the provisions of the first sentence, if an 8

application for an official absent voting ballot is received by the 9
 registrar, assistant registrar, or clerk of a city or town, from the 10
 voter who will be absent from said city or town on the date of the 11
 election and who requests to make application for an absent voting 12
 ballot and to vote in the presence of the registrar, assistant registrar, 13
 or clerk during the same visit, said registrar, assistant registrar, or 14
 clerk shall examine said application, and if he believes the signature 15
 thereon to be genuine and the person executing the signature to be a 16
 duly registered voter, shall execute the certification thereon and 17
 remain present while the voter marks the ballot as set forth in 18
 paragraph two of section ninety-two. If a certificate of permanent 19
 disability has been filed as provided in section eighty-six, the clerk 20
 shall write a statement to that effect on the application required by 21
 section eighty-seven under the caption of the certificate of disability 22
 contained in said application and sign his name before forwarding the 23
 application to the registrars and shall make such list of permanently 24
 disabled voters available to the registrars. The clerk shall cause to 25
 be placed on the voting lists prepared as required by section sixty of 26
 chapter fifty-one, opposite the name of each voter on whose applica- 27
 tion such certificate has been so executed, the letters in capitals A. V. 28
 If the registrars find the person signing the application not to be a 29
 duly registered voter, they shall send him written notice to that effect 30
 and shall preserve the application during the time fixed by law for the 31
 preservation of ballots cast in the coming election, after which time 32
 said application shall be destroyed. The clerk shall prepare lists, 33
 arranged by voting precincts, of the names and addresses of all voters 34
 on whose applications for absent voting ballots the certificate has 35
 been executed as provided in this section, and shall post copies of such 36
 lists for public inspection. An applicant for an absent voting ballot 37
 who has been furnished a certificate of supplementary registration, as 38
 authorized by section fifty-one of chapter fifty-one, shall submit such 39
 certificate with his application, and the clerk shall cause to be placed 40
 on such certificate opposite the name of the applicant the letters in 41
 capitals A. V. Every such certificate shall be securely affixed to the 42
 voting lists required by section sixty of chapter fifty-one to be 43
 transmitted to the polling place for the precinct where such applicant 44
 claims the right to vote and shall be considered a part thereof. 45

Sections fifty-nine and fifty-nine A of chapter fifty-one shall apply 46
 to applications for absent voting ballots, but the certificate mentioned 47
 in section fifty-nine shall be issued by the city or town clerk. 48

54:92. Method of voting.

Section 92. (a) A voter who has received by mail an official absent 1
 voting ballot as provided in subsection (b) of section eighty-nine may 2
 vote by mailing it to the city or town clerk. A voter within the United 3
 States, whose name does not appear on the list of permanently 4

disabled voters under section eighty-six, shall mark said ballot in the presence of some person eighteen years of age or older and of no other person. Before marking the ballot he shall exhibit it to said witness, who shall satisfy himself that it is unmarked, but he shall not allow said witness to see how he marks it. Except as provided in section ninety-eight, said witness shall hold no communication with the voter, nor he with said witness, as to how he is to vote. Thereafter the voter shall enclose and seal the same in the envelope provided for by subsection (c) of section eighty-seven. He shall then execute before said witness the necessary affidavit on said envelope as provided for in said subsection (c), and the witness shall sign his name and residential address on said envelope. The voter shall then enclose and seal said envelope in the envelope provided for in subsection (d) of said section eighty-seven, and mail the same within the time prescribed in section ninety-three, postage prepaid. A voter outside the United States, or a voter whose name appears on the list of permanently disabled voters under section eighty-six, shall mark the ballot in the presence of no person, except as provided in section ninety-eight, enclose and seal it in the envelope provided for in said subsection (c), execute the affidavit on such envelope, enclose and seal such envelope in the envelope provided for in said subsection (d) and mail the envelope within the time prescribed in section ninety-three, postage prepaid.

(b) A voter whose ballot is delivered in person at the office of the clerk as provided in subsection (b) of section eighty-nine shall not remove it from that office, but shall mark or, in the case of a punch card electronic voting system ballot, shall punch said ballot as prescribed in subsection (a) in the presence of said clerk or some other witness. Thereafter the voter shall enclose and seal the same in the envelope provided for by subsection (c) of section eighty-seven. He shall then execute before said official the necessary affidavit on said envelope.

(c) Delivery of the official absent voting ballot in person, as provided in subsection (a) of said section eighty-nine, shall be by a registrar, or by two assistant registrars or absent registration officers who shall not be enrolled in the same political party, at the designated address. The voter shall mark or, in the case of an electronic voting system ballot, shall punch the ballot as prescribed in said subsection (a) in the presence of the official or officials who delivered it and, except as provided in section ninety-eight, of no other person. The voter shall next enclose and seal the ballot in the envelope provided for in subsection (c) of section eighty-seven. He shall then execute before the official or officials the necessary affidavit on that envelope. The official or officials shall certify on that envelope that the affidavit was executed in his or their presence. The voter shall then enclose and seal that envelope in the outer envelope

provided for in subsection (d) of said section eighty-seven, endorse on it his name, address, and voting place, and hand it to an official, who shall return it in his custody to the office of the city or town clerk.

(d) Delivery of the official absent voting ballot to a voter in a health care facility, as provided in subsection (c) of section eighty-nine, shall be in the same manner as provided in subsection (c) of this section, but if allowed in the sole discretion of the city or town clerk, any person designated in writing by the voter, except a candidate for any office at the election, may instead perform the functions of the election official. If the health care facility is outside the city or town and no kindred of the voter is available for this purpose, the ballot need not be delivered, but may be mailed instead.

(e) Any ballot cast under the provisions of sections eighty-six to one hundred and three A, inclusive, shall be defective if the witness, excepting a city or town clerk, in whose presence it was marked and before whom the affidavit required was executed is a candidate for any office.

54:93. Time by which absent voting ballots must be received by clerk.

Section 93. All absent voting ballots voted as provided in section ninety-two shall be received by the city or town clerk before the hour fixed for closing the polls.

54:94. Examination of ballots; acceptance or rejection.

Section 94. The city or town clerk or a person designated by him shall open each envelope purporting to contain an official absent voting ballot as soon as possible after receiving it, in the view of any persons who may be present. He shall remove therefrom the inner envelope referred to in clause (c) of section eighty-seven and, without opening such inner envelope, said clerk, or such person, shall compare the signature thereon with the signature on the application therefor, except in the case of ballots prepared under section eighty-nine A or ninety-eight, and shall examine the affidavit on each envelope. If he finds that such affidavit has been improperly executed, or was executed in violation of section ninety-two before a witness who is a candidate for election at the election, or does not sufficiently indicate that the ballot was marked and mailed or delivered, as required by sections ninety-two and ninety-three, or was not signed by the person who signed the application therefor, he shall mark across the face thereof "Rejected as Defective", and shall place on the lists referred to in the last sentence of section ninety-one or in section one hundred and three M, as the case may be, opposite the name of the person appearing on the envelope referred to in clause (d) of said section eighty-seven, in which such envelope was enclosed, the capital letter R. Each envelope, so marked, all applications for absent voter ballots

and all lists referred to in this section shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots. Each envelope not so marked shall be replaced in the envelope referred to in said clause (d), and the name of the voter shall be checked on the lists referred to in the last sentence of section ninety-one, or in section one hundred and three M, as the case may be. Said clerk, or such person, shall record on tally sheets prepared and furnished by the state secretary all envelopes, as well as accepted or rejected ballots of absent voters; and, in cities and towns divided into voting precincts, a separate record shall be made for each precinct.

Said clerk shall notify, as soon as possible, each voter whose ballot was rejected that such ballot has been rejected. Said notice shall be on a form prescribed by the state secretary and provided by the clerk. Unless the clerk determines that there is clearly insufficient time for the voter to return another ballot, the clerk shall then proceed as if the voter had requested a substitute ballot under section eighty-nine. If the clerk received the original ballot by mail, the clerk shall enclose the substitute ballot and other papers described in section eighty-seven with the mailed notice of rejection. If the original ballot was delivered to the voter in the office of the clerk or at a health care facility, the clerk shall attempt to communicate to the voter as soon as possible that the substitute ballot is available. If the clerk timely receives an inner envelope purporting to contain such a substitute ballot, and does not mark it "Rejected as Defective" under this section, he shall strike the letter R from any list on which it has been placed under the preceding paragraph.

54:95. Duties of election officers.

Section 95. The city or town clerk, on the day of the election, but no later than one hour after the hour for the closing of the polls, shall transmit all envelopes purporting to contain official absent voting ballots received on or before the close of business on the day preceding the day of the election and which have not been marked "Rejected as Defective", as provided in section ninety-four or "Rejected as Voted in Person", as provided in section one hundred, to the election officers in the several precincts where the voters whose names appear on such envelopes assert the right to vote. The warden or his deputy shall forthwith, after receipt of any such envelopes, distinctly announce the name and residence of each such voter and check his name on the voting lists referred to in section sixty of chapter fifty-one, or on his certificate of supplementary registration attached to such lists, as provided in section fifty-one of chapter fifty-one, or on the copy of the list referred to in section one hundred and three M of chapter fifty-four, as the case may be, if it has not already been so checked. He shall then remove from such envelope the

envelope referred to in subsection (c) of section eighty-seven or 18
 subsection (b) of section one hundred and three O, as the case may 19
 be, shall open the envelopes in which the ballot is enclosed in such a 20
 manner as not to destroy the affidavit thereon, take the ballot 21
 therefrom without opening it or permitting it to be examined and 22
 deposit it in the ballot box. All envelopes referred to in this section 23
 shall be retained with the ballots cast at the election and shall be 24
 preserved and destroyed in the manner provided by law for the 25
 retention, preservation or destruction of official ballots. 26

Envelopes purporting to contain official absent voter ballots which 27
 are received on the day of the election, or in the case of ballots from 28
 outside the United States, after the day of a state election in accord- 29
 ance with section ninety-nine, shall be processed in the office of the 30
 registrars. Said envelopes shall be processed in the same manner as 31
 those received on or before the close of business on the day preceding 32
 the day of the election. Said ballots may be counted at the office of 33
 the registrars after the hour of the closing of the polls and after the 34
 canvass and the count has been completed said registrars shall amend 35
 each precinct tally sheet, official return book and check list delivered 36
 to the office of the registrars. Such ballots from outside the United 37
 States, received on or after the day of a state election in accordance 38
 with section ninety-nine, and which are counted at the office of the 39
 registrars, shall be counted at a public meeting of the board of 40
 registrars of voters. The registrars may hold this meeting as soon as 41
 they have received all absent voting ballots mailed to such voters 42
 outside the United States, but shall hold it in any event after five 43
 o'clock in the afternoon on the tenth day following such state election. 44
 Written notice of such meeting shall be given by said board to the 45
 chairman of the city or town committee of each political party at least 46
 three days before such meeting. 47

Federal write-in absentee ballots shall be received and counted as 48
 provided in section one hundred and three of the federal Uniformed 49
 and Overseas Citizens Absentee Voting Act (42 USC section 1973ff-2). 50
 Such ballots shall be counted only at the public meeting of the 51
 registrars held under the preceding paragraph, and only if no valid 52
 state ballot has been received from the same voter, but shall be 53
 counted even if the voter has not applied for a state absent voter 54
 ballot or if the voter's application was received after the thirtieth day 55
 before the election. 56

54:96. Challenges.

Section 96. All ballots transmitted under any provision of sections 1
 eighty-six to one hundred and three, inclusive, shall be subject to 2
 challenge when and as cast for non-compliance with any provision of 3
 sections eighty-six to one hundred and three, inclusive, or for any 4

other reason allowed by law, including that the voter was not unable 5
 by reason of physical disability to cast his vote in person at the polling 6
 place on the day of the election, and if challenged shall be disposed of 7
 in accordance with section eighty-five, except that so much of said 8
 section as involves the administering of an oath shall not apply 9
 thereto, and the writing of the name and address of the voter on the 10
 ballot shall be performed by the officer charged with depositing the 11
 ballot in the ballot box. 12

54:97. Immaterial irregularities.

Section 97. No ballot transmitted under any provision of sections 1
 eighty-six to one hundred and three, inclusive, shall be rejected for 2
 any immaterial addition, omission or irregularity in the preparation or 3
 execution of any writing or affidavit required by said sections. 4

54:98. Absent voter unable to mark ballot.

Section 98. An absent voter who because of blindness or other 1
 physical disability or inability to read or read in the English language 2
 is unable to prepare his ballot may at his discretion be assisted in 3
 marking it by any person whom he may designate. Such designated 4
 person shall add in writing a statement that the voter is unable to 5
 write, the reason therefor, and shall sign the voter's name on the 6
 inner envelope. 7

54:99. Late ballots; disposition.

Section 99. All envelopes received by clerks of cities and towns 1
 after the hour fixed for closing of the polls on the day of election shall 2
 be retained by them unopened until the time set by law for the 3
 destruction of ballots cast, at which time the envelopes shall likewise 4
 be destroyed, unopened and unexamined; provided, however, that 5
 such envelopes received within ten days following only a state election 6
 and mailed on or before the day of election, from a location outside 7
 the United States, shall be processed in accordance with the second 8
 paragraph of section ninety-five. A postmark, if legible, shall be 9
 evidence of the time of mailing. 10

54:100. Voting in person; death of absent voter.

Section 100. Except as hereinafter provided, no person to whom a 1
 absent voting ballot has been mailed or delivered, as provided in 2
 section ninety-two, and opposite whose name on the voting lists the 3
 letters A. V. or SAV have been placed, as provided in section ninety- 4
 one or in section one hundred and three G, as the case may be, or on 5
 whose certificate of supplementary registration the letters A. V. have 6
 been placed, as provided in said section ninety-one, shall be permitted 7
 to vote in person. No ballot mailed or delivered under the provisions 8

of sections eighty-six to one hundred and three, inclusive, shall be counted if the officers charged with the duty of counting the same are cognizant of the fact that the voter has died prior to the opening of the polls on the day of the election. Notwithstanding the foregoing, the city or town clerk shall, on the day of the election, at his request, give to any person whose name has not been checked as provided in section ninety-four, a certificate of his name and residence, as stated in the annual register, signed by such clerk, and such clerk shall then forthwith place on the list of absent voters, opposite the name of the person to whom such certificate is furnished, the capital letter C. On presentation of such certificate to the presiding election officer of the ward, voting precinct or town in which such voter is registered he shall, after his name has been checked on the voting list or on his certificate of supplementary registration, as the case may be, be allowed to vote. Such presiding officer shall preserve each certificate issued under this section and return it to the city or town clerk in the manner in which the voting lists are required by section one hundred and seven to be enclosed. The city or town clerk shall by telephone authorize the presiding officer to issue such certificate if said clerk determines that a voter at the polling place is entitled to it, and said presiding officer shall then similarly sign and issue such certificate. If, after a certificate is furnished under this section, an envelope purporting to contain an absent voting ballot is received from a voter to whom such a certificate has been issued, and opposite whose name on the list of absent voters the capital letter C has been placed as herein required, said clerk shall mark across the face of such envelope "Rejected as Voted in Person", and such envelope shall be preserved and destroyed in the manner provided by law for the retention, preservation and destruction of official ballots.

54:101. Repealed, 1987, 438, Sec. 8.

54:102. Printed information and instructions as to absent voting.

Section 102. The state secretary shall prepare for the use of election officers, city and town clerks and registrars of voters such printed information and instructions as he may deem proper to facilitate the operation of sections eighty-six to one hundred and three, inclusive. Such printed matter shall be transmitted to said officials prior to each state election. The state secretary may prepare and distribute such general information relative to said sections as he may deem expedient.

54:103. Jurisdiction of courts.

Section 103. The supreme judicial and superior courts shall have jurisdiction in equity to require the certification of any application for an absent voting ballot which the registrars have unreasonably re-

fused to certify, to order the counting of any ballot improperly 4
 rejected, or to enjoin the counting of any ballot which cannot reason- 5
 ably be identified as the ballot of a person lawfully entitled to vote as 6
 provided in sections eighty-six to one hundred and two, inclusive, or 7
 which was not cast in accordance therewith; provided, that no pro- 8
 ceeding hereunder shall be begun later than the date fixed by law for 9
 the final canvass of votes cast for candidates for state offices. 10

54:103A. Sections applicable to city and town elections, primaries and caucuses, and to regional vocational school district elections.

Section 103A. Sections eighty-six to one hundred and three Q, 1
 inclusive, of this chapter, sections twenty-one and twenty-seven of 2
 chapter fifty-six and sections thirty-four A and thirty-seven A of 3
 chapter fifty-three shall, so far as applicable, apply to special and 4
 regular city primaries, preliminary elections, elections and to town 5
 primaries, preliminary elections and elections whether special or regu- 6
 lar and to special and regular regional vocational school district 7
 elections including elections called to authorize bond issues for said 8
 districts. It shall not apply to caucuses wherein official ballots are 9
 not used. All the rights, powers, duties and obligations imposed and 10
 conferred upon the state secretary by said sections shall, with respect 11
 to said city and town elections, preliminary elections, primaries and 12
 caucuses, be exercised and performed by the clerk of such city or 13
 town, and, in construing said sections for the purposes of this section, 14
 any reference to state elections shall be considered as referring to 15
 said city or town function. The city or town clerk shall provide the 16
 papers required by said sections in a form prescribed by the state 17
 secretary. 18

In each such city which holds its regular city election annually, or 19
 which holds such election biennially in the even numbered years, and 20
 in which the date for such election is fixed by general or special law 21
 at a date earlier than the third Tuesday of December, the date of such 22
 city election shall be said third Tuesday and not such earlier date. 23

ABSENT VOTING FOR SPECIALLY QUALIFIED VOTERS.

54:103B. Definitions.

Section 103B. In this section and in sections one hundred and 1
 three C to one hundred and three Q, inclusive, the following words 2
 shall have the following meanings:— 3

“Election”, the regular biennial state election or any regular annual 4
 or biennial city or town election at which absent voting is permitted. 5

“Kindred”, a spouse, father, mother, sister or brother of the whole 6
 or half blood, son, daughter, adopting parent or adopted child, step 7
 parent or step child, uncle, aunt, niece or nephew. 8

“Specially qualified voter”, those persons in the active service of the armed forces of the United States, and their spouses and dependents, who are absent from the city or town of their residence; persons in the merchant marine of the United States, and their spouses and dependents, who are absent from the city or town of their residence; citizens of the United States who are absent from the commonwealth; and persons confined in a correctional facility or jail; whose last domicile immediately prior to departure from the United States was, or whose present domicile is Massachusetts, and who are otherwise eligible to register as voters.

54:103C. Persons entitled to absentee ballots.

Section 103C. Any person who is included in the definition of “Specially qualified voter”, as defined in section one hundred and three B, whether or not his name is included in the current annual register of voters of any city or town, or who may be determined to be qualified for voting therein in accordance with section one hundred and three J, may, if he meets the qualifications for an absent voter in section eighty-six, be furnished with an official absent voting ballot, prepared substantially in accordance with subsection (a) of section eighty-seven and section one hundred and three E, and may vote by means of such ballot at an election, provided, however, that an application therefor is filed with the clerk of the city or town of which he is such legal resident and the same is certified by the registrars of voters thereof, in the manner hereinafter provided. Said application may request an absent voting ballot for each regular or special primary and regular or special election which occurs within the calendar year in which the application is received by the city or town clerk.

54:103D. Application for absentee ballot.

Section 103D. Application for an official absent voting ballot to be furnished to such resident referred to in section one hundred and three C may be made to the clerk of the city or town in which such resident is registered as a voter, or in which he has been determined to be qualified to vote as provided in section one hundred and three J, by any registered voter of the commonwealth who is kindred of such resident. The applicant shall state therein his name, the city or town in which he is registered as a voter, together with the street and number of his address, if any, the name of the resident in whose behalf the application is made, the place of such resident’s legal residence on January first of the current year, or on such subsequent date when he first became a legal resident of such city or town, and the address to which such ballot is to be mailed. The applicant shall also make a statement of his relationship to such resident, shall make

oath to the truth of all statements in such application, and shall sign 15
the same. 16

Any form of written communication from such a resident, evidencing 17
a desire that an absent voting ballot be sent to him for use in 18
voting at an election shall be given the same effect as an application 19
for an absent voting ballot made in a form prescribed by law, and any 20
such communication, whether or not in the form of any application so 21
prescribed, shall, if such resident is not a registered voter, be given 22
the same effect as an application to qualify him for voting made by 23
kindred in compliance with section one hundred and three J. No such 24
communication shall be acted upon adversely except after investiga- 25
tion by the registrars of voters or election commissioners, as the case 26
may be. 27

54:103E. Preparation and delivery of ballots and papers.

Section 103E. The state secretary, or the clerk of a city or town, 1
as the case may be, shall seasonably prepare, prior to an election, in 2
such quantities as he shall deem necessary, absent voting ballots and 3
all of the papers prescribed by section eighty-seven of chapter fifty- 4
four with such changes therein as may, in his opinion, be necessary 5
for facilitating voting by absent voting ballot by federal service 6
personnel, and may make provision for the mailing and delivery of 7
said ballots to said personnel, and may provide suitable forms and 8
blanks. 9

He may also prescribe and determine the weight, color and kind of 10
paper to be used for such absent voting ballots. On the back of each 11
such ballot when folded shall be printed the words "Official Absent 12
Voting Ballot". He may utilize fully any federal facilities afforded in 13
connection with such voting. 14

On the envelopes prepared for returning an official absent voting 15
ballot furnished to any person determined to be qualified to vote 16
under section one hundred and three J, there shall be provided a space 17
for him to sign his name. There shall be included in the certificate to 18
be executed by the witness in whose presence such person makes his 19
affidavit a statement setting forth that such person has signed his 20
name in the witness' presence, or that he was prevented by physical 21
disability or inability to write from so signing, and that said signature 22
was added by said witness. 23

54:103F. Size of ballots, envelopes and type.

Section 103F. The state secretary may prescribe and determine 1
the size of absent voting ballots for specially qualified voters, envel- 2
opes and instructions, the size of type to be used thereon and he may 3
take such steps and do such things of an administrative nature as in 4
his opinion are necessary to make effective any provision of law 5

facilitating voting by absent voting ballot by such specially qualified voters at state elections and utilize fully any facilities afforded in connection with such voting.

54:103G. Processing of applications and mailing of ballots.

Section 103G. When an application is made for an official absent voting ballot as provided in section one hundred and three D and the same is filed with the city or town clerk, it shall be transmitted by said clerk forthwith to the registrars of voters of the city or town and, if they are satisfied that the statements therein are true and that the person in whose behalf the application is made is a duly registered voter of such city or town or has been determined to be qualified to vote therein at such election as provided in section one hundred and three J, they shall so certify thereon and return such application to the city or town clerk. If the person in whose behalf such an application is made is a duly registered voter, the clerk shall cause to be placed upon the voting list to be used at the election, to vote at which such application is made, the letters SAV, in capitals, opposite the name of such voter. The said clerk shall then mail, postage prepaid, to such resident at the address designated in such application, such ballot together with all blank forms and envelopes required.

54:103H. Manner of voting.

Section 103H. Any such resident who has received an official absent voting ballot furnished in accordance with sections one hundred and three B to one hundred and three Q, inclusive, may vote by mailing the same to the clerk of the city or town of which he is a legal resident. He shall mark such ballot in the manner prescribed by subsection (a) of section ninety-two. The postmark, if legible, shall be evidence of the time and place of mailing.

54:103I. Repealed, 1967, 115, Sec. 1.

54:103J. Application by kindred; procedure; laws applicable.

Section 103J. Any legal resident of the commonwealth who is included in the definition of "specially qualified voter" and who has the qualifications for voting prescribed by the constitution of the commonwealth, but whose name is not included in the current annual register of voters of the city or town of his legal residence, may be qualified for voting by absent voting ballot at an election upon the application of a registered voter of the commonwealth who is kindred of such resident made to the registrars of voters of the city or town in which the right of such resident to vote may be claimed. Such application shall be subject to the time limit for filing prescribed by section eighty-nine. The applicant shall state therein at the time of the making of such application, the place and date of his birth and

shall make a declaration that such resident is a citizen of the United States. The applicant shall also make therein a statement of his relationship to the resident in whose behalf such application is made, shall make oath to the truth of the statements therein and sign his name thereto.

The registrars shall make and certify on the application made under this section a statement of their determination as to whether or not the resident in whose behalf the application is made appears to have the qualifications for voting at such election. In case it is determined that such resident is not so qualified, the registrars shall give written notice thereof to the applicant and give him an opportunity to be heard.

If the registrars certify that such resident has the qualifications for voting, he shall be entitled to receive an official absent voting ballot and application therefor may be made in the manner provided in section one hundred and three D.

The registrars shall cause a suitable index to be made containing the name of each person deemed to be qualified for voting under this section, and his place of legal residence, with the street and number of his address, if any, at the time of the making of such application. Such index shall be preserved as a public record.

Persons qualified for voting under this section shall be subject to the provisions of section forty-eight and forty-nine of chapter fifty-one and, except as herein otherwise provided, to all of the provisions of said chapter fifty-one prescribing qualifications for voting. The provisions of sections one, two, five, six, seven, eight and nine of chapter fifty-six prescribing penalties for offenses concerning the listing or registration of voters shall, so far as pertinent, apply to persons applying to qualify for voting under this section.

54:103K. Investigation of applications.

Section 103K. The registrars of voters may cause an investigation of any application under section one hundred and three D or one hundred and three J to be made by a police officer who shall forthwith after such investigation report to them his findings with respect thereto, and for this purpose the board or officer in charge of the police force of each city or town shall give the registrars such assistance as they may require.

54:103L. Voting lists.

Section 103L. The registrars shall seasonably, before every special or biennial state election and every special or regular city or town election, prepare lists containing the names and addresses of all persons, if any, determined by them, in accordance with section one

hundred and three J, to be qualified for voting at any such election. 5
 Copies of said lists shall be posted by the registrars in their principal 6
 office. The registrars shall give written notice to the state secretary, 7
 or to the city or town clerk, as the case may be, of the number of 8
 residents of the city or town, and of each ward and precinct therein, 9
 whose names are included in such lists. 10.

54:103M. Copies of voting lists.

Section 103M. Before every election the registrars shall prepare 1
 for each ward, voting precinct or town copies of the lists prepared as 2
 required by section one hundred and three L, if any, and shall 3
 seasonably transmit such copies to the city or town clerk and to the 4
 election officers in every such ward, voting precinct or town. 5

54:103N. Minors; law applicable.

Section 103N. The provisions of section forty-six of chapter fifty- 1
 one, so far as pertinent, shall apply to all applications to be qualified 2
 for voting under section one hundred and three J made on behalf of 3
 persons who have all the qualifications for voting, except that of age, 4
 and who will on or before the day of the next special or biennial state 5
 election or the next special or regular annual or biennial city or town 6
 election, as the case may be, attain the age of eighteen years. 7

54:103O. Preparation of blank forms.

Section 103O. The state secretary or the clerk of each city or town 1
 shall prepare, in such quantities as he may deem necessary and in a 2
 form prescribed by the state secretary, the following papers for 3
 persons qualified to vote under sections one hundred and three B to 4
 one hundred and three N, inclusive: 5

(a) Blank forms of application for official absent voting ballots. 6

(b) Blank forms to be printed on the envelopes for enclosing the 7
 official absent ballots, for the affidavits of the voter and of the 8
 witness to his oath that they have complied with the requirements of 9
 law. 10

(c) Blank forms of application by kindred for qualification of 11
 specially qualified voters for voting as provided in section one hun- 12
 dred and three J. 13

(d) Blank forms of report of police investigation. 14

54:103P. Operation of secs. 103B—103Q; preliminary elections or primaries.

Section 103P. Notwithstanding the provisions of any general or 1
 special law to the contrary, the provisions of sections one hundred and 2
 three B to one hundred and three Q, inclusive, shall be operative for 3
 any regular annual or biennial city or town election in every city or 4

town. The mayor and aldermen in cities or selectmen in towns may
 fix the day of holding preliminary elections or primaries in their cities
 and towns. Where the filing of nomination papers and certification of
 names thereon in cities and towns that have preliminary elections is
 based upon the day of the election, they may fix the time for filing
 nomination papers and for certification of the names thereon. Where
 nominations for election at a city or town election are made by
 nomination papers, or by caucuses or conventions, they may fix the
 last day for filing certificates of nomination and nomination papers.
 In any city or town where petitions to place questions on the official
 ballot are filed, they may also fix the last day for filing such petitions.
 All such petitions shall be submitted to the registrars of voters for
 certification of the names thereon on or before the fourteenth day
 preceding the day so fixed for filing.

In any city or town election wherein the voting list of the current
 year is not available for the purpose of certifying names, the voting
 list of the preceding year, as amended or revised from time to time,
 may be used therefor.

Any action taken by the mayor and aldermen or selectmen fixing
 any day as authorized by this section shall be taken not later than the
 sixtieth day prior to the day so fixed, and such day so fixed shall be
 prior to the day otherwise provided by general or special law, and if
 not so fixed general or special laws shall otherwise apply thereto.

Notice of such action shall be published in one or more local
 newspapers, if any, or posted in at least five public places within the
 city or town.

54:103Q. Informality; liberal construction.

Section 103Q. No mere informality in the manner or carrying out
 any provision of law affecting voting by absent voting ballot by
 specially qualified voters at an election shall invalidate such election
 or constitute sufficient cause for the rejection of the returns thereof,
 and such provisions shall be construed liberally to effectuate their
 purposes.

COUNTING OF VOTES.

54:104. Use of state blanks and apparatus; canvass of votes.

Section 104. The blank forms and apparatus provided by the state
 secretary shall be used in ascertaining the result of the election or
 vote in state elections in cities and towns, in city elections, in elections
 of town officers in towns where official ballots are used, and also in
 taking the vote upon any proposed amendment to the constitution,
 upon any law or proposed law submitted to the voters by referendum
 or initiative petition, and upon any other question submitted by

statute to the voters of any senatorial or representative district, or of
any city or town in which official ballots are used. If it is impossible
to use such blank forms or apparatus, the canvass of the votes shall
be made as the presiding officer shall direct; and the clerk shall
record the facts relating to the failure to use such blank forms or
apparatus, and shall enclose an attested copy of such record in the
envelope with the ballots cast.

54:105. Proceedings at close of polls; counting votes; announcing and recording results; counting before voting has ceased.

Section 105. Procedures at any precinct where an electronic voting
system is in use shall be in accordance with the provisions of section
one hundred and five A. In any other precinct, if the state ballot box
is used, the clerk shall, as soon as the polls are closed, record the total
number of ballots received at the polling place, the ballot box register,
and the total number of spoiled ballots. The election officers shall
then publicly and in the presence of the other election officers,
audibly and distinctly count and announce the number of names
checked on each voting list used at the election, shall publicly an-
nounce the number so counted and thereafter the clerk shall record
the same. The ballot box shall be opened by the presiding officer and
the ballots taken therefrom and audibly counted in public view, one by
one, and the whole number of ballots cast shall be publicly announced
by him. The ballots may be divided into convenient packages, and
each block or package shall be canvassed and counted by two election
officers representing the two leading political parties, detailed by the
presiding officer. The result of the canvass and count shall be
reported to the presiding officer, who shall cause it to be correctly
recorded on the blank forms provided therefor. Immediately thereaf-
ter, the election officers shall proceed to count audibly all unused
ballots, and the total number of unused ballots shall be publicly
announced by the presiding officer who shall cause this information to
be correctly recorded on blank forms provided therefor.

The clerk in open meeting shall publicly announce the result of the
vote and enter on the total vote sheet, which shall be considered the
precinct record, the total number of names checked on the voting list,
the total number of ballots cast, the names of all persons voted for,
the number of votes for each person and the title of the office for
which he was a candidate, the number of blank ballots for each office,
and the number of affirmative and negative votes in answer to any
question submitted to the voters and shall forthwith certify such
record, seal up the same, and deliver it, outside of the ballot container
or envelope, but in a separate sealed envelope, to the city or town
clerk, who shall forthwith enter it on his records; provided, that if
voting machines are used, the general or precinct record sheet, as the
case may be, shall be the record referred to in this paragraph.

At state elections, the city or town clerk, or such person as he shall designate in each precinct or polling place, shall immediately transmit to such central tabulation facilities as the state secretary shall designate, by telephone or telegraph, the vote cast for candidates for offices to be voted for by all the voters of the commonwealth and for congressman, by precincts or by polling places as the count for each such office is completed.

The voting lists and all ballots removed from the ballot box shall be kept in open view of the voters present until enclosed and sealed up, and all proceedings in the canvass and counting of votes shall be public and in open view of the voters, and there shall be no adjournment or postponement until the canvass and counting have been completed, and the voting lists and ballots have been enclosed and sealed up.

Upon the completion of the canvass and the counting, the warden shall place all ballots including absentee ballots, and all lists into a container and place a seal upon all such containers. The clerk shall receive from all the polling places such sealed containers and shall place all election material, so far as practical, in a locked facility.

Notwithstanding the foregoing provisions of this section, the clerks of precincts or the town clerk in a town not divided into precincts may, if authorized in writing by the election commissioners or election commission in a city having such a body, by the city clerk in any other city or by the town clerk in a town, publicly announce the number of votes cast for each candidate for each office as soon as the count of ballots for that office has been completed, and the number of affirmative or negative votes cast upon any question submitted to the voters, as soon as the count of ballots upon such question has been completed.

54:105A. Electronic voting methods; proceedings at close of polls; counting of ballots; announcement of vote; transportation to tabulation center.

Section 105A. At any precinct using an approved electronic voting method, the clerk shall, as soon as the polls are closed, record the total number of ballots received, the number registered on the ballot box, and the total number of spoiled ballots. The election officers shall then, publicly and in the presence of the other election officers, audibly and distinctly count and announce the number of names checked on each voting list used, and the clerk shall record the same. The ballot box shall be opened by the presiding officer, and the ballots taken therefrom and counted, and the whole number of ballots cast shall be publicly announced by him.

Notwithstanding other provisions of this section to the contrary, if the approved electronic voting system is equipped to count votes electronically while the polls are open, the election officers shall read

the vote totals from the counting device after the polls close, by 14
means of a printer mechanism or otherwise and any person who in 15
any manner ascertains or discloses the count of such votes before the 16
polls close shall be punished as provided in section sixty-eight. 17

The ballots removed from the box shall be inspected by teams of 18
two election officers, detailed by the presiding officer to represent the 19
two major political parties. Such inspection shall include the removal 20
of each ballot from its enclosing envelope and an examination of said 21
envelope for write-in or sticker votes. If any such are found, the 22
ballot shall at once be examined, and any ballot which together with 23
its envelope contains more votes for an office than the number to 24
which the voter was entitled shall be hand-counted in the precinct or 25
at the tabulation center. 26

The count of over-voted ballots shall be entered on sheets provided 27
for the purpose, and the total transferred to the precinct total sheet 28
and signed by the precinct warden and clerk. 29

The remaining election officers shall also count all unused ballots 30
and the total number of unused ballots shall be publicly announced by 31
the presiding officer, who shall cause this information, to be correctly 32
recorded on blank forms provided therefor. 33

No public announcement of the vote cast on absentee ballots or 34
upon over-voted ballots shall be made at the polling place. 35

Unless the polling places have been designated as tabulation 36
centers under section thirty-three F, all remaining ballots, used and 37
unused, together with the ballot envelopes or folders and the precinct 38
total tally sheet, shall be enclosed in a container and locked. The 39
presiding officer shall retain possession of the key. Said container 40
shall forthwith be transmitted to the tabulating center designated 41
under section thirty-three F, if located within said municipality, ac- 42
companied by the presiding officer, the precinct clerk, and a police 43
officer, where all uncounted ballots shall be tabulated. If the tabu- 44
lation center is located outside said municipality, the container from 45
each precinct shall be brought by the presiding officer, precinct clerk, 46
and a police officer to the city or town clerk's office where said 47
container shall be transported to the tabulation center only after all of 48
the containers have arrived at said clerk's office. Upon arrival at the 49
city or town clerk's office each presiding officer shall transfer posses- 50
sion of the key to his container to said clerk. Transportation of the 51
containers to a tabulation center outside said municipality shall be in 52
vehicles designated by said clerk and owned by the municipality 53
conducting the election. The containers shall be loaded for transpor- 54
tation to said tabulation center in full view of the public. The 55
unloading of the containers at said tabulation center shall be done in 56
the presence of the election officers appointed under section thirty- 57
three H. The vehicle transporting said containers outside said munici- 58

pality shall be accompanied by the city or town clerk or his designee and a police escort at all times during transportation to the tabulation center and said containers shall not be opened at any time during their transportation from the precincts to the city or town clerk's office and then to the tabulation center.

The counted ballots, both absentee and other, shall be sealed in separate envelopes and shall be transmitted, in accordance with the provisions of section one hundred and seven, to the office of the city or town clerk forthwith. The voting lists shall also be sealed in separate envelopes and transmitted to the office of the city or town clerk.

The voting lists and all ballots removed from the ballot box shall be kept in open view of the voters present until enclosed and sealed up, or until locked in containers for transport to the tabulation center, and there shall be no adjournment or postponement of the proceedings at the polling place until all such proceedings have been completed and the ballots or ballot cards transmitted to the tabulation center.

Sealed and locked ballot or card carrying cases shall be under the constant control and supervision of the precinct warden and clerk and accompanied by police guard during the transportation of said ballot or card carrying cases to the tabulation center, within or outside the municipality.

54:106. Defective ballots.

Section 106. If the use of a state ballot box is required, no ballot shall be counted unless it has been deposited in and cancelled by such ballot box, or has been otherwise deposited in accordance with section sixty-six. Only official ballots shall be counted in any election for which they are provided. If a voter marks more names than there are persons to be elected to an office, or if his choice cannot be determined, his ballot shall not be counted for such office. Ballots cast but not counted shall be marked "defective" on the outside thereof, and shall be preserved like other ballots.

54:107. Enclosing and sealing ballots and voting lists; certification.

Section 107. The presiding officer at every polling place at elections of state and city officers and of town officers in towns where official ballots are used shall, after the record of the counting has been made, cause all ballots cast to be publicly enclosed in an envelope or container and sealed up with a seal of durable material provided therefor and also with the private seal of any election officer who may desire to affix the same. Seals for containers may be of material used in such manner as to effectively lock the container, or the container may be tied up lengthwise and crosswise with heavy twine securely tied and with the knot sealed with stationer's sealing

wax. The warden and the clerk of the voting precinct, polling place or town shall endorse upon such envelope or container the polling place, the election and the date, and also a certificate that all the ballots cast by the voters of such precinct, polling place or town, and none other, are contained therein. He shall cause all ballots not cast to be enclosed in an envelope or container and sealed up as aforesaid, and shall certify on the envelope or container the contents thereof. Such presiding officer shall cause the voting lists to be enclosed in an envelope and sealed up as aforesaid and the warden and the clerk shall certify thereon to the identity of the voting lists enclosed. He shall forthwith personally deliver to the city or town clerk or transmit to him, by the police officer or constable in attendance at the election, all the ballots cast, and not cast, the voting lists, the ballot box, the ballot box seals and counting apparatus. This section shall not apply to ballots used in any approved electronic voting system which requires the transmittal of said ballots to a tabulation center.

54:108. Copies of voting lists as checked; how furnished.

Section 108. At any time after the election, upon written request of any person, the city or town clerk shall, within a reasonable time, open the envelope in which the voting lists have been enclosed, as provided in section one hundred and seven, and make a copy of the lists as checked. The clerk shall thereupon furnish a copy of said lists to the person making the request on payment of a reasonable fee or shall allow such person to examine and copy said lists without charge under such supervision as the clerk may reasonably require. After any such voting list has been so copied, said clerk shall at once enclose it in an envelope, seal up the same and certify thereon to the identity of such lists.

54:109. Ballots and lists; custody; disposition.

Section 109. City and town clerks shall retain in their custody the envelopes or containers containing the ballots cast, without examining them or permitting them to be examined by any person except as required by law, and upon the expiration of the period fixed for their preservation shall cause such ballots to be destroyed.

City and town clerks shall retain in their custody the voting lists and ballots not cast as long as they retain the ballots cast. They shall then transmit such voting lists to the registrars of voters, and shall destroy the ballots marked "Spoiled", without examining them or permitting them to be examined, and may make such disposition of the undistributed ballots as they may deem proper. Such voting lists shall be preserved by the registrars of voters for reference for two years after the expiration of which they may be destroyed.

RECORDS AND CERTIFICATES OF ELECTION.

Copies of Records Prepared in Cities and Towns.

54:110. Rejection of records.

Section 110. No record of votes cast or copy thereof shall be rejected if the number of votes given for each candidate for an office can be ascertained therefrom. 1
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54:110A. Central tabulation facilities.

Section 110A. The returns transmitted under section one hundred and five shall be considered unofficial and shall be in addition to returns required under this chapter, and shall be disseminated as received by the state secretary from the central tabulation facilities established by him under said section one hundred and five. Subject to the approval of the governor and council, the state secretary may make, and from time to time amend, rules governing the establishment of such central tabulation facilities and the administration thereof. 1
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54:111. Examination of precinct records; errors; certification.

Section 111. The city or town clerk shall forthwith after each election examine the copies of the records of the election officers, and if any error appears therein, shall forthwith give notice thereof to the officers by whom the error was made, who shall forthwith make an additional record under oath in conformity with the facts and deliver a copy thereof to the city or town clerk. Such copy of the records made, with or without notice as aforesaid, shall be received by the city or town clerk at any time before the last day fixed for the transmission of copies of records of the votes cast in the city or town, or on which the results of the election are required to be declared. 1
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The city or town clerk shall examine all original and all additional copies of the records and make them part of the records of such election, and shall certify and attest copies of the records of votes for the several candidates. 11
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54:112. Copies of records of votes to state secretary.

Section 112. The clerk of each city and town and in Boston the Board of Election Commissioners, within fifteen days after the day of any election therein for a senator in congress, representative in congress, governor, lieutenant governor, councillor, state secretary, state treasurer, state auditor, attorney general, clerk of courts, register of probate, sheriff, district attorney, senator or representative in the general court, or for presidential electors, shall transmit to the state secretary copies of the records of votes cast for such officers, together with copies of the records of votes cast on any constitutional 1
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amendment, law or proposed law, and on any question submitted to them by statute in any senatorial or representative district or in two or more cities or towns. Said record shall be certified, attested, and sealed by the city or town clerk or election commissioners. The city or town clerk shall within fifteen days after an election for county treasurer or register of deeds, transmit to the county commissioners, and within fifteen days after an election for county commissioners, transmit to the clerk of the courts the records of votes for such officers, certified, attested and sealed as aforesaid; except that in Chelsea, Revere and Winthrop the records of votes for register of deeds shall be transmitted to the election commissioners of Boston. Such copies shall be transmitted in envelopes, upon which shall be stated the offices for, questions on which and districts in which the votes were cast.

54:113. Unsealed copies transmitted to state secretary; proceedings.

Section 113. If any such copy transmitted to the state secretary is not sealed as required by law, he shall forthwith give notice thereof to the officers who transmitted the same; and thereupon another copy shall be made, attested, certified, sealed and transmitted to the secretary. If the second copy is received by him before determination of the persons appearing to be elected and the original appears to be in substantial conformity therewith, the original copy shall not be rejected.

54:114. Memorandum of receipt.

Section 114. The state secretary shall cause the date of the receipt of each copy of the records of votes to be endorsed on the envelope containing it; and if received unsealed, a memorandum thereof shall be made on the copy.

Examination and Certification by Governor and Council, etc.

54:115. Copies of records of votes to governor and council; examination; determination of results.

Section 115. The state secretary shall lay before the governor and council the copies of the votes cast. After such delivery, the governor, with at least five councillors, shall examine the copies. They shall tabulate said votes and determine who appear to be elected to the several offices, and what appears to be the result of the votes on any question or questions, and shall forthwith transmit to the state secretary an abstract of such tabulation and determination. The state secretary, upon application, shall furnish to newspapers copies of such abstract. In case of a state-wide or district-wide recount under

section one hundred and thirty-five, the state secretary shall in like manner lay before the governor and council the copies of the amended records received by him under said section, and the governor with at least five councillors shall, if necessary, revise the aforesaid tabulation and determination accordingly.

54:116. Certification of results; summonses; certificates of election.

Section 116. The governor shall, in the presence of at least five councillors, certify to the results of the examination of the copies of the records of votes cast for governor and lieutenant governor, for councillors, for state secretary, state treasurer, state auditor and attorney general, and for senators and representatives in the general court, and shall issue his summons to such persons as appear to be chosen to said offices. The governor shall issue certificates of election to such persons as appear to be chosen to the offices of senator in congress, representative in congress, clerk of the courts, register of probate, sheriff and district attorney, which shall be countersigned and transmitted by the state secretary. No certification shall be made or summons or certificate issued under this section until after five o'clock in the afternoon of the fifteenth day following a state election, or, in case a state-wide or district-wide recount is held in accordance with section one hundred and thirty-five, until the tabulation and determination under the preceding section have been revised in accordance with the results of such recount; provided, however, that such certification may be made or summons or certificate issued on or after the seventh day following a special state election, unless a candidate who received votes at that election files with the state secretary, not later than five o'clock in the afternoon of the sixth day following the election, a written statement of intention to seek a recount or otherwise to contest the election.

54:116A. Election of person not listed on state ballot; financial interest statement.

Section 116A. Any person whose name does not appear on the state election ballot, but who receives sufficient votes to elect him to an office appearing on said ballot, shall within three days after the certification of his election file a statement of financial interest under chapter two hundred and sixty-eight B with the state ethics commission, if he has not already done so.

54:117. Return to state secretary; laying before legislature; filing.

Section 117. After such certification, such copies shall be replaced in their respective envelopes and delivered with the certificate of examination to the state secretary, who shall on the first Wednesday in January lay the same, with schedules showing the number of

ballots cast for each person voted for, before the senate and house of
representatives. 5
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Except for the above purposes, all such copies, both original and
corrected, transmitted to the state secretary, shall remain on file in
his office and be there open to the inspection of any interested person. 7
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**54:118. Presidential electors; copies of records of votes; proclamations;
certificate of election.**

Section 118. The copies of the records of votes for presidential
electors shall, in any event, within ten days after they have been
transmitted to the state secretary, be examined by the governor and
council, who shall thereafter declare, by proclamation, the names of
the persons who have received at least one-fifth of the entire number
of votes cast for electors, and the number of votes received by each
such person. The several persons, to the number of electors required
to be chosen, who have received the highest number of votes so
ascertained, unless notice of a contest has been received by the
governor, shall, at the expiration of fourteen days from the date of
such proclamation, be deemed to be elected; and the governor shall
thereupon issue a certificate of election to every such person. 1
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Contested Elections of Presidential Electors.

**54:119. Contested elections of presidential electors; petition to court for
declaration of election; notice; hearing.**

Section 119. Any person who appears, by the proclamation of the
governor, to have received not less than one fifth of the entire
number of votes cast for electors, may, if the election is contested,
apply by petition to the supreme judicial court for Suffolk county, for
a declaration of his election as an elector. Such petition shall set
forth the name of every person whose election is contested and the
ground for the contest, shall be filed within seven days after the date
of such proclamation and shall not thereafter be amended. Before
any proceedings thereon, the petitioner shall recognize to the com-
monwealth, in such sum and with such sureties as the court shall
order, to pay all costs incurred in the prosecution of his petition if he
shall not prevail. If the petitioner prevails, the cost shall be paid by
the commonwealth. The court shall fix a day for a hearing by the full
court, which shall be not less than three nor more than seven days
after the date of the filing of the petition, and shall order notice of the
hearing to be given, with a statement of the substance of the petition
in such manner as it may direct, to the governor and to every person
whose election is contested. The court shall also order such notice to
be published in at least one newspaper designated by it in each
county. 1
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54:120. Procedure; compulsion and immunity of witness.

Section 120. The petitioner and the contestant may appear and produce evidence at the hearing, and no person other than the petitioner or a contestant shall be made a party to the proceedings on such petition, or be heard thereon. If more than one petition is pending, or the election of more than one person is contested, the court may order the cases to be heard together and shall apportion the costs between them, and shall finally determine all questions of law and fact. No person shall be excused from testifying or producing papers or documents therein on the ground that his testimony or the production of the papers or documents will tend to criminate him; but no person so testifying shall be liable to any suit or prosecution, civil or criminal, for any matter or cause in respect to which he shall be so examined or to which his testimony shall relate, except to a prosecution for perjury committed in such testimony. The court shall forthwith certify its decision to the governor, who shall thereupon issue certificates of election in accordance therewith. If the petitioner does not prosecute his petition it shall be dismissed and notice thereof given to the governor, who shall issue certificates of election to the persons entitled thereto.

*Examination and Certification of Records of
Votes for Certain County Officers.*

54:121. Elections of certain officers; examination of records by county commissioners or election commissioners; certificates of election; notice to state secretary.

Section 121. The county commissioners to whom the copies of the records of votes for county treasurer and register of deeds have been transmitted shall, on the first Wednesday of the month following the election, examine such copies, determine what persons appear to be elected, issue certificates of election to them and give notice to the state secretary of the name, residence, and number of votes received by each candidate in each city and town, with the name and term of office of every person elected.

In Suffolk county, the election commissioners of Boston shall, within ten days after the election of register of deeds, in like manner examine the copies of the records of votes, determine who appears to be elected, issue a certificate and give notice as above provided.

54:122. Board of examiners; examinations by; certificates of election; notice to state secretary.

Section 122. In each county, except Suffolk and Nantucket, the judge and register of the probate court and the clerk of the courts shall be a board of examiners; and if two of said offices are held by

the same person in any county, the sheriff shall be a member of the board. The members of said board shall each be paid at the rate of three dollars a day for every day employed in the performance of their duties and ten cents a mile for travel to and from the place of their meeting; and their accounts shall be audited and settled by the county treasurer. Said board shall meet on the first Wednesday of the month following an election for county commissioners and shall examine such copies, determine what persons appear to be elected, issue certificates of election to them and give notice to the state secretary of the name, residence and number of votes received by each candidate in each city and town, with the name and term of office of every person so elected, and shall, within three days thereafter deposit said copies in the office of the clerk of the courts.

Correction of Records.

54:123. Incomplete records; new returns.

Section 123. If it shall appear to the governor and council, to the board of examiners, to the election commissioners or to the county commissioners, that any copy of a record of votes examined by them is incomplete or erroneous, they may order a new copy of the records to be made and transmitted to them. Such new copy shall be transmitted by the city or town clerk within seven days thereafter, and if found to be correct and in conformity to the requirements of law, shall have the same force as a first copy.

*Examination and Certification of Records of
Votes for Representative.*

54:124—128. Repealed, 1946, 130, Sec. 4.

54:129. Election of representatives; returns of votes to state secretary.

Section 129. City and town clerks shall, within fifteen days after an election for representative in the general court, transmit to the state secretary an attested copy of the record of votes cast for all candidates for said office in each voting precinct and in each town not divided into voting precincts.

General Provisions relative to Records.

54:130. Stating at length whole number of ballots.

Section 130. The whole number of ballots cast at elections shall be stated in words at length in the records of votes and in all copies thereof, but if not so stated, the record or copy shall not be invalid if the true result can be ascertained therefrom.

54:131. Violations, effect on records.

Section 131. A violation by a public officer or election officer of laws relative to providing ballot boxes, blank forms and other apparatus or to the care and preservation thereof, or to the manner of canvassing and counting votes, shall not invalidate any record or copy of a record or certificate made by a city, precinct or town clerk, or affect the title of a person declared to be elected to office.

Information to be certified by City and Town Clerks.

54:132. Number of names checked; certification.

Section 132. The city or town clerk shall, within fifteen days after an election of state, city or town officers, certify to the state secretary the total number of voters checked on the voting list at such election in each voting precinct of the town. In the case of an election of state officers said clerk shall send a duplicate copy, sealed, to said state secretary, to be by him transmitted to the governor and council. The committee of the council tabulating the returns of votes shall include in their report thereon the number of ballots cast in a district wherein a question is submitted to the voters and a return thereon is made to the state secretary. The city or town clerk shall within fifteen days after an election at which electors of president and vice-president are to be chosen likewise certify to the state secretary the total number of names checked on the list of persons qualified to vote only for such electors at such election in each voting precinct or town, and a duplicate copy thereof, sealed, to be by him transmitted to the governor and council.

Secretary's Report of Assessed Polls, etc.

54:133. Report of number of registered voters; etc.

Section 133. The state secretary shall before February first of each year report to the general court the number of registered voters in each city and town at the date of the last preceding state, and city or town election, as the case may be, and the total number of persons who voted at each such election in every city and town, and in every voting precinct therein, and, in the year following a state election, the number of votes received by each candidate for nomination and for election for a state office, and for election for a state committee, arranged by cities, towns and districts, and a concise statement of other matters relating to elections, with such suggestions as he deems advisable.

RECOUNTS OF VOTES.

54:134. Contested elections; retention of ballots.

Section 134. If a person who has received votes for any office at an election shall, within thirty days thereafter, himself or by his agent serve upon a city or town clerk a written claim to such office or a declaration of an intention to contest the election of any other person, the clerk shall retain the envelopes or containers containing the ballots for such office until such claim is withdrawn or the contest is determined. Any court of competent jurisdiction, or any body having jurisdiction under any constitution, statute, or charter to judge the elections or returns of its own members, may require the clerk to produce such envelopes or containers and ballots.

54:135. Petition for recount; filing; contents; examination; recounts; notice; amendment of record.

Section 135. A petition for a recount may be filed with the city or town clerk on or before five o'clock post meridian on the sixth day following a primary or preliminary election, or on or before five o'clock post meridian on the tenth day following an election, in a ward of a city or in a town, if ten or more voters of such ward or town, except a town having more than twenty-five hundred voters and voting by precincts and except Boston, and in such a town voting by precincts ten or more voters of each precinct in which a recount is petitioned for and in Boston fifty or more voters of a ward, shall sign in person as registered, or substantially as registered, and shall state the address where he is currently living with the street and number, if any, and his address on January the first preceding. In the case of any petition for a recount hereunder, the registrars need not certify a greater number of names than is required hereby for the holding of the recount, increased by one fifth thereof.

Such petition shall be on a form furnished by the state secretary, shall be accompanied by a written request for a recount signed by the candidate on whose behalf the recount is being conducted, shall be sworn to by one of the subscribers before a notary public, and shall contain a statement that they have reason to believe and do believe that the records, or copies of records, made by the election officers of such ward or town, or of such precinct in a town having more than twenty-five hundred voters and voting by precincts, are erroneous, specifying wherein they deem such records or copies thereof to be in error, or that challenged votes were cast by persons not entitled to vote therein, and that they believe a recount of the ballots cast in such ward, precinct or town will affect the nomination or election of one or more candidates voted for at such primary, preliminary election or election, specifying the office or will affect the decision of a question voted upon at such election, specifying the question. The

city or town clerk shall forthwith transmit to the registrars of voters 31
such petition and statement, and the envelopes or containers contain- 32
ing all records of the election, including the sealed envelopes contain- 33
ing the ballots cast, the original tally sheets, the envelopes containing 34
the spoiled and unused ballots, the voting lists used at the election, 35
the certificates issued to voters omitted from the voting list, the 36
precinct clerk's election record, the absentee ballot envelopes and 37
applications for such absentee ballots as were cast at the election, the 38
lists of voters who were sent absentee ballots with the notation as to 39
whether such ballots were cast or rejected or whether such voter 40
voted in person, and the sealed envelopes containing the ballots 41
rejected as defective. In the case of a recount of the votes for an 42
office any candidate for such office shall, upon his request, be 43
permitted to obtain and examine the record books and the clerk of the 44
precinct's book, so called, where used, and may require that a count 45
be made of the number of persons checked as having voted on the 46
voting lists used at each precinct, and that an examination be made of 47
the figures on each ballot box register. 48

The registrars shall first examine the petition and statement and 49
attach thereto a certificate of the number of names of subscribers 50
which are names of registered voters in such ward, precinct or town 51
and shall then, without unnecessary delay, but not before the last 52
hour for filing petitions for recounts as aforesaid, open the envelopes 53
or containers, except envelopes containing absentee ballots rejected as 54
defective, recount the ballots cast and determine the questions raised, 55
and shall examine all ballots cast by or for challenged voters, and all 56
escrow ballots received in accordance with the provisions of section 57
fifty-nine A of chapter fifty-one and reject any such ballot cast by or 58
for a person found not to have been entitled to vote. They shall 59
examine the sealed inner ballot envelopes rejected as defective as to 60
the reasons for rejection and shall determine whether each such ballot 61
should have been rejected or accepted. The registrars' determina- 62
tions shall be subject to protest as said envelopes are examined at the 63
recount. If the registrars determine to accept an inner envelope 64
originally rejected as defective, they shall open such envelope and 65
count the ballot therein, and shall attach such envelope to such ballot. 66
The registrars shall endorse on the back of every cast ballot subse- 67
quently rejected and on the back of every inner ballot envelope of 68
absentee ballots originally rejected as defective the reason for such 69
rejection or subsequent acceptance and said statement shall be signed 70
by a majority of said registrars. A member of the board of registrars 71
shall endorse over his signature on the back of each protested ballot 72
the block number of which it is a part and the office for which the 73
vote is protested, together with the name of the candidate for whom 74
the vote is counted. 75

The registrars at the recount shall determine how protested votes are to be counted and the registrars shall assign tally clerks to count the votes.

In cases of recounts at elections where voting machines have been used the city or town clerk shall transmit to the registrars the records of the election officers, the envelopes or containers containing the total sheets showing the votes recorded by the voting machines, cast by challenged voters and cast by absent voting ballots, respectively, and containing the ballots cast by challenged voters and the absent voting ballots cast, and all other material specified in section one hundred and thirty-five A.

State-wide recounts in cases of offices to be filled or questions to be voted upon at the state election by all the voters of the commonwealth may be requested as provided in the foregoing provisions of this section so far as applicable, except that any petition therefor shall be on a form approved and furnished by the state secretary, shall be signed in the aggregate by at least one thousand voters, and shall be submitted on or before five o'clock post meridian of the tenth day following such election to the registrars of voters of the city or town in which the signers appear to be voters, who shall forthwith certify thereon the number of signatures which are names of registered voters in said city or town, and except that said petitions for recount shall be filed with the state secretary on or before five o'clock post meridian of the fifteenth day following such election. The state secretary shall hold such petitions for recount until after the official tabulation of votes by the governor and council and if it then appears that the difference in the number of votes cast for the two leading candidates for the office, or in the number of affirmative and negative votes on a question, for which recount is desired is more than one half of one per cent of the total number of votes cast for such office or on such question, the petitions for recount shall be void. If such difference in the votes so cast appears to be one half of one per cent or less of the total votes cast for such office or on such question, he shall forthwith order the clerk of each city and town of the commonwealth to transmit forthwith, and said clerk shall so transmit, the envelopes or containers containing the ballots, sealed except in the case of those containing ballots which have already been recounted in respect to said office or question under authority of this section, to the registrars of the city or town who shall, without unnecessary delay, open the envelopes or containers, recount the ballots cast for said office or on such question and determine the questions raised. The registrars shall examine the sealed inner ballot envelopes originally rejected as defective and shall proceed as provided in the third paragraph. The registrars determinations shall be subject to protest as said envelopes are examined at the recount. If a state-wide recount is petitioned for, all ballots cast at a state election shall be

held, except as otherwise provided herein, by the city and town clerks 122
until the expiration of sixty days after said election. 123

District-wide recounts in cases of offices to be filled or questions to 124
be voted upon at state elections, except by all the voters of the 125
commonwealth, may be requested in the same manner as state-wide 126
recounts, except that the petition shall be signed by one-fourth the 127
number of voters required to sign nomination papers for state pri- 128
mary candidates in the appropriate district under section forty-four of 129
chapter fifty-three and provided that the difference in the numbers of 130
votes cast for any candidate seeking an office or nomination and the 131
candidate who is the apparent winner of that office or nomination, or 132
in the number of affirmative and negative votes on a question, for 133
which the recount is desired is not more than one-half of one per cent 134
of the total number of votes cast for such office or nomination or on 135
such question. State-wide and district-wide recounts may be request- 136
ed for state primaries, and for presidential primaries except for ward 137
and town committees, in the same manner as for state elections, 138
except that the petition shall be submitted to the registrars of voters 139
on or before the third day following the primary, certification shall be 140
completed on or before the sixth day following the primary, and the 141
petition shall be filed with the state secretary on or before the 142
seventh day following the primary. In the case of such state-wide 143
and district-wide recounts for state primaries, the state secretary 144
shall order the recount conducted as soon after the filing of the 145
petition as it appears to him that the difference in votes is within the 146
margin specified in this paragraph. 147

The board of registrars of voters in any city or town shall set the 148
date of any recount for an office or question which appeared on a 149
state primary or state election ballot, except for state-wide offices to 150
be filled or on such questions to be voted on at the state election by 151
all the voters of the commonwealth, for a date not more than six days 152
after the last day for filing a recount petition for a primary, and not 153
more than ten days after the last day for filing a recount petition for 154
an election. Said board shall forthwith, upon setting the date of any 155
such recount, notify the state secretary in writing of the office to be 156
recounted, the time and place of the recount and the number of 157
observers to which each candidate is entitled. Said board shall give 158
not less than three days written notice to each candidate for the office 159
for which a recount was petitioned under authority of this section, or 160
to such person as shall be designated by the petitioners for any 161
recount of ballots cast upon questions submitted to the voters, of the 162
time and place of making the recount, and each such candidate or 163
person representing petitioners as aforesaid shall be allowed to be 164
present and to witness such recount at each table where a recount of 165
the ballots affecting such candidate is being held, accompanied by one 166
or more counsel, if he so desires. Each such candidate or person may 167

also be represented by agents, appointed by him or his counsel in writing, sufficient in number to provide one such agent for each officer counting or checking such ballots; provided, that no such candidate or person may have more than one such agent, other than his counsel, witnessing the work of any one officer at any one time. Each such candidate, person, counsel and agent shall have the right to watch and inspect the ballots, tally sheets and all other papers used in the recount, and to watch every individual act performed in connection therewith. In the case of a recount of ballots cast for offices which are filled by all the voters of the commonwealth, such notice may be given to the duly organized state political committees. In the case of a recount of the ballots cast upon a question submitted to all the voters as aforesaid, one representative from any committee organized to favor or to oppose the question so submitted shall be permitted to be present and witness the recount.

All recounts shall be upon the questions designated in the statements or petitions filed, and no other count shall be made, or allowed to be made, or other information taken, or allowed to be taken, from the ballots on such recount, except that in the case of a recount of the ballots cast for an office, the votes cast for all of the candidates for such office, including blanks cast, shall be recounted and all spoiled and unused ballots shall also be counted and determination shall be made whether each sealed absentee ballot envelope rejected as defective should have been rejected or accepted, and the results recorded on the blank forms provided therefor, together with the absentee ballot envelopes and applications for such absent voting ballots. Nothing contained in this section shall be construed to prevent the immediate commencement of the work of actually recounting the ballots at the recount.

If, after a petition for a recount of the votes for an office in any ward, town, or precinct of a town has been filed, a candidate who requested the recount files a written request with the city or town clerk that the recount petitioned for be discontinued, the city or town clerk shall immediately suspend the recount and give written notice to each candidate for the office that, unless written notice of a candidate's objection is received within seventy-two hours after such notice is sent, the recount shall be discontinued. If no such notice of objection is received, the recount shall be discontinued.

If, after a petition for state-wide recount for an office has been filed, the leading candidate, together with every other candidate whose votes therefor are not exceeded in number by the votes of the leading candidate by more than one half of one per cent of the total number of votes cast for such office, shall file a written request with the state secretary that the recount petitioned for be discontinued, the

state secretary shall immediately order such recount discontinued 212
 whereupon such proceedings shall terminate. 213

The registrars shall, when the recount is complete, enclose all the 214
 ballots in their proper envelopes or containers, seal each envelope or 215
 container with a seal provided therefor, and certify upon each envel- 216
 ope or container that it has been opened and again sealed in conformi- 217
 ty to law; and shall likewise make and sign a statement of their 218
 determination of the questions raised. The registrars shall also 219
 enclose all protested ballots in a separate envelope, seal the envelope 220
 with a seal provided therefor and certify upon the envelope that it 221
 contains all ballots that have been protested. When ballots are 222
 summoned to court, only such ballots as have been duly recorded as 223
 protested at a recount shall be required to be produced except by 224
 express order of the court. The envelopes or containers, with such 225
 statement, shall be returned to the city or town clerk, who shall alter 226
 and amend, in accordance with such determination, such records as 227
 have been found to be erroneous; and the records so amended shall 228
 stand as the true records of the election. Copies of such amended 229
 records of votes cast at a state election shall be made and transmitted 230
 as required by law in the case of copies of original records; provided, 231
 that such copies of amended records shall in case of a state-wide 232
 recount be transmitted by the city or town clerk to the state secretary 233
 within four days of the completion of such recount. If, in case of a 234
 recount of votes for town officers, it shall appear that a person was 235
 elected other than the person declared to have been elected, the 236
 registrars of voters shall forthwith make and sign a certificate of 237
 such fact, stating therein the number of votes cast, as determined by 238
 the recount, for each candidate for the office the election to which is 239
 disputed, and shall file the same with the town clerk. The town clerk 240
 shall record the certificate and shall, within twenty-four hours after 241
 such filing, cause a copy of such certificate, attested by him, to be 242
 delivered to or left at the residence of the person so declared to have 243
 been elected, and to the person who by such certificate appears to be 244
 elected. 245

Registrars of voters may employ such clerical assistance as they 246
 deem necessary to enable them to carry out this section and in the 247
 investigation of challenged votes may summon witnesses and adminis- 248
 ter oaths. 249

**54:135A. Recount where voting machines used; period during which ma-
 chines locked and sealed.**

Section 135A. For recounts of any election in an election district 1
 where voting machines are used all records of the election shall be 2
 transmitted to the registrars of voters for the recount, including the 3
 voting lists used at the election, the certificates issued to voters 4

omitted from the voting list, the original tally sheets, the precinct clerk's election record, the sealed envelopes containing challenged ballots and absentee ballots cast, the absentee ballot envelopes and applications for such absentee ballots as were cast at the election, the lists of voters who were sent absentee ballots with the notation as to whether such ballots were cast or rejected or whether such voter voted in person and the sealed envelopes containing ballots rejected as defective.

The recount shall consist of the checking with the records and voting lists of the total sheets containing the results of the votes counted, including those cast by voting machines, by ballots of challenged voters and by absent voting ballots, the rejection or counting of ballots cast by challenged voters and the counting of absent voting ballots cast, and the examination of sealed absentee ballot envelopes rejected as defective as to reasons for rejection and a determination as to whether each such envelope should have been rejected or accepted. The registrars' determinations shall be subject to protest as said envelopes are examined at the recount. Said envelopes shall remain sealed irrespective of the decision of the registrars at the recount unless ordered opened by a court. The recount shall also include the determination of the questions raised by the petition for recount, the retabulation of the results, and the certification of the corrected results to the city or town clerk. All voting machines used in a city or town primary or preliminary election shall remain locked and sealed for the period of ten days next succeeding the date of such primary or preliminary election after which time the voting machines may be unsealed and unlocked and made available for preparation for use in the succeeding election; provided, that the registrars of voters upon receipt of a petition for a recount under section one hundred and thirty-five shall proceed to inspect, examine, record and do such other things as are hereinafter provided for at elections. All voting machines used in an election shall remain locked and sealed for the period of thirty days next succeeding the date of the election, after which time the voting machines may be unsealed and unlocked and made available for preparation for use in the succeeding election; provided, that upon receipt of notice of contest, as provided by section one hundred and thirty-four, or a petition for a recount under section one hundred and thirty-five, or upon certification by the city or town clerk to the registrars of a necessity of releasing said machines for an ensuing primary, preliminary election or election, the registrars of voters shall, within five days from the receipt thereof, proceed to inspect and examine the voting machines showing the votes cast for such contested office, and shall make a record of the votes for said contested office as shown on said voting machines, or in the case of such certification by a city or town clerk a record of the votes for all

offices as shown on said voting machines, which record, if correct, 51
they shall duly certify as correct over their signatures, and shall 52
preserve such records so that the same may be available in such 53
contest or recount as evidence of the votes cast for such office upon 54
said voting machines. Such record shall be received as evidence as 55
fully and with as full force and effect as if proved by the oral 56
testimony of the persons who shall sign the same, or by the produc- 57
tion of said voting machines in court or before said board. The 58
principals of such contest or recount, and their authorized representa- 59
tives, shall be notified in writing of, and be permitted to be present at, 60
the aforementioned inspection, examination and recording of the 61
results as shown on said voting machines. After such inspection, 62
examination and recording of the results thereof, the said voting 63
machines shall immediately thereafter be released and shall be avail- 64
able for preparation for use in the succeeding election. Upon comple- 65
tion of such recount such records, total sheets, voting lists and ballots 66
shall be returned to the city or town clerk, after being sealed up in 67
their proper envelopes or containers, in the manner and with the 68
certificate required by section one hundred and thirty-five. In any 69
city or town where the annual city or town election is held on the first 70
Monday in March, or during the month of February, in the year when 71
the presidential primary is held the election commissioners or the 72
registrars of voters shall inspect and make a record of the figures on 73
the voting machines and ballot boxes immediately after the polls have 74
closed and said machines and ballot boxes shall be used in the 75
presidential primary. 76

54:135B. Recount where electronic voting system used; petition specifying recount by board.

Section 135B. The recount of the votes cast in any polling place 1
where an electronic voting system is used shall consist of the insert- 2
ing of the original ballots or ballot cards in a computer or tabulating 3
mechanism which has been programmed and tested in accordance 4
with section thirty-three F; provided, that if the recount petition so 5
specifies, said recount shall consist of the checking of the original 6
ballots or ballot cards by hand. Any such recount shall be in 7
conformity with the provisions of section one hundred and thirty-five, 8
so far as applicable. 9

54:136. Information regarding challenged voters not to be given.

Section 136. No officer recounting ballots shall, except as required 1
by law, make any statement or give any information relative to a 2
ballot cast by a challenged voter. 3

54:137. Election results in cities; declaring before recounts; certificates of election.

Section 137. The city clerk shall not declare the result of an election for city officers or of a vote upon any question submitted to the voters until the time for filing a petition for a recount of ballots has expired, or, if such petition has been filed, until the ballots have been recounted and the returns amended, notwithstanding any special act relating to the city. After the ballots have been recounted and the records amended, the city clerk shall forthwith declare the result of the election, and shall thereupon issue certificates of their election to the persons elected. No person elected to a city office shall act in an official capacity by virtue of such election before his certificate of election has been issued.

PROCEEDINGS UPON FAILURE TO ELECT, AND VACANCIES
IN STATE OFFICES.

54:138. Presidential electors; proceedings upon failure to elect.

Section 138. If, upon examination of the copies of the records of votes for presidential electors, it appears that a majority of the whole number of electors has not been chosen, the governor shall forthwith, by proclamation, call together the general court; and the senators and representatives assembled in joint convention shall by ballot choose electors to complete the full number.

If the whole number of electors has not been chosen when the electors meet on the date fixed under federal law, or if an elector has died or is then absent, the electors present shall forthwith choose electors from the citizens of the commonwealth to complete the full number.

54:139. Senatorial vacancies.

Section 139. Upon failure to choose a senator in congress or upon a vacancy in said office, the vacancy shall be filled for the unexpired term at the following biennial state election provided said vacancy occurs not less than seventy days prior to the date of the primaries for nominating candidates to be voted for at such election, otherwise at the biennial state election next following. Pending such election the governor shall make a temporary appointment to fill the vacancy, and the person so appointed shall serve until the election and qualification of the person duly elected to fill such vacancy.

54:140. Representatives in congress; vacancies.

Section 140. Upon failure to choose a representative in congress or upon a vacancy in said office, the governor shall cause precepts to be issued to the aldermen in every city and the selectmen in every town

in the district, directing them to call an election on the day appointed
therein for the election of such representative. 4
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If at the time a representative is elected at the biennial state
election, there exists a vacancy in said office, said representative shall
also be deemed to have been elected to serve out such vacancy. 6
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54:141. Representatives in general court; vacancies.

Section 141. Upon a vacancy in the office of representative in the
general court or upon failure to elect, the speaker of the house of
representatives shall issue precepts to the aldermen of each city and
the selectmen of each town comprising the district or any part
thereof, appointing such time as the house of representatives may
order for an election to fill such vacancy; provided, that if such
vacancy occurs during a recess between the first and second annual
sessions of the same general court, the speaker may fix the time for
an election to fill such vacancy. All such elections shall be held on a
Tuesday. Upon receipt of such precepts, the aldermen or the select-
men shall call an election, which shall be held in accordance with the
precepts. 1
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54:142. District attorneys and county officers.

Section 142. Upon failure to choose a district attorney, clerk of the
courts or in Suffolk county of the supreme judicial or superior court,
register of probate or sheriff, the governor shall cause precepts to be
issued to the proper officers, directing them to call an election on the
day appointed therein for the election of such officer. 1
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Upon a vacancy by removal or otherwise in any of the above named
offices, he shall in like manner cause precepts to be issued for an
election to fill such vacancy at the next biennial state election for
which precepts can be seasonably issued, unless the term of the office
expires on the first Wednesday of January following such state
election. 6
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Upon a vacancy in the office of district attorney, register of probate
or sheriff, the governor with the advice and consent of the council
may appoint some person thereto until a district attorney, register of
probate or sheriff is qualified. 12
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Upon a vacancy in the office of clerk of the courts in any county, or
of the clerk of the supreme judicial court in Suffolk county, the
justices of said court may appoint a clerk to hold the office until a
clerk is qualified. 16
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Upon a vacancy in the office of a clerk of the superior court in
Suffolk county, the justices of said court may appoint a clerk to hold
the office until a clerk is qualified. 20
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54:143. County treasurers; registers of deeds.

Section 143. Upon failure to choose a county treasurer or a register of deeds for a county or district, except Suffolk and Nantucket counties, the county commissioners shall forthwith issue precepts to the aldermen of each city and the selectmen of each town in such county or district, directing them to call an election for the election of such officer on a day appointed therein.

Upon a vacancy by removal or otherwise in the office of county treasurer or of register of deeds in a county or district, except in Suffolk and Nantucket counties, the county commissioners shall in like manner issue precepts for an election to fill such vacancy at the next biennial state election for which precepts can be seasonably issued, unless the term of the office expires on the first Wednesday of January following such state election, and may appoint some person to fill such office until a person is elected thereto and qualified. The person so appointed shall give bond as provided in section three of chapter thirty-five or section three of chapter thirty-six, as the case may be.

Upon failure to choose a register of deeds in Suffolk county, or upon a vacancy in that office, the city council of Boston shall call meetings to elect a register of deeds or to fill such vacancy, as is above provided for an election in other counties; and, upon a vacancy in that office in said Suffolk county, the superior court shall appoint some person to the office until a person is elected thereto and qualified.

Upon failure to choose a register of deeds in Nantucket county, or upon a vacancy in that office, the selectmen of the town of Nantucket shall call a meeting to elect a register of deeds as is above provided for an election in other counties, and may appoint some person to the office until a person is elected thereto and qualified.

54:144. County or associate commissioner.

Section 144. Upon failure to choose a county commissioner, the board of examiners shall forthwith issue precepts to the aldermen of each city and to the selectmen of each town in such county, directing them to call an election to elect such officer on a day appointed therein.

Upon a vacancy by removal or otherwise in the office of county commissioner, the board of examiners shall in like manner issue precepts for an election to fill such vacancy at the next biennial state election for which precepts can be seasonably issued, unless the term of office of the commissioner whose office is so vacant expires on the first Wednesday of January following such election.

Also upon such vacancy, the two remaining county commissioners and the clerk of the courts for the county, or a majority of them, may appoint a person, not a resident of the same town as either of the remaining commissioners, to fill the office of county commissioner until a person is elected thereto and qualified.

54:145. Death after election but before beginning of term.

Section 145. If a person elected to any of the offices mentioned in the three preceding sections dies before the first Wednesday of January following his election, the office shall be filled as in case of a vacancy.

54:146. Notice to state secretary.

Section 146. The county commissioners in each county shall forthwith notify the state secretary of any vacancy in the office of county treasurer or of register of deeds; and the board of examiners shall give like notice to the state secretary of any vacancy in the office of county commissioner, and in each case they shall send to him a copy of the precepts issued by them for an election.

54:147. Elections to fill vacancies.

Section 147. At elections held because of a failure to elect or to fill vacancies, the proceedings shall be the same, so far as applicable, as in elections to the same office at the biennial state election.

PROCEEDINGS OF PRESIDENTIAL ELECTORS.

54:148. Proceedings of presidential electors; meetings; organization; record of proceedings.

Section 148. The persons chosen as presidential electors shall meet at the state house on the date fixed by federal law next following their election at three o'clock in the afternoon and organize by the choice of a presiding officer and secretary. The state secretary shall call the meeting to order, call the roll of electors, and preside until a presiding officer shall be chosen. The secretary of the electors shall keep a journal of their proceedings and deposit the same in the office of the state secretary, where it shall be recorded and filed.

54:149. Compensation.

Section 149. Each elector shall receive from the commonwealth three dollars for each day of attendance, and one dollar for every five miles of travel from his residence to the place of meeting.

OFFICERS TO BE ELECTED AT STATE ELECTIONS.

54:150. Officers to be elected at state elections; state officers.

Section 150. At the biennial state election there shall be chosen by the voters of the commonwealth, as prescribed by the constitution, a governor, lieutenant governor, state secretary, state treasurer, state auditor and attorney general; by the voters in each councillor district, one councillor; by the voters in each senatorial district, one senator; and by the voters in each representative district, such number of representatives as the district is entitled to elect.

54:151. Presidential electors.

Section 151. At the biennial state election in each year in which presidential electors are required to be elected, a number of electors, equal to the whole number of senators and representatives in congress to which the commonwealth is entitled, shall be chosen by the voters of the commonwealth in the manner and with the effect provided by section seventy-eight.

54:152. Senators in congress.

Section 152. At the biennial state election in nineteen hundred and twenty-two, and in every sixth year thereafter, and in nineteen hundred and twenty-four, and in every sixth year thereafter, a senator in congress shall be chosen by the voters of the commonwealth.

54:153. Representatives in congress.

Section 153. At each biennial state election a representative in congress shall be chosen by the voters in each congressional district.

54:154. District attorneys.

Section 154. At the biennial state election in nineteen hundred and twenty-two, and in every fourth year thereafter, a district attorney shall be chosen by the voters in each of the districts into which the commonwealth is divided for the administration of the criminal law.

54:155. Clerks of courts.

Section 155. At the biennial state election in nineteen hundred and twenty-two, and in every sixth year thereafter, the clerk of the courts in counties other than Suffolk, and in Suffolk the clerk of the supreme judicial court for that county and the clerks of the superior court for civil and for criminal business therein, shall be chosen by the voters of their respective counties.

54:156. Registers of probate.

Section 156. At the biennial state election in nineteen hundred and twenty-four, and in every sixth year thereafter, a register of probate shall be chosen by the voters of each county. 1
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54:157. Registers of deeds.

Section 157. At the biennial state election in nineteen hundred and twenty-two, and in every sixth year thereafter, a register of deeds shall be chosen by the voters of each district for the registry of deeds, and of each county not divided into districts. 1
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54:158. County commissioners.

Section 158. There shall be chosen by the voters of each of the counties, except Suffolk and Nantucket, at the biennial state election in nineteen hundred and forty, and in every fourth year thereafter, two county commissioners for said county, and at the biennial state election in nineteen hundred and forty-two, and in every fourth year thereafter, one county commissioner for said county, and in addition at each biennial state election such number of county commissioners as may be required to be chosen under section one hundred and forty-four to fill vacancies. 1
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Not more than one of the county commissioners shall be chosen from the same city or town. If two persons residing in the same city or town shall appear to have been chosen to said offices, only the person receiving the larger number of votes shall be declared elected; but if they shall receive an equal number of votes, no person shall be declared elected. If a person residing in a city or town where a county commissioner who is to remain in office also resides, shall appear to have been chosen, he shall not be declared elected. If the person is not declared elected by reason of the above provisions, the person receiving the next highest number of votes for the office, and who resides in another city or town, shall be declared elected. 10
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54:159. Sheriffs.

Section 159. At the biennial state election in nineteen hundred and twenty-six, and in every sixth year thereafter, a sheriff shall be chosen by the voters in each county. 1
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54:160. County treasurers.

Section 160. At the biennial state election in nineteen hundred and twenty-four, and in every sixth year thereafter, a county treasurer shall be chosen by the voters in each county, except Suffolk and Nantucket. 1
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54:161. Repealed, 1972, 735, Sec. 10.

54:162. Regional district school committees members.

Section 162. At the biennial state elections, members of regional	1
district school committees elected at district-wide elections shall be	2
chosen by the voters in each such district. The length of such terms	3
of office shall be determined by the regional school districts; provid-	4
ed, however, that such terms shall not exceed four years.	5

CHAPTER 55.

DISCLOSURE AND REGULATION OF CAMPAIGN EXPENDITURES AND CONTRIBUTIONS.

- | Section | Section |
|--|--|
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| 2. Accounts of campaign contributions and expenditures; violations; penalties. | 19. Campaign funds; designation of depository. |
| 3. Director of campaign and political finance; selection, etc.; powers and duties; judicial review of decisions; procedure for violations. | 20. Repealed, 1979, 335, Sec. 2. |
| 4. Repealed, 1986, 631, Sec. 3. | 21. Repealed, 1979, 335, Sec. 3. |
| 5. Political committees; statement of organization; treasurer; secretary; duties; expenditures; penalties. | 22. Corporations making contributions; filing of reports with director; penalties. |
| 6. Restrictions on expenditures; penalties. | 22A. Expenditures for political purpose; report; punishment for violation; examination of accounts. |
| 7. Receipts, disbursements and contributions regulated; limitations; payment for goods or services; penalties. | 23. Persons acting for political committees; accounts and vouchers to treasurers. |
| 8. Political contributions, etc., by corporations; penalties. | 24. Place of filing statements; signing. |
| 9. Contributions and expenditures over \$50; use of credit card by committee; penalties. | 25. Preservation of statements and reports by director; public inspection and reproduction. |
| 10. True name and address of donor to be given; penalties. | 26. Preservation of statements and reports by city or town clerk; public inspection and reproduction. |
| 11. Soliciting of money, etc., from, and payment thereof by, candidates prohibited; exception; penalties. | 27. Furnishing blanks and forms for statements and reports, and summary of laws. |
| 12. Soliciting of money for nomination papers prohibited; penalties. | 28. Inspection of statements and reports; delinquencies; notice; filing. |
| 13. Solicitation or receipt of political campaign contributions by appointive public officers or employees prohibited; exception; penalties. | 29. Failure to file or unlawful statement or report; notice to and duties of attorney general. |
| 14. Soliciting contributions in public buildings prohibited; penalties. | 30. Courts authorized to compel filing of statements. |
| 15. Political contributions by public officers or employees restricted; penalties. | 31. Immunity of witnesses. |
| 16. Requiring political contributions or services of persons in public service prohibited; penalty. | 32. Corrupt practices by candidate defined. |
| 16A. Obligation to make political contribution or render political service; penalty. | 33. Election petitions for corrupt practices; procedure. |
| 17. Public service status of officers or employees protected relative to political contributions; penalty. | 34. Application of preceding sections. |
| 18. Reports of contributions and expenditures; persons required to file; contents; reporting periods; time limits; penalties. | 35. Inquests upon complaint for violations. |
| | 36. Conduct of inquests. |
| | 37. Witnesses; attendance; process; fees. |
| | 38. Stenographer. |
| | 39. Witnesses; binding over to superior court. |
| | 40. Apprehension of offenders. |
| | 41. Witnesses; compulsory testimony; immunity. |
| | 42. Forwarding certified copy of record of final judgment or conviction to city or town clerk; disqualification of defendant as voter. |

55:1. Definitions.

Section 1. For the purpose of this chapter, unless a different meaning clearly appears from the context, the following words shall have the following meanings:

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"Candidate", any individual who seeks nomination or election to public office, whether or not such individual is nominated or elected. For the purpose of this chapter, an individual shall be deemed to be seeking nomination or election to such office if he has (1) received a contribution or made an expenditure, or has given his consent for any other person or committee to receive a contribution or make an expenditure, for the purpose of influencing his nomination or election to such office, whether or not the specific public office for which he will seek nomination or election is known at the time the contribution is received or the expenditure is made, or (2) taken the action necessary under the laws of the commonwealth to qualify himself for nomination or election to such office, or, if said individual holds elective public office, whether elected or appointed to such office, and he has (3) received any money or anything of value, or made any disbursement resulting from any purchases, made from said individual, or a committee, or a person acting on behalf of said individual or committee, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activity, including a testimonial, regardless of the purpose of said activity, held on behalf of said individual at any time while he holds said public office.

"Contribution", a contribution of money or anything of value to an individual, candidate, political committee, or person acting on behalf of said individual, candidate or political committee, for the purpose of influencing the nomination or election of said individual or candidate, or for the purpose of promoting or opposing a charter change, referendum question, constitutional amendment, or other question submitted to the voters, and shall include any: (1) gift, subscription, loan, advance, deposit of money, or thing of value, except a loan of money to a candidate by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business; (2) transfer of money or anything of value between political committees; (3) payment, by any person other than a candidate or political committee, or compensation for the personal services of another person which are rendered to such candidate or committee; (4) purchase from an individual, candidate, or political committee, or person acting on behalf of said individual, candidate, or political committee, whether through the device of tickets, advertisements, or otherwise, for fund-raising activities, including testimonials, held on behalf of said individual, candidate or political committee, to the extent that the purchase price exceeds the actual cost of the goods sold or services rendered; (5) discount or rebate not available to other candidates for the same office and to the general public; and (6) forgiveness of indebtedness or payment of indebtedness by another person; but shall not include the rendering of services by speakers, editors, writers, poll watchers, poll checkers or others, nor the payment by those rendering such services of such personal expenses as

may be incidental thereto, nor the exercise of ordinary hospitality; 50
 provided, however, that a transfer of funds or payments by a deposi- 51
 tory candidate or his committee to the political committee of a party, 52
 for goods or services provided to a candidate or his committee by such 53
 political party shall not be considered to be a contribution. 54

“Director”, the director of campaign and political finance. 55

“Election”, any convention or caucus of a political party held to 56
 nominate a candidate, and any city, town or state preliminary, pri- 57
 mary or election, and any special preliminary, primary or election. 58

“Expenditure”, any expenditure of money, or anything of value, by 59
 an individual, candidate, or political committee, or a person acting on 60
 behalf of said individual, candidate, or political committee, for the 61
 purpose of influencing the nomination or election of said individual or 62
 candidate, or of presidential and vice presidential electors, or for the 63
 purpose of promoting or opposing a charter change, referendum 64
 question, constitutional amendment, or other question submitted to 65
 the voters, and shall include: (1) any purchase, payment, distribution, 66
 loan, advance, deposit, or gift of money, or anything of value; and (2) 67
 any transfer of money or anything of value between political commit- 68
 tees. 69

“Political committee”, any committee, association, organization or 70
 other group of persons, including a national, regional, state, county, 71
 or municipal committee, which receives contributions or makes expend- 72
 itures for the purpose of influencing the nomination or election of a 73
 candidate, or candidates, or of presidential and vice presidential 74
 electors, or for the purpose of opposing or promoting a charter 75
 change, referendum question, constitutional amendment, or other 76
 question submitted to the voters. 77

Notwithstanding any other provisions of this chapter, any receipt or 78
 disbursement of any money or anything of value by an individual, or 79
 person acting on behalf of said individual, which is not otherwise a 80
 “contribution” or “expenditure” as defined in this section, resulting 81
 from any purchases from said individual, or any person acting on 82
 behalf of said individual, whether through the device of tickets, 83
 advertisements, or otherwise, for any fund-raising activity, including 84
 a testimonial, held on behalf of said individual, regardless of the 85
 purpose of said activity, shall be deemed to be a “contribution” or 86
 “expenditure” if said individual: (1) is a candidate in accordance with 87
 the provisions of clauses (1) or (2) of the definition of “Candidate” at 88
 the time of said receipt or disbursement; (2) holds elective public 89
 office, whether elected or appointed to such office, at the time of said 90
 receipt or disbursement, and thereby becomes a candidate in accor- 91
 dance with the provisions of clause (3) of said definition; or (3) 92
 becomes a candidate in accordance with said clauses (1) or (2) of said 93
 definition subsequent to such receipt or disbursement, and shall be 94

reported as a contribution or an expenditure in accordance with the 95
provisions of sections eighteen and nineteen. 96

55:2. Accounts of campaign contributions and expenditures; violations; penalties.

Section 2. Every candidate shall keep detailed accounts of all 1
contributions received by him, or by a person acting on his behalf, and 2
of all expenditures made by him, or by a person acting on his behalf. 3
Said accounts may be kept by an agent duly authorized thereto, but 4
the candidate shall be responsible for said accounts, which shall be 5
kept separate and distinct from all other accounts and shall include 6
contributions made by the candidate from his own personal funds or 7
otherwise. Said accounts shall include: 8

(1) the full name and residential address of each person who has 9
made a contribution, in an amount or value in excess of fifty dollars in 10
a reporting period, and such information for each contribution of less 11
than or equal to the sum of fifty dollars, if the aggregate of all 12
contributions received from such contributor within said reporting 13
period is in excess of fifty dollars, and the amount or value and date 14
of the contribution; provided, however, that any contributions result- 15
ing from any purchases from a candidate or a person acting on his 16
behalf, whether through the device of tickets, advertisements, or 17
otherwise, for any fund-raising activities, including testimonials, held 18
on behalf of said candidate, regardless of the purpose of said activity, 19
shall not be included with the accounts of those contributions de- 20
scribed herein, but shall be included with those accounts of contribu- 21
tions in clauses (2) and (4); 22

(2) for those contributions resulting from such purchases as are 23
excluded from clause (1), the full name and residential address of each 24
person who has made such purchases if the amount or value paid in 25
excess of fifty dollars in a reporting period and such information for 26
each amount or value paid for each purchase of less than or equal to 27
the sum of fifty dollars, if the aggregate of all amounts or value paid 28
for such purchases made by said person within said reporting period 29
is in excess of fifty dollars and the amount or value paid and date of 30
the purchase; 31

(3) the amount or value and date of each contribution made, in a 32
reporting period, except for those contributions resulting from such 33
purchases as are excluded from clause (1), which is not otherwise 34
included under clause (1); 35

(4) for those contributions resulting from such purchases as are 36
excluded from clause (1), which are not otherwise included under 37
clause (2), the amount or value paid and date for all such purchases in 38
a reporting period; 39

(5) the full name and address of each person to whom an expenditure is made in excess of twenty-five dollars in a reporting period, a receipted bill stating the particulars for each such expenditure, including the amount or value, date and purpose of each such expenditure; provided, however, that any expenditures resulting from such purchases as are excluded from clause (1) shall not be included with the accounts of those expenditures described herein;

(6) for those expenditures resulting from such purchases as are excluded from clause (5), the full name and address of each person to whom any expenditure is made, in a reporting period, in an amount or value in excess of twenty-five dollars, the amount or value, date and purpose of each such expenditure;

(7) the amount or value, date and purpose of each expenditure made, in a reporting period, which is not otherwise included under clause (5), except those expenditures resulting from such purchases as are excluded from clause (5);

(8) for those expenditures resulting from such purchases as are excluded under clause (5), the amount or value, date and purpose of each expenditure made in a reporting period, which is not otherwise included under clause (6).

The candidate shall preserve all receipted bills and accounts relative to all contributions received, expenditures made and any other campaign finance activity, which shall include the full name and residential address of all persons who have made a contribution to said candidate regardless of the amount of said contribution. The candidate shall preserve said receipted bills and accounts for six years from the date of the relevant election.

Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

55:3. Director of campaign and political finance; selection, etc.; powers and duties; judicial review of decisions; procedure for violations.

Section 3. The state chairman of each of the two leading political parties, the state secretary, and a dean of a law school located in the commonwealth, to be appointed by the governor as provided hereinafter, shall serve as a commission for the purposes of selecting the director of campaign and political finance. The term of the dean of a law school shall be six years but shall expire if he should cease to act as dean; a successor shall be appointed within thirty days after the occurrence of a vacancy in said office. The state secretary shall act as chairman of said commission. Meetings of the commission may be called by the state secretary or by any two other members.

Selection of the director, who shall be a resident of the commonwealth, shall be by unanimous vote of the members of the commission. The commission shall select a successor director no later than thirty days prior to the expiration date of the term of the director and no later than sixty days after the occurrence of a vacancy in said office; provided, however, in the event that a vacancy shall exist in the office of director for ten days beginning with the date of the primary election at which a candidate for any statewide office is nominated and ending one hundred and twenty days after the election, the chairman of the commission shall appoint a director pro tem, who shall serve until a successor director is appointed in accordance with the provisions hereof. An incumbent director may be selected for a succeeding term or terms.

The director shall serve for a term of six years and, unless removed, until his successor has been selected and has assumed the office. He may not be removed from office except upon an affirmative vote of all of the members of the commission then serving. Removal of the director shall be at the discretion of the commission, and shall not be reviewable.

The director shall devote full time to his duties during normal business hours. Subject to appropriation, he shall receive a salary to be determined from time to time by a majority of the members present and voting at a duly-called meeting of the commission, a quorum being present. He shall not, during the term he serves as director, engage in any political activities of any nature, nor shall he hold any other public office; provided, however, that he shall be free to advise and consult with legislative committees, the members of the general court and other persons affected by the laws under his jurisdiction, and to advocate and sponsor legislation.

The director shall appoint at least one full-time accountant, one full-time clerk, two full-time investigators, and one full-time secretary, with not less than one and not more than three additional part-time aides during election years. Said positions or any other positions appointed by the director shall not be subject to the provisions of chapter thirty-one.

The director shall make available to investigative, accounting and law enforcement agencies of the commonwealth all information necessary or advisable to fulfill their duties, with respect to this chapter. He shall, from time to time as he deems necessary or advisable, issue rules and regulations in conformity with the provisions of this chapter and chapter thirty A, and shall also issue interpretative bulletins and respond with reasonable promptness to requests for information, interpretations and advice presented by candidates, state committees, political committees and members of the public.

All acts, decisions and rulings of the director shall be subject to 55
 judicial review under the provisions of chapter thirty A upon the 56
 application of any interested person. 57

The director shall inspect all statements and reports of candidates, 58
 or nonelected political committees supporting such candidates, filed 59
 with him, within thirty days of the reporting dates required by this 60
 chapter, and all other statements and reports within sixty days of the 61
 reporting dates required by this chapter. If upon examination of the 62
 records it appears that any candidate or political committee has failed 63
 to file a statement or report as required by law, or if it appears to the 64
 director that any such statement or report filed with him does not 65
 conform to law, or upon written complaint by five registered voters 66
 that a statement or report does not conform to law, or that any 67
 candidate or political committee has failed to file a statement or 68
 report required by law, the director shall, in writing, notify the 69
 delinquent person. Such complaint shall state in detail the grounds of 70
 objection, shall be sworn to by one of the subscribers, and shall be 71
 filed with the director within ten days after the required date for 72
 filing a statement or report, or within ten days after the actual filing 73
 of a statement or report, or an amended statement or report. Upon 74
 failure to file a statement or report within ten days after receiving 75
 notice under this section or if any statement filed after receiving such 76
 notice discloses any violation of any provisions of this chapter, the 77
 director shall notify the attorney general thereof and shall furnish 78
 him with copies of all papers relating thereto, and the attorney 79
 general, within two months thereafter, shall examine every such case, 80
 and if satisfied that there is cause, he shall in the name of the 81
 commonwealth institute appropriate civil proceedings or refer the 82
 case to the proper district attorney for such action as may be 83
 appropriate in the criminal courts. 84

The director shall have the power and authority to investigate the 85
 legality, validity, completeness and accuracy of all reports and actions 86
 required to be filed and taken by candidates, treasurers, political 87
 committees, and any other person pursuant to this chapter and any 88
 other laws of the commonwealth pertaining to campaign contributions 89
 and expenditures. He may require, by summons, the attendance and 90
 testimony under oath of witnesses and the production before him of 91
 books and papers relating to any matter being investigated by him. 92
 Such summons shall be served in the same manner as summonses for 93
 witnesses in criminal cases issued on behalf of the commonwealth and 94
 all provisions of law relative to summonses issued in such cases shall 95
 apply to summonses issued under this section so far as applicable. 96
 Any justice of the supreme judicial court or of the superior court may 97
 upon application by the director compel the attendance of witnesses 98
 summoned as aforesaid and the giving of testimony under oath before 99

said director in furtherance of any investigation in the same manner 100
and to the same extent as before said courts. 101

The director shall establish rules of procedure governing the con- 102
duct of his hearings and investigations which shall be made available 103
in printed form to each witness prior to his testimony. Witnesses 104
shall have the right to be represented by counsel and shall before 105
testifying be sworn. Witnesses shall testify only at private hearings 106
and the same provisions with reference to secrecy which govern 107
proceedings of a grand jury shall govern all proceedings before the 108
director. Violations of such provisions with regard to secrecy shall be 109
punished by a fine of up to one thousand dollars and imprisonment for 110
not more than one year, or both. Upon conviction for any such 111
violation said director shall be removed and the office of director 112
deemed vacant. 113

The director shall inform any person or committee under investiga- 114
tion by said director by registered mail, return receipt requested, of 115
his intention to present to the attorney general evidence of any 116
alleged violation of this chapter. Within ten days of receipt of said 117
notice said alleged violator may request a hearing before the director 118
for the purpose of presenting evidence to the contrary. Said director 119
shall not present evidence of any such alleged violation to the attor- 120
ney general until after said hearing. Evidence of any such violation 121
of this chapter which has come to his attention shall be presented by 122
the director to the attorney general only after the relevant election 123
involved, but within two years after said election. 124

55:4. Repealed, 1986, 631, Sec. 3.

**55:5. Political committees; statement of organization; treasurer; secretary;
duties; expenditures; penalties.**

Section 5. Each political committee shall organize by filing with 1
the director or, if organized for the purpose of a city or town election 2
only, with the city or town clerk, a statement of organization. 3

The statement of organization shall include: (1) the name of the 4
political committee which, if organized on behalf of a candidate, shall 5
include the name of the candidate in said name; (2) the address of the 6
political committee; (3) a statement of the purpose for which the 7
political committee is organized; (4) the name and residential address 8
of the chairman and the treasurer; (5) the name, residential address, 9
and position of other principal officers, including officers and mem- 10
bers of the finance committee, if any, and; (6) the name and address, 11
if known, and party affiliation of each candidate the political commit- 12
tee is supporting; provided, however, that if a candidate is nominated 13
without reference to a political party, the name of his political party 14
shall not be required. 15

The statement of a political committee organized on behalf of a candidate shall also include the written consent of said candidate. No candidate shall give his consent to more than one such committee.

Whenever a statement of organization of a political committee is filed on behalf of a candidate who became a candidate after the deadline for filing nomination papers, the director shall at the time of the filing notify the candidate or his representative of the requirements of clause (a) of section five of chapter two hundred and sixty-eight B and he shall also forward the name and address of such candidate to the state ethics commission within three days after the filing of a political committee with his office.

Any change in information previously submitted in a statement of organization shall be reported to the director, or if organized for the purpose of a city or town election only, to the city or town clerk, within ten days following the change.

Each political committee shall have a treasurer who shall qualify for his office by filing a written acceptance thereof with the director, or if organized for the purpose of a city or town election only, with the city or town clerk. Said treasurer shall remain subject to all the duties and liabilities imposed by this chapter until his written resignation of the office is received or his successor's written acceptance is filed as aforesaid. No person acting under the authority of, or on behalf of, any political committee shall receive any money or anything of value, or expend or disburse the same, or incur expenses while it has no treasurer qualified as aforesaid, or while the name and address of any of its officers or members, as originally or subsequently chosen, is not filed in accordance with the provisions of this section or chapter fifty-two, as the case may be.

Each treasurer of a political committee shall keep and preserve detailed accounts, vouchers and receipts as prescribed for a candidate by the provisions of section two. Each treasurer of a political committee shall keep said records for a period of six years following the date of the relevant election. A candidate may not be the treasurer of the political committee which has been organized on his behalf.

The secretary of each ward, city and town committee shall file with the director a list of the officers of the committee, together with the addresses of such officers, within ten days after its organization under the provisions of chapter fifty-two, and within ten days of any change of said officers.

No expenditure shall be made for, or on behalf of, a political committee without the authorization of the chairman or treasurer, or their designated agents.

All funds of a political committee shall be kept separate from any personal funds of officers, members or associates of such committee. 59
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Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both. 61
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55:6. Restrictions on expenditures; penalties.

Section 6. A political committee organized or operating on behalf of a candidate for the office of governor, lieutenant governor, attorney general, state secretary, treasurer and receiver general, or auditor may receive, pay and expend money or other things of value for reasonable and necessary expenses directly related to the campaign of such candidate but shall not make any expenditure that is primarily for the candidate's or any other person's personal use; provided, however, that no such committee may contribute to any other political committee or to the campaign fund of any other candidate; and, provided further, that the director shall establish reasonable rules and regulations concerning such expenditures. 1
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Any other political committee, duly organized, may receive, pay and expend money or other things of value for the enhancement of the political future of the candidate or the principle, for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use, provided, however, that the director shall establish reasonable rules and regulations concerning such expenditures; and provided, further, that such committee may contribute to other political committees and may contribute to the campaign fund of a candidate; and provided, further, that the aggregate of all such contributions made by such a committee organized on behalf of a candidate to another non-elected political committee organized on behalf of a candidate shall not exceed in any one calendar year the sum of one hundred dollars; and provided further, that the aggregate of all such contributions made by such a committee organized on behalf of a candidate to other non-elected political committees organized on behalf of candidates shall not exceed in any one calendar year the sum of fifteen hundred dollars. 12
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A political committee not organized on behalf of an individual candidate may contribute to another political committee not organized on behalf of an individual candidate; provided, however, that the aggregate of all such contributions for the benefit of any one such political committee shall not exceed in any one calendar year the sum of one thousand dollars. A political committee not organized on behalf of an individual candidate, other than the political committees of a political party, may contribute to the campaign fund of a candidate; provided, however, that the aggregate of all such contribu- 30
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tions for the benefit of any one candidate and the non-elected political committee organized on such candidate's behalf shall not exceed in any one calendar year the sum of one thousand dollars. The political committee of a political party may contribute to the campaign fund of a candidate; provided, however, that the aggregate of all contributions of money for the benefit of any one candidate and the non-elected political committee organized on such candidate's behalf shall not exceed in any one calendar year the sum of three thousand dollars in the case of the state committee and the sum of one thousand dollars in the case of each town or ward committee. For the purposes of the limitations established by this section, all campaign contributions made by political committees established, financed, maintained or controlled by any person, including any parent committee of a subsidiary committee or any person other than a natural person, shall be considered to have been made by a single political committee. Nothing in this section shall be construed to permit contributions to political committees which are otherwise prohibited by this chapter.

Such committee may place such funds in a savings account or money market to earn interest thereon but may not invest its funds or other things of value in any other manner.

For the purposes of this section the term "personal use" shall not include expenses relating to the provision of constituent or legislative services or to the opening or maintaining of a legislative district office, provided that (a) said expenses are not otherwise paid, provided or reimbursed by the commonwealth or any other governmental body.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

55:7. Receipts, disbursements and contributions regulated; limitations; payment for goods or services; penalties.

Section 7. No person or combination of persons including a corporation formed under the provisions of chapter one hundred and eighty, shall in connection with any nomination or election receive money or its equivalent, expend or disburse or promise to expend or disburse the same, except as authorized by this chapter. A political committee or a person acting under the authority or on behalf of such a committee may receive money or its equivalent, or expend or disburse or promise to expend or disburse the same for the purpose of aiding or promoting the success or defeat of a candidate at a primary or election or a political party or principle in public election or favoring or opposing the adoption or rejection of a question submitted to the voters, and for other purposes expressly authorized by this chapter subject, however, to the provisions thereof. Any individual

may make campaign contributions to candidates or non-elected political committees organized on behalf of candidates; provided, that the aggregate of all such contributions for the benefit of any one candidate and the non-elected political committee organized on such candidate's behalf shall not exceed in any one calendar year the sum of one thousand dollars. Any individual may in addition make campaign contributions for the benefit of elected political committees or non-elected political committees organized on behalf of a political party; provided, that the aggregate of such campaign contributions for the benefit of the political committees of any one political party shall not exceed in any one calendar year the sum of one thousand dollars. Any individual may, in addition, make campaign contributions without limitation to nonelected political committees organized for the purpose of favoring or opposing the adoption or rejection of a question submitted to the voters. Any individual may, in addition, make campaign contributions to any other nonelected political committee not organized on behalf of any one candidate or not organized on behalf of a political party or not organized for the purpose of favoring or opposing the adoption or rejection of a question submitted to the voters; provided, however, that the aggregate of such campaign contributions to any one such political committee shall not exceed in any one calendar year the sum of one thousand dollars. Any candidate may in addition make expenditures without limitation for the purposes of his own campaign and may make campaign contributions without limitation for the benefit of non-elected political committees organized on his behalf. Notwithstanding the provisions of this section an individual of less than eighteen years of age shall not make campaign contributions in an amount in excess of twenty-five dollars in the aggregate during any one calendar year. Any candidate required to designate a depository for campaign funds by section nineteen and any person acting for such a candidate or such a political committee shall pay for services rendered or goods sold in excess of the sum of fifty dollars only through or by the means of a check drawn upon such depository and bearing the legend "Campaign Account — (name of candidate or political committee)", and shall secure the signature of the person receiving such check to the following certificate to be printed on all such checks: "The undersigned affirms under the penalties of perjury that he is the named payee of this check or an authorized officer thereof, that he or it performed the services or delivered the goods indicated hereon, that the payment is for the sole purpose of paying for such goods or services and that no person other than the named payee has any interest, direct or indirect, in this payment".

Violation of any provision of this section shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars.

55:8. Political contributions, etc., by corporations; penalties.

Section 8. No corporation carrying on the business of a bank, trust, surety indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, or water company, no company having the right to take land by eminent domain or to exercise franchises in public ways, granted by the commonwealth or by any county, city or town, no trustee or trustees owning or holding the majority of the stock of such a corporation, no business corporation incorporated under the laws of or doing business in the commonwealth and no officer or agent acting in behalf of any corporation mentioned in this section, shall directly or indirectly give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing for the purpose of aiding, promoting or preventing the nomination or election of any person to public office, or aiding or promoting or antagonizing the interest of any political party.

No person or persons, no political committee, and no person acting under the authority of a political committee, or in its behalf, other than a political committee organized on behalf of a ballot question campaign shall solicit or receive from such corporation or such holders of stock any gift, payment, expenditure, contribution or promise to give, pay, expend or contribute for any such purpose.

Any corporation violating any provision of this section shall be punished by a fine of not more than fifty thousand dollars and any officer, director or agent of the corporation violating any provision thereof or authorizing such violation of any provision thereof, or any person who violates or in any way knowingly aids or abets the violation thereof, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than one year, or both.

55:9. Contributions and expenditures over \$50; use of credit card by committee; penalties.

Section 9. No individual, candidate or political committee, or person acting on behalf of said individual, candidate, or political committee, shall accept a contribution of money from any one person or political committee if the aggregate amount contributed in a calendar year exceeds fifty dollars except by check or other negotiable instrument. No individual, candidate, political committee, or person acting on behalf of said individual, candidate, or political committee, shall make an expenditure for an amount exceeding fifty dollars except by check.

A political committee may maintain and use a credit card, obtained in accordance with applicable banking laws and in the ordinary course of business, in order to make expenditures for the purpose for which

said committee was organized, pursuant to the provisions of section 13
 six, but provided that no contribution of money may be accepted by 14
 any individual, candidate or political committee, or person acting on 15
 behalf of said individual, candidate or political committee, other than 16
 in accordance with the first paragraph of this section. The director 17
 shall establish reasonable rules and regulations concerning the use of 18
 such credit cards, and shall print and publish forms to provide for 19
 disclosure of said expenditures by credit card, to effectuate the 20
 purposes of this chapter. 21

Any individual or candidate, or any person acting on behalf of said 22
 individual or candidate, or on behalf of a political committee, who 23
 violates any provision of this section shall be punished by imprison- 24
 ment for not more than one year, or by a fine of not more than one 25
 thousand dollars, or both. 26

55:10. True name and address of donor to be given; penalties.

Section 10. No person shall, directly or indirectly, make a cam- 1
 paign contribution in any name except his own nor in any manner for 2
 the purpose of disguising the true origin of the contribution nor 3
 unless he makes his name and residential address known to the 4
 person receiving such contribution at the time such contribution is 5
 made; nor shall any trust, foundation or association other than a 6
 political committee make a campaign contribution unless at the time 7
 such contribution is made there is also made known to the person 8
 receiving such contribution, the names and addresses of its principal 9
 officers. No candidate or political committee or person acting under 10
 its authority or in its behalf shall knowingly receive a campaign 11
 contribution, or knowingly enter or cause the same to be entered in 12
 the accounts or records of such candidate or committee, unless the 13
 provisions of this section have been complied with. 14

Violation of any provision of this section shall be punished by 15
 imprisonment for not more than one year or by a fine of not more 16
 than one thousand dollars. 17

55:11. Soliciting of money, etc., from, and payment thereof by, candidates prohibited; exception; penalties.

Section 11. No person, no political committee and no person acting 1
 under the authority of a political committee or in its behalf, shall 2
 demand, solicit, ask or invite from a candidate for nomination or 3
 election to public office, or a person occupying an elective public 4
 office, any payment or gift of money or other valuable thing, or 5
 promise of payment or gift of money or other valuable thing for 6
 advertising, gratuities, donations, tickets, programs, or any other 7
 purpose whatsoever; and no such candidate for nomination or elec- 8
 tion, and no one occupying an elective public office, shall make any 9

such payment or gift, or promise to make any such payment or gift, 10
to any person, political committee, or any person acting under the 11
authority of a political committee, if such person or political commit- 12
tee has demanded, solicited, asked, or invited from him any such 13
payment, gift or promise of payment or gift; but this section shall not 14
apply to the soliciting or making in good faith of gifts for charitable 15
or religious purposes. 16

Violation of any provision of this section shall be punished by 17
imprisonment for not more than one year or by a fine of not more 18
than one thousand dollars. 19

55:12. Soliciting of money for nomination papers prohibited; penalties.

Section 12. No political committee, and no person acting under its 1
authority or in its behalf, shall demand or solicit from any candidate 2
for nomination to elective office, or from any one acting in his behalf, 3
a payment of money or a promise of payment of money, as a 4
prerequisite to his obtaining from such committee or its agent the 5
nomination papers required by sections ninety-five to one hundred and 6
one, inclusive, of chapter fifty-three. 7

Violation of any provision of this section shall be punished by a fine 8
of not more than one hundred dollars. 9

55:13. Solicitation or receipt of political campaign contributions by appointive public officers or employees prohibited; exception; penalties.

Section 13. No person employed for compensation, other than an 1
elected officer, by the commonwealth or any county, city or town shall 2
directly or indirectly solicit or receive any gift, payment, contribution, 3
assessment, subscription or promise of money or other thing of value 4
for the political campaign purposes of any candidate for public office 5
or of any political committee, or for any political purpose whatever, 6
but this section shall not prevent such persons from being members 7
of political organizations or committees. The soliciting or receiving of 8
any gift, payment contribution, assessment, subscription or promise 9
of money or other thing of value by a non-elected political committee 10
organized to promote the candidacy for public office of a person so 11
employed for compensation by the commonwealth or any county, city 12
or town, shall not be deemed to be a direct or indirect solicitation or 13
receipt of such contribution by such person; provided, however, that 14
no such gift, payment, contribution, assessment, subscription or prom- 15
ise of money or other thing of value may be solicited or received on 16
behalf of such a person from any person or combination of persons if 17
such person so employed knows or has reason to know that the 18
person or combination of persons has an interest in any particular 19
matter in which the person so employed participates or has participat- 20

ed in the course of such employment or which is the subject of his official responsibility. 21
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Any appointed officer or employee convicted of violating any provision of this section may be removed by the appointing authority without a hearing. 23
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Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars. 26
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55:14. Soliciting contributions in public buildings prohibited; penalties.

Section 14. No person shall in any building or part thereof occupied for state, county or municipal purposes demand, solicit or receive any payment or gift of money or other thing of value for the purposes set forth in section thirteen. 1
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Any appointed officer or employee convicted of violating any provision of this section may be removed by the appointing authority without a hearing. 5
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Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars. 8
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55:15. Political contributions by public officers or employees restricted; penalties.

Section 15. No officer, clerk or other person in the service of the commonwealth or of any county, city or town shall, directly or indirectly, give or deliver to an officer, clerk or person in said service, or to any councillor, member of the general court, alderman, councilman or commissioner, any money or other valuable thing on account of, or to be applied to, the promotion of any political object whatever. 1
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Nothing in this section shall be construed to prevent any person holding elective public office from contributing to a candidate or to an elected or non-elected political committee. 7
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Violation of any provision of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars. 10
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55:16. Requiring political contributions or services of persons in public service prohibited; penalty.

Section 16. No person in the public service shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so. 1
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Violation of any provision of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars. 5
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55:16A. Obligation to make political contribution or render political service; penalty.

Section 16A. No person doing business with the commonwealth shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be otherwise prejudiced for refusing to do so. 1 2 3 4

Violations of any provisions of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars. 5 6

55:17. Public service status of officers or employees protected relative to political contributions; penalty.

Section 17. No officer or employee of the commonwealth or of any county, city or town shall discharge, promote, or degrade an officer or employee, or change his official rank or compensation, or promise or threaten so to do, for giving, withholding or neglecting to make a contribution of money or other valuable thing for a political purpose. 1 2 3 4 5

Violation of any provision of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars. 6 7

55:18. Reports of contributions and expenditures; persons required to file; contents; reporting periods; time limits; penalties.

Section 18. Each candidate and each treasurer of a political committee shall file with the director or, if the candidate seeks public office at a city or town election, or if the committee is organized for the purpose of a city or town election, with the city or town clerk, reports of contributions received and expenditures made on forms to be prescribed by the director. A committee organized under the provisions of section five to favor or oppose a question submitted to the voters shall file its reports with the director if the question appears on ballots at a state election, or with the city or town clerk if the question appears on ballots at a city or town election. 1 2 3 4 5 6 7 8 9 10

Such reports shall be filed as follows: 11

(a) by each candidate for nomination or election to the state senate or house of representatives, and by the non-elected political committee organized on behalf of such candidate, on or before: (1) the eighth day preceding a primary, the eighth day preceding a biennial state election, and, as a final report, the tenth day of January in the following year complete as to the thirty-first day of December of the prior year; (2) the eighth day preceding a special primary, including a convention or a caucus, the eighth day preceding a special election, the thirtieth day following a special election, and, as a final report, the tenth day of January in the following year complete as to the thirty-first day of December of the prior year. 12 13 14 15 16 17 18 19 20 21 22

(b) by each candidate for nomination or election to city or town office, and by the non-elected political committee organized on behalf of such candidate, except a candidate seeking election as a member of a representative town meeting or of a town or city ward committee, and any non-elected political committee organized on behalf of such candidate, on or before: (1) the eighth day preceding a city or town preliminary or primary, including a caucus, the eighth day preceding a city or town election, and if a city election, as a final report, the tenth day of January in the following year complete as to the thirty-first day of December of the prior year, and if a town election, as a final report, the thirtieth day following said election; (2) the eighth day preceding a special primary, including a caucus, the eighth day preceding a special election, and, as a final report, the thirtieth day following a special election.

(c) by each candidate and each non-elected political committee required to designate a depository by section nineteen on or before: (1) the third business day following the designation of such depository, and (2) as a final report, the tenth day of January of the year following the election, complete as to the thirty-first day of December of the prior year.

The reporting period of the initial report shall commence on the day following the preceding election for the office sought by the candidate, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the day such depository is designated.

The reporting period of the second report shall commence on the day following the designation of the depository and shall end as of the thirty-first day of December of the year of the election.

(d) by the treasurer of each state committee referred to in section one of chapter fifty-two and required to designate a depository by section nineteen, on or before: (1) the third business day following the designation of such depository, and (2) as a final report, the tenth day of January of the year following the election complete as to the thirty-first day of December of the prior year.

The reporting period of the initial report shall commence on the day following the preceding biennial state election, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the day such depository is designated.

The reporting period of the second report shall commence on the day following the designation of the depository and shall end as of the thirty-first day of December of the year of the election.

(e) by all other non-elected and elected political committees which are not required to file reports as aforesaid, on or before: (1) the

same days and in accordance with the same schedule as set forth in 67
 clause (a), if the political committee is aiding or promoting the suc- 68
 cess or defeat of one or more candidates in a state primary, special or 69
 general election; (2) the same days and in accordance with the same 70
 schedule as set forth in clause (b), if the political committee is aiding 71
 or promoting the success or defeat of one or more candidates, or is 72
 favoring or opposing a question submitted to the voters, in a city or 73
 town preliminary, primary general or special election. 74

(f) by each political committee organized under the provisions of 75
 section five to favor or oppose a question submitted to the voters, if 76
 the question appears on the ballot at the state election on: (1) the day 77
 of the organization; and (2) the sixtieth day prior to the election 78
 complete as of the preceding fifth day; on or before (3) the fifth and 79
 twentieth day of each month complete as of the preceding first and 80
 fifteenth day of the month, until the election, and, thereafter; (4) the 81
 fifth day of each month until all declared liabilities of such committee 82
 have been discharged. 83

The reporting period of the initial report shall commence on the day 84
 following the preceding biennial state election, or on the day following 85
 the end of the reporting period of the last report filed, if any, 86
 whichever period is shorter, and shall end as of the day of organiza- 87
 tion. 88

The reporting period of the second report shall commence on the 89
 day following said day of organization and shall end as of the sixtieth 90
 day prior to the election. 91

The reporting period of all subsequent reports shall commence on 92
 the day following the end of the reporting period of the last report 93
 filed and shall end as of the first or fifteenth day of each month, as 94
 the case may be. 95

[There is no clause (g).]

(h) by all candidates and all political committees, except those 96
 candidates seeking election as members of a representative town 97
 meeting, or of a city ward or town committee, and non-elected political 98
 committees organized on behalf of such candidates, on or before the 99
 tenth day of January in each year in which they are not otherwise 100
 required to file a report on or before the tenth day of January. 101

For candidates, and non-elected political committees organized on 102
 behalf of such candidates for whom said report would be an initial 103
 report, the reporting period shall commence on the day following the 104
 preceding election for the office sought by such candidate and shall 105
 end as of the thirty-first day of December of the year prior to the last 106
 day for filing; and for all other political committees for which said 107
 report would be an initial report, the reporting period shall commence 108
 on the day following the preceding state, city or town election, as the 109

case may be, and in accordance with the provisions of this section 110
governing said initial report of such committees, and shall end as of 111
the thirty-first day of December of the year prior to the last day for 112
filing said report. For all candidates and all political committees, if 113
said report is not an initial report, the reporting period of such reports 114
required to be filed on or before the tenth day of January in each year 115
shall commence on the first day of January of the prior year, or on 116
the day following the end of the reporting period of the last report 117
filed, if any, whichever period is shorter, and shall end as of the 118
thirty-first day of December of said prior year. 119

The reports required to be filed in accordance with the provisions of 120
clauses (a) and (b), except for the report to be filed in accordance with 121
said provisions on or before the tenth day of January of the year 122
following the election, shall not be required of a candidate, or of the 123
non-elected political committee organized on behalf of said candidate, 124
if the candidate is not a candidate as defined in clause (2) of the 125
definition of candidate of section one. 126

Notwithstanding the provisions of clauses (a), (b), (c) and (d), for 127
those contributions received subsequent to the end of the reporting 128
period of the last report filed, which was identified in said clauses as a 129
final report, by a candidate or political committee, and intended for 130
application to the preceding election of said candidate or of said 131
reporting political committee, an additional report, which shall be the 132
final report for such candidates and committees shall be required. 133
This report shall be filed on or before the tenth day of January 134
following the last day for filing said final report of clauses (a), (b), (c) 135
and (d), and shall be complete as of the thirty-first day of December 136
of the prior year. The reporting period of said report shall commence 137
on the day following the end of the reporting period of the last report, 138
or final report required to be filed by said clauses. 139

Except as otherwise provided, each candidate and the non-elected 140
political committee organized on behalf of said candidate, shall, upon 141
the filing of the initial report, include all contributions received and 142
expenditures made since the day of the preceding election for the 143
office sought by the candidate, or since the end of the reporting 144
period of the last report filed, if any, whichever reporting period is 145
shorter, and all other political committees shall, upon the filing of 146
their initial report, include all contributions received and expenditures 147
made since: (1) the day of the preceding biennial state election, or the 148
end of the reporting period of the last report filed, if any, whichever 149
period is shorter, if the political committee is either aiding or promot- 150
ing the success or defeat of one or more candidates, or is favoring or 151
opposing the adoption or rejection of a question submitted to the 152
voters, at a state primary or election, or (2) the day of the preceding 153
city or town election, or the end of the reporting period of the last 154

report filed, if any, whichever period is shorter, if the political committee is either aiding or promoting the success or defeat of one or more candidates, or is favoring or opposing the adoption or rejection of a question submitted to the voters, at a city or town preliminary, primary or election.

Except as otherwise provided, the end of the reporting period of each report required to be filed under the provisions of this section shall be as of the tenth day preceding the last day for filing. The beginning of the reporting period for each report subsequent to the initial report shall be the day following the end of the reporting period of the last report filed.

The reports required to be filed by this section shall be cumulative during the calendar year to which they relate.

Where there has been no change in an item included in a previous report, only the amount of the item need be carried forward.

Whether or not a contribution has been received or an expenditure has been made during any reporting period as described in this section, a candidate or political committee shall file the required report for said reporting period.

Each report required to be filed under the provisions of this section by a candidate or a political committee shall disclose: (1) the amount of money on hand at the beginning of the reporting period; (2) the full name and residential address, listed alphabetically, of each person who has made a contribution, except for those contributions identified in clauses (5) and (6) of this paragraph and which shall be reported therein, in an amount or value in excess of fifty dollars in the reporting period, and such information for each contribution of less than or equal to the sum of fifty dollars, if the aggregate of all contributions received from such contributor within said reporting period is in excess of fifty, as the case may be, and the amount or value and date of the contribution and the total of all contributions listed; provided, however, that any contributions resulting from any purchases from an individual, candidate, or political committee, or from a person acting on behalf of said individual, candidate, or political committee, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activities, including testimonials, held on behalf of said individual, candidate, or political committee, regardless of the purpose of such activity, shall not be included together with those contributions reportable under the provisions of this clause; but shall be reported in clauses (3) and (7); (3) for those contributions resulting from such purchases as are excluded from clause (2), the full name and residential address, listed alphabetically, of each person who has made such purchases if the amount or value paid is in excess of fifty dollars in the reporting period, and such information for each amount or value paid for such purchase of less

than or equal to the sum of fifty dollars, if the aggregate of all 200
 amounts or value paid for such purchases made by said person within 201
 said reporting period is in excess of fifty dollars and the amount or 202
 value paid and date of the purchase and the total of all amounts 203
 listed; (4) the total amount or value of contributions made in the 204
 reporting period, except for those contributions resulting from such 205
 purchases as are excluded from clause (2), and not otherwise reported 206
 under clause (2); (5) the name and address, listed alphabetically, of 207
 each candidate or political committee from which was received, or to 208
 which was made, any transfer of money or anything of value, in the 209
 reporting period, together with the amount or value and date of such 210
 transfer; (5a) the name and address of the principal officers of any 211
 trust, foundation, and association from which was received a contribu- 212
 tion, as provided in section ten; (6) the amount or value and date of 213
 each loan to or from any person, in the reporting period, together 214
 with the name and residential address of the lender and endorser, if 215
 any, listed alphabetically, and the amount or value and date of each 216
 loan; (7) for those contributions resulting from such purchases as are 217
 excluded from clause (2), the total amount or value paid for such 218
 purchases, in the reporting period, and not otherwise reported under 219
 clause (3); (8) the gross proceeds from such amounts or value paid for 220
 such purchases as are excluded from clause (2), in the reporting 221
 period, which is the sum of the totals reported by clauses (3) and (7); 222
 (9) the net proceeds from such amounts or value paid for such 223
 purchases as are excluded from clause (2), in the reporting period, 224
 which is the total amount or clause (8) minus the sum of clauses (12) 225
 and (13); (10) the total sum of all contributions received, in the 226
 reporting period, which is the sum of clauses (2), (4), (5), (6), and (9); 227
 (11) the full name and address, listed alphabetically, of each person to 228
 whom an expenditure is made, in the reporting period, in an amount 229
 or value of twenty-five dollars or more, the amount or value, date and 230
 purpose of each such expenditure and the total of all such expendi- 231
 tures listed, and in the case of a political committee supporting more 232
 than one candidate, the name and address, the elective office held, if 233
 any, and office sought by each candidate on whose behalf said 234
 expenditure was made; provided, however, that any expenditures 235
 resulting from such purchases as are excluded from clause (2) shall 236
 not be included together with those expenditures reportable under 237
 this clause; but shall be reported in clauses (12) and (13); (12) for 238
 those expenditures resulting from such purchases as are excluded 239
 from clause (11), the full name and address, listed alphabetically, of 240
 each person to whom an expenditure is made, in the reporting period, 241
 in an amount or value of twenty-five dollars or more, the amount or 242
 value, date and purpose of each such expenditure and the total of all 243
 such expenditures listed; (13) for those expenditures resulting from 244
 such purchases as are excluded from clause (11), the total amount or 245

value of such expenditures resulting from such purchases, in the reporting period, and not reported otherwise under clause (12); (14) the total amount or value of expenditures made in the reporting period, except those excluded from clause (11), and not otherwise reported under clause (11); (15) the total sum of expenditures made, in the reporting period, which is the sum of clauses (11) and (14); (16) the amount and date of each then existing liability remaining unfulfilled and in force when the report is made, the name and address of the person to whom the liability exists, and a clear statement of the purpose for which it was incurred; (17) a listing of all banks or other financial institutions used; and (18) in the event of the dissolution of a political committee, a statement of such dissolution detailing the intended or actual disposition of any residual funds.

In addition, each report required to be filed under the provisions of this section shall also include the name, residential address, and amount contributed in that reporting period, of each person whose contributions in the aggregate exceed more than fifty dollars in the calendar year, for those contributions where said information does not otherwise appear on the report.

In addition, the report required to be filed on or before the tenth day of January shall contain a statement detailing the intended or actual disposition of any residual funds. Such residual funds shall not be converted to the personal use of the candidate or any other person except as provided in this paragraph.

Such residual funds shall be donated to:

(i) the Local Aid Fund established under the provisions of section two D of chapter twenty-nine or the Categorical Grants Fund established under the provisions of section two N of chapter twenty-nine, whichever is in effect;

(ii) an entity which is subject to chapter sixty-seven or section eight of chapter twelve; provided, however, that the candidate, treasurer or any official of the political committee shall not be related by consanguinity or affinity to any trustee, officer, principal or beneficiary of said entity either at the time of the gift or within ten years from the date of such gift; provided, further, that no entity may employ as a trustee, officer, principal or beneficiary any person related by consanguinity or affinity to the candidate, treasurer or any official of the political committee either at the time of the gift or within ten years from the date of such gift;

(iii) a scholarship fund; provided, however, that the candidate, treasurer or any official of the political committee shall not participate in the selection of the beneficiary of any scholarship awarded from such fund; and, provided further, the beneficiary of any scholarship awarded from such fund shall not be related by consanguinity or

affinity to the candidate, treasurer or any official of the political committee; or	290 291
(iv) the general fund of any city or town in the commonwealth.	292
The director may petition the supreme judicial court for the dissolution of a political committee, if (i) such political committee fails to comply for two consecutive years with provisions of this section requiring the filing of reports of contributions received and expenditures made; (ii) the candidate on whose behalf such political committee has been organized has died; or (iii) such political committee was organized for the purpose of favoring or opposing the adoption or rejection of a question submitted to the voters and there has been a final determination made as to the adoption or rejection of such question.	293 294 295 296 297 298 299 300 301 302
By such petition, the director may request the court to authorize the administration of any funds held by such political committee in accordance with the provisions of this section regarding residual funds. The court, after notice by mail or otherwise as it may order, may dissolve such political committee. The director may include more than one political committee in a single application.	303 304 305 306 307 308
Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.	309 310 311
The provisions of this section requiring candidates to file reports shall not apply to candidates who during any reporting period have not received contributions, incurred any liabilities, nor made expenditures on their own behalf independent from the political committee organized on their behalf. Said candidates shall sign an affidavit under the pains and penalties of perjury that they have not received any contributions, incurred any liabilities, nor made any expenditures on their own behalf during that reporting period. Said affidavit shall be made on the report filed by the candidate's political committee for that reporting period.	312 313 314 315 316 317 318 319 320 321
Candidates who have no political committee organized on their behalf and who have not received any campaign contributions, incurred any liabilities, nor expended money on their behalf during any reporting period need only sign an affidavit on a form provided by the director stating that they have not received a campaign contribution, incurred any liabilities, nor made any expenditure on their own behalf. Said statement shall be signed under the pains and penalties of perjury.	322 323 324 325 326 327 328 329
The provisions of this section requiring city, town and ward committees established under the provisions of chapter fifty-two to file reports shall not apply to any city, town or ward committee which during any reporting period has not received contributions in the	330 331 332 333

aggregate in excess of fifty dollars, incurred any liabilities, nor made 334
 expenditures in the aggregate in excess of twenty-five dollars and 335
 which prior to such reporting period had no assets or liabilities. The 336
 treasurer of said city, town or ward committee shall sign an affidavit 337
 on a form provided by the director or in a letter stating that said 338
 committee has not received contributions in the aggregate in excess 339
 of fifty dollars, incurred any liabilities, nor made expenditures in the 340
 aggregate in excess of twenty-five dollars and had no assets or 341
 liabilities prior to said reporting period. Said statement shall be 342
 signed under the pains and the penalties of perjury. 343

55:18A. Reports of independent expenditures.

Section 18A. Every individual, group or association not defined as 1
 a political committee, who makes an independent expenditure or 2
 expenditures in an aggregate amount exceeding one hundred dollars 3
 during any calendar year for the purpose of promoting the election or 4
 defeat of any candidate or candidates shall file with the director, or 5
 with the city or town clerk if such candidate or candidates seek public 6
 office at a city or town election, within seven business days after 7
 making such independent expenditure or expenditures, on a form 8
 prescribed by the director, a report stating the name and address of 9
 the individual, group or association making the expenditure or expend- 10
 itures; the name of the candidate or candidates whose election or 11
 defeat the expenditure promoted; the name and address of the person 12
 or persons to whom the expenditure or expenditures were made; and 13
 the total amount or value; the purpose and the date of the expendi- 14
 ture or expenditures. 15

For the purposes of this section the term "independent expendi- 16
 ture" shall mean an expenditure by an individual, group, or associa- 17
 tion not defined as a political committee expressly advocating the 18
 election or defeat of a clearly identified candidate which is made 19
 without cooperation or consultation with any candidate, or a nonelect- 20
 ed political committee organized on behalf of a candidate, or any 21
 agent of a candidate and which is not made in concert with, or at the 22
 request or suggestion of, any candidate, or any nonelected political 23
 committee organized on behalf of a candidate or agent of such 24
 candidate. 25

55:19. Campaign funds; designation of depository.

Section 19. (a) Candidates for nomination or election to the of- 1
 fices of governor, lieutenant governor, secretary of state, attorney 2
 general, state treasurer and receiver general, auditor, governor's 3
 council, district attorney, clerk of court, register of probate, register 4
 of deeds, county commissioner, county treasurer, and sheriff, and the 5
 treasurer of each state committee referred to in section one of 6

chapter fifty-two, and the treasurer of the nonelected political committee authorized by any of the aforesaid candidates shall forthwith, upon the organization of said political committee, or upon becoming a candidate in accordance with the provisions of clauses (1) and (2) of the definition of candidate in section one, designate as a depository for campaign funds of such candidate or political committee a national bank authorized to transact business in the commonwealth or a trust company organized and existing under the laws of the commonwealth. Each such candidate, and the treasurer of each such political committee shall file with the director, no later than the third business day following the designation of such depository, a certificate of appointment containing the name of the bank or trust company so designated, and the name of the candidate or political committee, and shall authorize the bank or trust company so designated to submit the reports required by subsection (e).

(b) Every candidate and the treasurer of every committee required to designate a depository shall, by the end of the seventh day after receipt of any contribution deposit it in the form received in the designated depository. No such deposit shall be made or received to the credit of any account designated as provided for in this section unless such deposit shall be accompanied by a deposit slip containing for each contribution in excess of the sum of fifty dollars the name and address of the contributor in the case of an individual or political committee and in addition in the case of a trust, foundation or other association the data required by section ten; provided that such information shall also be listed for each contribution of less than or equal to the sum of fifty dollars if the aggregate of all contributions deposited from such contributor during the preceding fourteen days is in excess of fifty dollars. If any deposits represent the proceeds of borrowings, the deposit slip shall indicate the names and addresses of the lender, those persons liable either primarily or secondarily for any portion of such borrowings and those persons providing collateral, if any, for such borrowings. In addition, each such deposit slip shall include the name and address, together with the amount of the contribution for that reporting period of each person whose contributions in the aggregate exceeds fifty dollars or more in the calendar year, for those contributions where said information does not otherwise appear on said deposit slip.

(c) All payments for campaign purposes made by or for the benefit of a candidate or by the treasurer of a committee required to designate a depository after the date such depository is required to be designated which are in excess of fifty dollars shall be made only from funds on deposit in said depository through checks drawn on such depository and indicating that such checks are drawn on the campaign account of the candidate or the political committee involved. All checks drawn on such campaign accounts shall be payable either

to the order of a named payee not the candidate or treasurer or, if for no more than fifty dollars, may be payable to the candidate or treasurer, except that the total of checks payable to the candidate or treasurer for each period under subsection (e) hereof shall not exceed five hundred dollars, and shall contain printed thereon a statement of purposes as follows:—

PURPOSES OF PAYMENT. 59

(Check One and Fill in Specific Purpose) 60

TV, Radio	Printing	Signs or Displays	61
Newspaper	Office	Transfer of Fund	62
Meetings	Travel	Other	63
Specific Purpose			64

Such checks shall also contain thereon for signature by the named payee, the certificate required by section seven. 65
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(d) No candidate or committee treasurer required to designate a depository for campaign funds shall authorize the incurring of any expenditure in behalf of the candidate or a committee unless there are monies on deposit in the depository designated in accordance with the provisions of this section to the credit of the campaign account of such candidate or committee sufficient to pay the amount of expenditures so authorized, together with all unpaid obligations outstanding, or unless such candidate or treasurer files with the director on the dates indicated in subsection (e) a complete statement of all unpaid obligations then outstanding, the terms of payment, purpose of the expenditure by which the obligation was created and name and address of the person holding the obligation. 67
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(e) The cashier or treasurer of the bank, selected by any candidate or committee as above provided, shall file with the director by the fifth and twentieth of each month while such account is in existence, a statement of the balance as of the preceding first or fifteenth of the month together with a summary of all of the deposit slips presented to the bank since the last such statement with any deposit of monies to the campaign account of such candidate or committee, listing the names alphabetically and other data as to all donors as it appeared on the deposit slip, and a list of all the checks presented to the bank since the last such statement upon which any funds were withdrawn from any such account with the names and addresses of the payees and the amount of each check, and the purposes for which the money was paid as thereon indicated. 79
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(f) Such accounts shall remain in existence until the election and so long thereafter as a candidate or political committee has unpaid obligations still outstanding. A candidate or the treasurer of a political committee which has such obligations shall file with the 92
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director by the fifth of each month a summary of all campaign contributions (including campaign contributions in the form of forgiveness of indebtedness) received during the preceding month together with the name and address and all other data as to each such contributor required by section ten. 96
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Any candidate or political committee which fails to file any report required by this section shall be assessed, and shall pay to the state treasurer, a penalty not greater than ten dollars for each day such candidate or political committee has not filed such report. 101
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Violation of any provision of this section shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars. 105
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55:20. Repealed, 1979, 335, Sec. 2.

55:21. Repealed, 1979, 335, Sec. 3.

55:22. Corporations making contributions; filing of reports with director; penalties.

Section 22. The treasurer of any corporation, which has given, paid, expended or contributed, or promised to give, pay, expend or contribute, any money or any valuable thing in order to influence or affect the vote on any question submitted to the voters shall file reports with the director, and copies of said reports with the city or town if made to influence the vote on any question submitted to the voters at a city or town election, setting forth the amount or value of every gift, payment, expenditure or contribution or promise to give, pay, expend or contribute, together with the date, purpose, and full name and address of the person to whom it was made. 1
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Such report shall be filed as follows: (1) the sixtieth day prior to the election complete as of the preceding fifth day; on or before (2) the fifth day and twentieth day of each month complete as of the preceding first and fifteenth day of the month, until the election, and thereafter; (3) the fifth day of each month until all declared liabilities have been discharged. 11
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Any corporation violating any provision of this section shall be punished by a fine of not more than fifty thousand dollars and any officer, director or agent of the corporation violating any provision thereof or authorizing such violation, or any person who violates or in any way knowingly aids or abets the violation of any provision thereof, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than one year, or both. 17
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55:22A. Expenditures for political purpose; report; punishment for violation; examination of accounts.

Section 22A. The treasurer of any city, town, or other governmental unit which has given, paid, expended or contributed, or promised to give, pay, expend or contribute any money or any valuable thing in order to influence or affect the vote on any question submitted to the voters of the commonwealth shall file reports with the director setting forth the amount or value of every gift, payment, expenditure of contribution or promise to give, pay, expend or contribute, together with the date, purpose, and full name and address of the person to whom it was made.

The treasurer of any city, town, or other governmental unit which has given, paid, expended or contributed, or promised to give, pay, expend or contribute any money or any valuable thing in order to influence or affect the vote on any other question submitted to the voters of any city or town or any part of any city or town, shall file reports with the clerk of such city or town setting forth the amount or value of every gift, payment, expenditure of contribution or promise to give, pay, expend or contribute, together with the date, purpose, and full name and address of the person to whom it was made.

Such reports shall be filed as follows:—

- (1) the sixtieth day prior to the election; on or before
- (2) the fifth and twentieth day of each month complete as of the preceding first and fifteenth day of the month, until the election, and thereafter;
- (3) the fifth day of each month until all declared liabilities have been discharged.

Any officer of a governmental unit violating any provision thereof or authorizing such violation, or any person who violates or in any way knowingly aids or abets the violation of any provision thereof, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than one year, or both.

The director of campaign and political finance, or in the case of a city or town, the clerk of such city or town, shall examine the accounts submitted by cities and towns for political expenditures, and may order restitution of public funds which have been adjudicated to have been spent contrary to law by public officials. Nothing contained herein shall be construed as authorizing the expenditures of public monies for political purposes.

55:23. Persons acting for political committees; accounts and vouchers to treasurers.

Section 23. Whoever, acting under the authority or in behalf of a political committee, receives any money or its equivalent, or promise of the same, or expends or incurs any liability to pay the same, shall

on demand, and in any event within three business days after such receipt, expenditure, promise or liability, give to the treasurer a detailed account of the same, with all vouchers required by this chapter, which shall be a part of the accounts and files of such treasurer.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

55:24. Place of filing statements; signing.

Section 24. If the statement required to be filed by a candidate, treasurer or other person relates to a nomination or election to a city or town office, or to a question appearing upon the official ballot used at a city or town election, the statement shall be filed with the clerk of the city or town involved; if the statement required to be filed by a candidate, treasurer or other person relates to a nomination or election for the office of regional district school committee member elected district-wide, the statement shall be filed with the clerk of the city or town where the candidate is a registered voter; if the statement required to be filed by a candidate, treasurer or other person relates to a nomination or election for district office as provided in sections one hundred and thirteen to one hundred and nineteen, inclusive, of chapter forty-one, the statement shall be filed with the clerk of the district; all other such statements shall be filed with the director. All such statements shall be signed under the penalties of perjury.

55:25. Preservation of statements and reports by director; public inspection and reproduction.

Section 25. The director shall retain all statements and reports filed with his office under the provisions of this chapter by candidates and their committees until December thirty-first of the sixth year following the relevant election, provided that the ending balance on such candidates most recent statements, shows no residual funds and no remaining deficit. In the case of a candidate or authorized campaign committee which reports an ending balance of other than zero, the director shall retain all statements and reports and shall require additional annual reports to be filed henceforth on the tenth day of January until such time that the candidate or authorized campaign committee reports an ending balance of zero.

In the case of all other political committees, the director shall retain all required statements and reports until December thirty-first of the sixth year following the relevant election.

The director shall make all statements and reports required to be filed with him by this chapter available for convenient public inspection.

tion and reproduction by a copying machine at a commercially reasonable fee as soon as such statements and reports are filed with him. 17
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55:26. Preservation of statements and reports by city or town clerk; public inspection and reproduction.

Section 26. The city or town clerk shall retain all reports and statements required to be filed with him until the term of the office the candidate is seeking has ended. In the case of committees other than those authorized by a candidate, the city or town clerk shall retain all required statements and reports filed with his office for a period of two years. Such statements and reports shall be available for convenient public inspection and copying at the office of the city or town clerk during normal business hours as soon as such statements and reports are filed with him. 1
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55:27. Furnishing blanks and forms for statements and reports, and summary of laws.

Section 27. The director shall furnish to city and town clerks at the expense of the commonwealth, blanks and forms approved by him and by the attorney general, suitable for the submission of such statements and reports as are required by this chapter. The city and town clerk shall transmit said blanks to all candidates for nomination or election to city or town office, who are known to him, and to all political committees required to file with him. The director shall transmit said blanks to all candidates for nomination to state or county office, who are known to him, and to all political committees required to file with him. Such blanks shall be furnished upon request to any person or political committee required to file a statement or report. 1
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The director shall provide to all candidates and political committees required to file with him a summary of this chapter and all other laws of the commonwealth relating to contributions and expenditures, and shall furnish to city and town clerks, at the expense of the commonwealth sufficient copies of said summary so that they may provide said summary to all candidates and political committees required to file with them. 13
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55:28. Inspection of statements and reports; delinquencies; notice; filing.

Section 28. The clerk of cities and towns shall inspect all statements and reports of candidates, or nonelected political committees supporting such candidates, filed with them, within thirty days of the reporting dates required by this chapter, and all other statements and reports within sixty days of the reporting dates required by this chapter. If upon examination of the records it appears that any candidate or political committee has failed to file a statement or 1
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report as required by law, or if it appears to the clerk that any such statement or report filed with him does not conform to law, or upon written complaint by five registered voters that a statement or report does not conform to law, or that any candidate or political committee has failed to file a statement or report required by law, the city or town clerk, as the case may be, shall, in writing, notify the delinquent person. Such complaint shall state in detail the grounds of objection, shall be sworn to by one of the subscribers, and shall be filed with the proper city or town clerk within ten days after the required date for filing a statement or report within ten days after the actual filing of a statement or report, or an amended statement or report.

55:29. Failure to file or unlawful statement or report; notice to and duties of attorney general.

Section 29. Upon failure to file a statement or report within ten days after receiving notice under section twenty-eight, or if any statement filed after receiving such notice discloses any violation of any provision of this chapter, the city or town clerk, as the case may be, shall notify the attorney general thereof and shall furnish him with copies of all papers relating thereto, and the attorney general, within two months thereafter, shall examine every such case, and, if satisfied that there is a cause, he shall in the name of the commonwealth institute appropriate civil proceedings or refer the case to the proper district attorney for such action as may be appropriate in the criminal courts.

55:30. Courts authorized to compel filing of statements.

Section 30. The supreme judicial or superior court may compel any person failing to file a statement as above required, or filing a statement not conforming to the foregoing requirements in respect to its truth, sufficiently in detail, or otherwise, to file a sufficient statement, upon the application of the attorney general or district attorney or petition of any candidate voted for, or of any five persons qualified to vote at the election on account of which the expenditures, or any part thereof, were made or are alleged to have been made. Such petition shall be filed within sixty days after such election, if the statement was filed within the thirty days required, but a petition may be filed within thirty days of any payment not included in the statement so filed. Proceedings under this section shall be advanced for speedy trial upon the request of either party. No petition brought under this chapter shall be discontinued without the consent of the attorney general.

55:31. Immunity of witnesses.

Section 31. No person compelled to testify in any proceedings under section thirty shall be liable to criminal prosecution for any

matters or causes in respect of which he shall be examined or to which his testimony shall relate, except to prosecution for perjury committed in such testimony. 3
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55:32. Corrupt practices by candidate defined.

Section 32. A candidate shall be deemed to have committed a corrupt practice who commits any of the following offences: 1
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Making or permitting any person or non-elected political committee authorized by him to make a false return in any statement filed under sections eighteen, nineteen and twenty-four by him or on his behalf. 3
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Making a false return in any statement filed under sections eighteen and twenty-four by a candidate for nomination or election. 6
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Any candidate fraudulently and wilfully obstructing and delaying a voter, interfering with, hindering or preventing an election officer from performing his duties, forging an endorsement upon, altering, destroying or defacing a ballot, tampering with or injuring or attempting to injure any voting machine or ballot box to be used or being used in a primary or election, or preventing or attempting to prevent the correct operation of such machine or box. 8
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55:33. Election petitions for corrupt practices; procedure.

Section 33. (a) If the attorney general or five or more voters have reasonable cause to believe that a corrupt practice, as defined in section thirty-two, has been committed by any successful candidate, other than a candidate for the United States Congress, or for the general court, for whom such voters had the right to vote, with reference to his election, or by any other person in his interest or behalf with reference thereto, the attorney general or such voters may apply to a justice of the superior court, sitting in equity within and for Suffolk county, for leave to bring an election petition against such candidate praying that the election of such candidate be declared void. Such application shall be subscribed and sworn to by the petitioners and it shall be heard ex parte by the justice of the superior court upon such evidence as he may require; and if the petitioners shall establish to his satisfaction that there is reasonable cause to believe that a corrupt practice has been committed with reference to the election of the candidate in question, which materially affected the results of the election, and that upon the evidence obtainable there is reasonable cause to believe that such violations may be proved, he shall make an order granting leave to the petitioners to bring an election petition against such candidate. 1
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(b) After the entry of such order, and within two months after the election to which it relates, the election petition may be filed in the superior court within and for Suffolk county. 21
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Notice of the petition shall be by writ of subpoena according to the usual course of proceedings in equity and shall be returnable fourteen days after the date on which the petition is filed.

A subpoena issued upon an election petition shall be served not less than seven days before the return day.

A defense to an election petition shall be by answer, filed within seven days after the return day, and no replication need be filed.

Election petitions shall be entered on the equity docket.

(c) Election petitions and all motions and other applications, whether interlocutory or final, and all hearings on the merits or upon the making, entering or modifying of decrees therein shall be heard and determined by three justices of the superior court who shall, immediately following the filing of an election petition, be assigned by the administrative justice of said court for the hearing and determination of all matters arising under election petitions prior to the next state election. No reference to a master shall be had upon any matter arising under an election petition, except in matters of fact relating to financial statements and the examination of accounts and vouchers. All proceedings under election petitions shall have precedence over any case of a different nature pending in any court, and the justices of the superior court may from time to time make such rules regulating the practice and proceedings in matters of such election petitions, not inconsistent with this chapter, as they deem expedient. In the absence of any such rules, the practice and procedure in election petitions shall be governed by such laws or rules of court, not inconsistent with this chapter, as may from time to time be in force relating to the practice and proceedings in matters of equity.

(d) Upon an election petition the decision of the three justices of the superior court assigned as aforesaid, or of a majority of them, shall be final and conclusive upon all matters in controversy, whether interlocutory or final, and whether in matters of fact or matters of law. But the said justices, or a majority of them, may, after a finding of facts, either of their own motion or at the request of either party, report the case to the supreme judicial court for determination by the full court; and thereupon like proceedings shall be had as upon a report after a finding of facts by a justice of the superior court in equity proceedings.

(e) If upon an election petition one or more violations of section thirty-two are proved, it shall be a defense to the petition if the defendant establishes to the satisfaction of a majority of the justices hearing the same, with reference to all said violations, the following:

As to every such violation, either that

- (1) Such violation was not committed by the candidate, but was committed contrary to the orders and without the sanction or connivance of the candidate; 66
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- (2) The participation, if any, of the candidate in such violation, arose from inadvertence or from accidental miscalculation, or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; 69
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- (3) The candidate took all reasonable means for preventing the commission of violations of this chapter with reference to the election in question; 73
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- (4) The violation in question was of a trivial, unimportant and limited character; 76
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- (5) The violation in question did not materially affect the results of the election. 78
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- (f) The court may by an order make the final disposition of an election petition conditional upon the filing of a statement required by this chapter in a modified form, or within an extended time, and upon compliance with such other terms as the court may deem best calculated to carry into effect the objects hereof, and in such case the court shall require, within a time certain, further proof as to the compliance with the conditions of such order, whereupon a final decree shall be entered. 80
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- (g) If upon the hearing of an election petition a majority of the justices hearing the same shall find that in relation to the election of the candidate in question a corrupt practice, as defined in section thirty-two, was committed by the defendant, a decree shall be entered subject to the limitations and conditions hereinbefore prescribed, declaring void the election of the defendant to the office in question, and ousting and excluding him from such office and declaring the office vacant. 88
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- (h) No person called to testify upon an election petition shall be excused from testifying or producing any papers on the ground that his testimony may tend to criminate him or subject him to a penalty; but he shall not be prosecuted or subjected to any penalty or forfeiture except forfeiture of election to office, for or on account of any action, matter or thing concerning which he may so testify, except for perjury committed in such testimony. 96
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- (i) No decree entered upon an election petition shall be a bar to or affect in any way any criminal prosecution of any candidate or other person, or any inquest in accordance with sections thirty-five to forty-one, inclusive. 103
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- (j) A certified copy of any final decree entered upon an election petition, as provided by this chapter, shall forthwith be transmitted by 107
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the clerk to the director; and any vacancy in any office created by 109
 any such decree shall be filled in the manner provided by law in case 110
 of the death of the incumbent, but in no case shall the candidate so 111
 excluded from the office be eligible therefor. 112

(k) If upon the hearing of an election petition it shall appear to a 113
 majority of the justices hearing the same that with reference to the 114
 election in question there is a reasonable presumption that any 115
 violation of this chapter was committed, they shall cause notice of the 116
 facts to be given by the clerk of said court to the district attorney for 117
 the county where the violation appears to have been committed, with 118
 a list of the witnesses to establish the violation, and any other 119
 information which they may consider proper; and thereupon the 120
 district attorney shall cause complaint therefor to be made before a 121
 court or magistrate having jurisdiction thereof, or shall present the 122
 evidence thereof to the grand jury. If it shall appear that a success- 123
 ful candidate for district attorney has been guilty of any such 124
 violation, a majority of said justices shall order the notice of the facts 125
 to be given to the attorney general, who shall designate a district 126
 attorney to make such complaint or presentment. A majority of said 127
 justices may issue process for the apprehension of any person so 128
 appearing to have committed a violation of this chapter, and may bind 129
 over, as in criminal prosecutions, such witnesses as they deem neces- 130
 sary to appear and testify at the court having jurisdiction of the 131
 crime. 132

55:34. Application of preceding sections.

Section 34. Sections one to thirty-three, inclusive, shall apply to all 1
 public elections and to elections by the general court and by city 2
 councils and by either branch thereof, and, so far as applicable, to the 3
 nomination by primaries, caucuses, conventions and nomination pa- 4
 pers of candidates to be voted for at such elections. The term 5
 "political committee" as defined in section one shall not apply to the 6
 proprietors and publishers of publications issued at regular intervals, 7
 in respect to the ordinary conduct of their business, nor shall they, in 8
 respect thereto, be subject to sections two to six, inclusive, of this 9
 chapter. 10

55:35. Inquests upon complaint for violations.

Section 35. Upon a complaint subscribed and sworn to by any 1
 person before a district court, alleging that reasonable grounds exist 2
 for believing that any law relating to the qualification or registration 3
 of voters, or to voting lists or ballots, or to primaries, caucuses, 4
 conventions and elections, or to any matters pertaining thereto, has 5
 been violated, such court may at once hold an inquest to inquire into 6
 such alleged violation of law. 7

55:36. Conduct of inquests.

Section 36. The court may exclude all persons whose presence is not necessary at such inquest; and may also direct the witnesses to be kept so separated that they cannot converse with each other until they have been examined. The attorney general, the district attorney, or some person designated by either, shall attend the inquest and examine the witnesses.

55:37. Witnesses; attendance; process; fees.

Section 37. Such court or attorney may issue subpoenas for witnesses, who shall be allowed the same fees, whose attendance may be enforced in the same manner, and who shall be subject to the same penalties, as if served with a subpoena in behalf of the commonwealth in a criminal prosecution before such court.

55:38. Stenographer.

Section 38. Such court may employ a stenographer and may have the proceedings reduced to writing; and, if he finds that the law has been violated, shall report to the superior court all the material facts and the names of any persons guilty of any such violation.

55:39. Witnesses; binding over to superior court.

Section 39. The court may bind over, as in criminal prosecutions, such witnesses as are necessary, or as said attorney may designate, to appear and testify in the superior court.

55:40. Apprehension of offenders.

Section 40. If a person charged by the report with the commission of an offence is not in custody, the court shall forthwith issue a process for his apprehension; but such process may issue before the filing of said report, if otherwise lawful.

55:41. Witnesses; compulsory testimony; immunity.

Section 41. No person shall be excused from testifying or producing any papers in any inquest proceedings under sections thirty-five to forty, inclusive, on the ground that his testimony may tend to criminate him or subject him to a penalty or forfeiture, but he shall not be prosecuted or be subjected to a penalty or forfeiture for or on account of any action, matter or thing concerning which he may be required so to testify, except for perjury committed in such testimony.

55:42. Forwarding certified copy of record of final judgment or conviction to city or town clerk; disqualification of defendant as voter.

Section 42. The director in proceedings based upon an election petition, as provided in section thirty-three, and the clerk of the court

wherein a person is convicted of a violation of any provision of law 3
relating to corrupt practices in elections, shall, within ten days after 4
final judgment on such election petition or conviction, forward to the 5
clerk of the city or town where the defendant resides a certified copy 6
of the record of the final judgment or conviction, and the name of 7
such person shall forthwith be stricken from the roll of registered 8
voters of the city or town for a period of three years. 9

CHAPTER 55A.

LIMITED PUBLIC FINANCING OF CAMPAIGNS FOR STATEWIDE ELECTIVE OFFICE.

- | | |
|--|---|
| Section | Section |
| 1. Definitions. | 7. Statewide elective office financing; maximum amounts allowed to candidates. |
| 2. Public financing of campaigns; qualifying candidates; certification. | 8. Candidate's bond; amount. |
| 3. Contributors to fund; filing of names by candidate; director's report. | 9. Balance remaining in candidates' accounts; filing statement; repayment of surplus money to fund. |
| 4. Primary financing; eligibility; minimum amounts for qualifying contributions. | 10. Acceptance or refusal of public financing. |
| 5. Primary financing; maximum amounts allowed to candidates. | 11. Rules and regulations; investigations. |
| 6. Statewide elective office financing; eligibility; minimum amounts for qualifying contributions. | 12. Violations; penalty. |

55A:1. Definitions.

Section 1. Unless a contrary intention clearly appears, the words and phrases used in this chapter shall have the following meanings: 1 2

"Director", the director of campaign and political finance as established by chapter fifty-five. 3 4

"Candidate", any candidate as defined by chapter fifty-five. 5

"Statewide elective office", the office of governor, lieutenant governor, attorney general, secretary, treasurer and receiver general, and auditor. 6 7 8

"Contribution", any contribution as defined by chapter fifty-five. 9

"Qualifying contribution", any contribution made by an individual and deposited in a candidate's depository account as required by section nineteen of chapter fifty-five during the calendar year in which elections are held for statewide elective office or the next preceding calendar year except as follows: (a) no contribution shall be considered a qualifying contribution unless the name and address of the individual making the contribution can be determined from statements required to be filed with the director; (b) no contribution shall be considered a qualifying contribution to the extent that it exceeds two hundred and fifty dollars or would exceed two hundred and fifty dollars when added to any such contribution previously made by the same individual during the calendar year in which elections are held for statewide elective office or the next preceding calendar year. 10 11 12 13 14 15 16 17 18 19 20 21 22

The same contribution may be a qualifying contribution for both the primary election and the state election in a year in which elections are held for statewide elective office but no contribution shall remain a qualified contribution after the end of any such year. 23 24 25 26

55A:2. Public financing of campaigns; qualifying candidates; certification.

Section 2. On or before the ninth Tuesday before the primary 1
election in any year in which elections are held for statewide elective 2
office the state secretary shall determine and certify to the director 3
and the state treasurer the names and addresses of all candidates for 4
statewide elective office who qualify for the primary ballot and are 5
opposed by one or more candidates who have qualified for the same 6
ballot in the primary election. For purposes of this chapter any 7
candidate for statewide elective office for whom certificates of nomi- 8
nation and nomination papers have been filed in apparent conformity 9
with law shall be considered qualified for the ballot notwithstanding 10
any objections thereto that may be filed and notwithstanding any 11
vacancy that may occur following the filing of such certificates of 12
nominations and nomination papers other than a vacancy caused by 13
withdrawal of a candidate within the time allowed by law. On or 14
before the fifth Tuesday before the state election in any such year the 15
state secretary shall determine and certify to the director and to the 16
state treasurer the names and addresses of all candidates for state- 17
wide elective office who qualify for the state election ballot and are 18
opposed by one or more candidates who have qualified for the state 19
election ballot. For purposes of this chapter any candidate for 20
statewide elective office for whom certificates of nomination and 21
nomination papers have been filed in apparent conformity with law 22
shall be considered qualified for the ballot, as provided with respect to 23
candidates for the primary election, and any such candidates nominat- 24
ed at the primary election shall be considered qualified for the ballot 25
notwithstanding any objections thereto that may be filed and notwith- 26
standing any vacancy that may occur other than a vacancy caused by 27
withdrawal of a candidate within the time allowed by law. The state 28
secretary shall promptly determine and certify to the director and 29
state treasurer the name and address of any candidate that no longer 30
qualifies for the primary or state election ballot or no longer has 31
opposition because of death or withdrawal or ineligibility for office or 32
because objections to certificates of nomination and nomination pa- 33
pers have been sustained or because of a recount or for any other like 34
reason. 35

55A:3. Contributors to fund; filing of names by candidate; director's report.

Section 3. The director shall determine and certify to the state 1
treasurer those candidates for statewide elective office that are 2
eligible for limited public financing as provided in sections four and 3
six and shall determine and certify to the state treasurer the amounts 4
due to each eligible candidate as provided in sections five and seven. 5

Said director shall prescribe and make available forms on which 6
statements of qualifying contributions shall be filed by candidates, 7

which statements shall contain the name and address of each individual making a contribution, the amount of the contribution and date of deposit, the cumulative total of all contributions made by that individual during the calendar year in which elections are held for statewide elective office and the next preceding calendar year and shall contain such other information and shall be organized in such a manner as the director may reasonably require to expedite the determinations required to be made by the director by this chapter. The director shall notify candidates of any amounts determined by the director to be due from candidates under section nine and shall direct that such amounts be paid to the state election campaign fund. On or before January thirtieth of any year next following a year in which elections are held for statewide elective office the director shall prepare and submit a report relating to the matters entrusted to him under this chapter to the clerk of the senate and to the commission established by section three of chapter fifty-five and shall make copies of such report available to any person upon payment of the reasonable cost of copying or reproduction.

55A:4. Primary financing; eligibility; minimum amounts for qualifying contributions.

Section 4. Any candidate for statewide elective office certified by the state secretary under section two as qualifying for the ballot and having opposition in the primary election shall be eligible to receive limited public financing of his primary election campaign, to the extent provided by section five, on determination and certification by the director that the candidate (a) has filed a request for public financing with the director together with the bond required by section eight and (b) has received qualifying contributions as defined by section one in at least the following minimum amounts for the following statewide elective offices:

Governor	\$75,000	11
Lieutenant Governor	15,000	12
Attorney General	37,500	13
Secretary	15,000	14
Treasurer and Receiver General	15,000	15
Auditor	15,000	16

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining whether any such minimum amount has been met. Determination and certification of the eligibility of candidates shall be made by the director on or before the eighth, sixth, fourth and second Tuesday before the primary election and shall be based solely upon information contained in such statements as have been filed prior to such dates.

55A:5. Primary financing; maximum amounts allowed to candidates.

Section 5. Any candidate eligible to receive limited public financing of his primary election campaign shall, on determination and certification by the director, be entitled to an amount equal to one dollar for each one dollar of qualifying contributions as defined by section one, subject to the following limitations: (a) no candidate shall be entitled to receive any amount in excess of the balance then remaining in the primary candidate account established for that candidate under section forty-two of chapter ten; (b) nor shall any candidate be entitled to receive any amount in excess of the following maximum amounts for the following statewide elective offices:

Governor	\$250,000	11
Lieutenant Governor	50,000	12
Attorney General	125,000	13
Secretary	50,000	14
Treasurer and Receiver General	50,000	15
Auditor	50,000	16

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining amounts to which candidates are entitled. Determinations and certifications of the amounts to which eligible candidates are entitled shall be made by the director on or before the eighth, sixth, fourth and second Tuesday before the primary election and shall be based solely upon information contained in such statements as have been filed prior to such dates.

55A:6. Statewide elective office financing; eligibility; minimum amounts for qualifying contributions.

Section 6. Any candidate for statewide elective office certified by the state secretary under section two as qualifying for the ballot and having opposition in the state election shall be eligible to receive limited public financing of his state election campaign, to the extent provided by section seven, on determination and certification by the director that the candidate (a) has filed a request for public financing with the director together with the bond required by section eight and (b) has received qualifying contributions as defined by section one in at least the following minimum amounts for the following statewide elective offices:

Governor and Lieutenant Governor	\$125,000	11
Attorney General	62,500	12
Secretary	25,000	13
Treasurer and Receiver General	25,000	14
Auditor	25,000	15

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining whether any such minimum amount has been met. Determinations and certifications of the eligibility of candidates shall be made by the director on or before the fourth and second Tuesday before the state election and shall be based solely upon information contained in such statements as have been filed prior to such dates.

The fact that a qualifying contribution has previously been considered in determining eligibility for, or the extent of, public financing of a candidate's primary election campaign shall not prevent consideration of the same contribution in determining eligibility for public financing of such candidate's state election campaign.

55A:7. Statewide elective office financing; maximum amounts allowed to candidates.

Section 7. Any candidate eligible to receive limited public financing of his state election campaign shall, on determination and certification by the director, be entitled to an amount equal to one dollar for each one dollar of qualifying contributions as defined by section one subject to section nine and subject to the following limitations: (a) no candidate shall be entitled to receive any amount in excess of the balance then remaining in the state election candidate account established for that candidate under section forty-three of chapter ten; (b) nor shall any candidate be entitled to receive any amount in excess of the following maximum amounts for the following statewide elective offices:

Governor and Lieutenant Governor	\$250,000	12
Attorney General	125,000	13
Secretary	50,000	14
Treasurer and Receiver General	50,000	15
Auditor	50,000	16

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining amounts to which candidates are entitled. Determinations and certifications of the amounts to which eligible candidates are entitled shall be made by the director on or before the fourth and second Tuesday before the state election and shall be based solely upon information contained in such statements as have been filed prior to such dates.

The fact that a qualifying contribution has previously been considered in determining eligibility for, or the extent of, public financing of a candidate's primary election campaign shall not prevent consider-

ation of the same contribution in determining the extent of public 28
financing of such candidate's state election campaign. 29

55A:8. Candidate's bond; amount.

Section 8. No candidate shall be eligible to receive public financing 1
under this chapter unless and until the candidate deposits with the 2
director a bond for the faithful compliance by such candidate and any 3
political committee organized on his behalf with the provisions of this 4
chapter. Such bond shall be in a form approved by the director, shall 5
be signed by such candidate and the chairman and treasurer of any 6
such committee, shall run to the commonwealth, shall be in force 7
during the year in which elections for statewide elective office are 8
held and shall be in the following sums for the following statewide 9
elective offices: 10

Governor	\$250,000	11
Lieutenant Governor	50,000	12
Attorney General	125,000	13
Secretary	50,000	14
Treasurer	50,000	15
Auditor	50,000	16

On determination by the director that a candidate has failed to 17
make the payments to the state treasurer required by section nine the 18
director may request the attorney general to bring an action in the 19
name of the state treasurer upon the bond of such candidate and his 20
political committee and may recover for the benefit of the state 21
election campaign fund, up to the sum of such bond, any such 22
payments so required. Any such action shall be in addition to 23
remedies otherwise available by law and no action on any such bond 24
shall preclude the director from bringing such other civil or criminal 25
proceedings as may otherwise be provided by law. 26

**55A:9. Balance remaining in candidates' accounts; filing statement; repay-
ment of surplus money to fund.**

Section 9. Within two weeks following any primary or state elec- 1
tion for statewide elective office any candidate who has received 2
public financing under this chapter shall file a statement with the 3
director showing the balance remaining in the candidate's depository 4
account as of the primary or state election less any reserve necessary 5
to cover debts incurred to defray campaign expenditures incurred 6
during such primary or state election. Except as herein provided, any 7
candidate having a surplus balance following any such primary or 8
state election shall thereupon pay to the state treasurer for deposit 9
to the state election campaign fund an amount determined by multiply- 10
ing such surplus balance by a fraction the numerator of which is the 11
total amount of public financing received on account of such primary 12

or state election campaign and the denominator of which is the sum of 13
such public financing received and all contributions received by such 14
candidate. No candidate having a surplus balance following the 15
primary election shall be required to make any payment on account of 16
such surplus if such candidate is certified by the state secretary under 17
section two as qualifying for the ballot and having opposition in the 18
state election and is certified by the director of campaign and political 19
finance as eligible for public financing for the state election within 20
three weeks following such primary election; provided, however, that 21
in determining and certifying the amount to which any such candidate 22
is entitled under section seven the director shall reduce the amount 23
that would otherwise be determined thereunder by an amount equal 24
to the amount that such candidate would be required to pay to the 25
state treasurer under this section but for this sentence. 26

If the director determines that any portion of the payments made to 27
an eligible candidate under this chapter was in excess of the aggregate 28
amount of the payments to which the candidate was entitled he 29
shall so notify the candidate and he shall thereupon pay to the state 30
treasurer an amount equal to the excess amount. 31

If the director determines that any portion of the payments made to 32
a candidate under this chapter for use in his primary election campaign 33
or his state election campaign was used for any purpose other than 34
to defray campaign expenditures in that campaign, or to repay 35
loans the proceeds of which were used to defray campaign expenditures 36
in that campaign, the director shall so notify the candidate and 37
he shall thereupon pay an amount equal to the full amount so used to 38
the state treasurer without regard to the source of the funds so used. 39

Any candidate who fails to pay an amount determined by the 40
director to be due within ten days of notice thereof shall be subject to 41
a penalty of fifty dollars per day for every day that such amount 42
remains unpaid. 43

55A:10. Acceptance or refusal of public financing.

Section 10. No candidate shall be required to accept public financing 1
nor shall any candidate otherwise eligible for public financing be 2
denied such financing solely because an opposing candidate declines 3
to accept such financing. 4

55A:11. Rules and regulations; investigations.

Section 11. The director shall promulgate such rules and regulations 1
as are necessary to effectuate the purposes of this chapter. 2

The director shall have the same power and authority to investigate 3
the legality, validity, completeness and accuracy of all reports and 4
actions required to be filed and taken by candidates pursuant to this 5

chapter as is provided by section three of chapter fifty-five pertaining	6
to campaign contributions and expenditures.	7

55A:12. Violations; penalty.

Section 12. Violation by any person of any provision of this	1
chapter shall, in addition to any civil liabilities established by this	2
chapter, be punished by imprisonment for not more than one year or	3
by a fine of not more than one thousand dollars or both.	4

CHAPTER 55B.

THE STATE BALLOT LAW COMMISSION.

Section	Section
1. Establishment and membership of state ballot law commission.	6. Signatures; review; correction.
2. Members holding or nominated for public office.	7. Objections; city and town offices.
3. Compensation; record of proceedings; clerical assistance.	8. Notice of objections.
4. Powers and duties of commission.	9. Hearings on objections.
5. Objections; federal, state, and county offices.	10. Decisions.
	11. Vacating nominations; nonexisting persons; false names.
	12. Records of decisions; transcripts of hearings.

55B:1. Establishment and membership of state ballot law commission.

Section 1. There shall be a state ballot law commission consisting of five persons to be appointed by the governor, one of whom shall be a retired justice of the supreme judicial court, appeals court, superior court or district courts of the commonwealth who shall be chairman. The chairman shall serve for a term of one year from February first of the year in which he was appointed and may be reappointed for further terms. The other members of said commission shall serve for terms of two years from February first of the year in which they were appointed and may be reappointed for further terms.

No more than three members of the commission shall be members of the same political party.

Vacancies occurring during the term of any member shall be filled for the unexpired term by the governor within sixty days of the occurrence of said vacancy. The governor may remove any member of the commission.

The state secretary shall serve as the secretary of the commission.

55B:2. Members holding or nominated for public office.

Section 2. No member of said commission shall hold any public office except that of justice of the peace, notary public, or be a candidate for public office, or member or employee of any political committee. If any member of the commission shall be nominated as a candidate for public office and shall not in writing decline said nomination within three days, he shall be deemed to have vacated his office as a member of said commission.

55B:3. Compensation; record of proceedings; clerical assistance.

Section 3. The members of the commission shall each be paid such compensation for their services not exceeding twenty-five hundred dollars annually, as the governor may determine, and shall be reim-

bursed for expenses necessarily incurred in the performance of their 4
duties. The chairman of the commission shall cause the proceedings 5
thereof to be recorded by a competent stenographer, which may 6
include tape recording, and for such purpose and other necessary 7
expenditures of the commission for clerical assistance may expend 8
such sums as may be appropriated therefor. 9

55B:4. Powers and duties of commission.

Section 4. The commission may investigate upon objection made in 1
accordance with the provisions of this chapter the legality, validity, 2
completeness and accuracy of all nomination papers and actions 3
required by law to give candidates access to a state ballot or to place 4
an initiative or referendum on a state ballot. 5

The commission shall have jurisdiction over and render a decision 6
on any matter referred to it, pertaining to the statutory and constitu- 7
tional qualifications of any nominee for state, national or county 8
office; the certificates of nomination or nomination papers filed in 9
any presidential or state primary, state election, or special state 10
primary or election, the withdrawal of nomination for any state, 11
county, or federal office after the time to do so has expired or any 12
ineffective withdrawal; the filing of nomination papers under a false 13
name, or fictitious nominees; and the fraudulent or forged signing of 14
statewide initiative or referendum petitions, or any other objection 15
relating to the signatures on such petitions. The commission shall 16
have no jurisdiction with respect to public policy questions, nor city or 17
town candidates and ballot questions. 18

The commission may summon witnesses, administer oaths, and 19
require the production of books, records and papers at a hearing 20
before it upon any matter within its jurisdiction. 21

Witnesses shall be summoned in the same manner, be paid the same 22
fees, and be subject to the same penalties as witnesses in civil cases 23
before the courts. Any member may sign a summons or administer 24
an oath. In the event that said commission fails to render its decision 25
within the time required in this chapter on any matter so referred, the 26
state secretary shall, notwithstanding such failure, proceed forthwith 27
to cause to be printed the ballots for such primaries or elections. 28
Petitions for judicial review of decisions of the commission, under the 29
provisions of chapter thirty A, shall be filed in the court within five 30
days after receipt of the notice of the final decision of said commis- 31
sion. The commission shall establish rules of procedure in conform- 32
ance with the provisions of chapter thirty A governing the conduct of 33
hearings and investigations which shall be made available in printed 34
form to each party prior to appearance or testimony before the 35
commission. 36

55B:5. Objections; federal, state, and county offices.

Section 5. Objections to certificates of nomination and nomination papers for candidates at a presidential primary, state primary, or state election shall be filed with the state secretary within seventy-two hours succeeding five o'clock post meridian of the last day fixed for filing nomination papers. 1
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Candidates challenging the registrars' failure to certify names on their nomination papers shall do so in accordance with the provisions of section six. 6
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Objections relating to the original signers of an initiative or referendum petition shall be filed with the state secretary within five days after the original petition has been filed with the state secretary. 9
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Objections that signatures appearing on an initiative or referendum petition have been forged or placed thereon by fraud and that in consequence thereof the petition has not been signed by a sufficient number of qualified voters actually supporting such petition, as required by the constitution, or any other objection relating to signatures on such petitions, may be filed with the state secretary not later than five o'clock post meridian on the thirtieth day succeeding the last day for filing such initiative petition. Objections that the supplemental signatures necessary to place an initiative petition on the ballot after rejection by the legislature, have been forged or placed thereon by fraud and that in consequence thereof the petition has not been signed by a sufficient number of qualified voters actually supporting such petition, or any other objection relating to signatures on such petitions, as required by the constitution shall be filed not later than five o'clock post meridian on the seventh day succeeding the last day for filing such additional signatures. 12
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Objections to nominations at state primaries shall be filed with the state secretary within six days succeeding five o'clock in the afternoon of the day of holding such primaries. 28
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Objections to nomination papers of candidates to be voted for at primaries or general elections may be made by any registered voter of the district in which a candidate seeks nomination. Such objection shall not be valid unless it contains the voting address of the person filing the objections, as shown upon the current annual register of voters. 31
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Objections to signatures appearing on an initiative or referendum question may be made by any registered voter of the commonwealth. 37
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Such objections shall contain in detail each ground for protest with respect to said nomination papers, initiative and referendum petitions or primary nominations. Each objection, or objections by any person to any candidate or initiative referendum petition shall be accompanied by a nonreturnable filing fee of twenty-five dollars. If the 39
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commission declines jurisdiction of such objection the filing fee shall 44
 be returned. 45

Anyone filing an objection under this section shall not later than the 46
 day after which it is filed, mail by registered or certified mail, return 47
 receipt requested, a copy of such objection as filed with the commis- 48
 sion to the candidate against whose nomination papers, initiative and 49
 referendum petition or primary nomination, such objection is made. 50
 Failure to do so shall invalidate any objection filed with the commis- 51
 sion. 52

No objection shall be considered by the commission unless such 53
 objection is accompanied by a certificate of voter registration issued 54
 by the board of registrars of voters, or the clerk of the same, where 55
 the person filing the objection resides, stating that he is a registered 56
 voter in the district of the candidate being challenged. 57

The certificate of registration shall be substantially as follows: 58

The Commonwealth of Massachusetts 59
 Certificate of Voter Registration 60

I hereby certify that _____ is a registered voter at 61
 _____ (street and number), _____ (ward & 62
 precinct) in this city or town. 63

Clerk of Board of Registrars of Voters 64
 or 65
 Election Commissioners of 66

 (City-Town) 67

All objections filed under this section shall be forwarded to the 68
 commission by the state secretary. 69

55B:6. Signatures; review; correction.

Section 6. This section applies only to candidates for president who 1
 file nomination papers to be placed on the ballot at presidential 2
 primaries, and to all candidates at regular state primaries and biennial 3
 state elections. Any candidate who has filed nomination papers with 4
 the local registrars and who has an insufficient number of certified 5
 signatures for nomination to the office sought, or, any candidate who 6
 has enough signatures certified for nomination but only has ten per 7
 cent or less certified signatures in excess of the number needed for 8
 nomination may request a review of the signatures he filed by making 9

written application to the registrars. Said application shall list the signatures not previously certified by the registrars on which the candidate is requesting a review. Local registrars, upon receipt of any such written request shall review the signatures appealed by the candidate and correct any errors or mistakes in certification. Review and corrections shall be completed no later than twenty-four hours before the final hour for filing said papers with the state secretary. Candidates may request only one review. Said application shall be submitted to the registrars no later than forty-eight hours after the last day for the registrars to certify nomination papers.

Local registrars shall be responsible for defending their actions with respect to original certification, reviews and corrections. A candidate who has a deficient number of signatures or who still has ten per cent or less signatures in excess of the number needed for nomination, after completion of the review process, and who has filed his papers with the state secretary by five o'clock post meridian of the last day for filing such nomination papers may appeal from the decision of the local registrar to the superior court of the county in which the candidate is a resident; provided, however, that if such superior court is not holding a civil session the superior court of Suffolk county. Such appeal shall be in the form of a civil action and shall be filed within seventy-two hours of the last day and time for filing nomination papers with the state secretary.

The commission shall not have jurisdiction over any appeal brought under this section.

55B:7. Objections; city and town offices.

Section 7. Objections to certificates of nomination, nomination papers, or withdrawals for city offices, or to petitions for local ballot questions shall be filed with the city clerk within two working days of the last day fixed for filing such nomination papers, withdrawals, or petitions, or of the day on which certification of the names on a petition must be completed, whichever is later, except where city charters provide otherwise. Objections to certificates of nomination, nomination papers or withdrawals for town offices, or to petitions for local ballot questions, shall be filed with the town clerk within two working days of the last day fixed for filing such nomination papers, withdrawals, or petitions, or of the day on which certification of the names on a petition must be completed, whichever is later, except where town charters provide otherwise.

Objections filed with the city or town clerk shall forthwith be transmitted by him to the board authorized to hear such objections as provided under this section.

Objections in cities, except in the city of Boston, shall be considered by the board of registrars of voters and the city solicitor. Objections

in towns shall be considered by the board of registrars of voters. 19
 Boards in cities and towns may, at hearings on such objections, 20
 summon witnesses, administer oaths and require the production of 21
 books, records and papers. Such witnesses shall be summoned in the 22
 same manner, be paid the same fees, and be subject to the same 23
 penalties for default, as witnesses in civil cases before the courts. A 24
 summons may be signed, and an oath may be administered by any 25
 member of such board. 26

When such objection has been filed, notice thereof shall be sent 27
 forthwith by registered or certified mail, return receipt requested, by 28
 the city or town clerk to the candidates affected thereby, addressed to 29
 their residences as given in the certificate of nomination or nomina- 30
 tion papers, and to any party committee interested in the nomination 31
 to which such objection has been made; or in the case of local ballot 32
 questions to the first five names appearing on the petition or any 33
 other persons designated as sponsors of the petition. If more candi- 34
 dates bearing the same designation are nominated for an office, 35
 otherwise than by nomination papers, than are to be elected thereto, 36
 such boards shall determine the candidates, if any, entitled to such 37
 designation. Such boards shall render a decision on any matter 38
 referred to them, pertaining to certificates of nomination or nomina- 39
 tion papers or to petitions for local ballot questions for any regular or 40
 special city or town primaries or any regular or special city or town 41
 election, or to withdrawals of nomination therefor, not later than four 42
 days after the last day fixed for filing objections to such certificates, 43
 papers, petitions, or withdrawals, as the case may be, under this 44
 chapter. But such decision need not be rendered until fourteen days 45
 after the last day fixed for filing objections to a petition, if the timing 46
 of such decision will not thereby prevent the question from qualifying 47
 for the ballot not later than thirty days before any previously sched- 48
 uled election at which the question could appear. In the event that 49
 any such board fails to render within the aforesaid period its decision 50
 on any matter so referred, the city or town clerk shall, notwithstand- 51
 ing such failure, proceed forthwith to cause to be printed the ballots 52
 for such primaries or elections. 53

55B:8. Notice of objections.

Section 8. The commission with respect to objections to certificates 1
 of nominations or nomination papers except those for a special pri- 2
 mary or election shall by five o'clock post meridian of the Wednesday 3
 following the last day for filing such objections notify all parties 4
 involved that objection has been made to their certificates of nomina- 5
 tion or nomination papers. 6

The commission with respect to objections to signatures or initiative 7
 or referendum petitions shall by five o'clock post meridian of the 8

Wednesday following the last day for such objections notify all parties involved that objection has been made to their initiative or referendum petition. 9
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The commission with respect to objections to supplemental signatures necessary to place an initiative petition on the ballot after rejection by the legislature shall by five o'clock post meridian of the Friday following the last day for filing such objections notify all parties involved that objection has been made to their additional signatures. 12
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The commission with respect to objections to nominations at state primaries, except special primaries shall by five o'clock post meridian of the Tuesday following the last day for filing such objections notify all candidates affected thereby that objection has been made to their nomination. 18
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Notification shall be by registered or certified mail, return receipt requested. All notifications shall contain in detail the objections made, as well as the date, time, and the location of said hearing. Notifications shall be addressed to the residences as given in the certificates of nomination, nomination papers, and to the initial ten signers of a petition as the case may be. In addition, such notification shall also contain the rules or procedure that will be used in conducting said hearings. 23
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55B:9. Hearings on objections.

Section 9. Hearings on objections to certificates of nomination or nomination papers, except for special primaries and elections, shall not be held prior to the second Monday following the Friday for filing such objections. 1
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Hearings on objections to signatures on initiative or referendum petitions shall not be held prior to the second Monday following the last day for filing such objections. 5
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Hearings on objections to supplemental signature filings for initiative petitions shall not be held prior to the first Wednesday following the last day for filing such objections. 8
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Hearings on objections to nominations at regular state primaries shall not be held prior to the Monday following the last day for filing such objections. 11
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55B:10. Decisions.

Section 10. The commission shall render a decision on any matter referred to it, pertaining to certificates of nomination or nomination papers for any presidential or biennial state primaries or any biennial state election or to withdrawals of nomination therefore, not later than five o'clock post meridian on the twenty-first day after the last 1
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day fixed for filing objections to such certificates or papers or for
 filing such withdrawals, as the case may be, under the provisions of
 this chapter. The commission shall render a decision on any matter
 referred to it pertaining to nominations made at biennial state prima-
 ries, not later than five o'clock post meridian on the fourteenth day
 after the last day fixed for filing objections to such nominations.

The commission shall render a decision on any matter referred to it,
 pertaining to objections that signatures appearing on an initiative or
 referendum petition have been forged or placed thereon by fraud and
 that in consequence thereof the petition has not been signed by a
 sufficient number of qualified voters actually supporting such peti-
 tion, as required by the constitution, no later than the twenty-first day
 after the last day fixed for filing objections to such signatures. The
 commission shall render a decision on any objection filed with respect
 to the supplemental filing of signatures for initiative petition to be
 placed on the ballot after the rejection by the legislature of such
 petition no later than five o'clock post meridian in the afternoon on
 the fourteenth day after the last day fixed for filing objections to
 such signatures.

The commission shall render a decision on any matter referred to it
 pertaining to certificates of nomination or nomination papers for any
 special state primary or special state election not later than five
 o'clock post meridian in the afternoon on the fourth day after the last
 day fixed for filing objections to such certificates or papers.

55B:11. Vacating nominations; nonexisting persons; false names.

Section 11. If objection is filed under section five or section seven
 by a person duly nominated for any state, city or town office alleging
 that an apparent nomination for the same office is a fictitious or
 nonexisting person or that the name under which a person has been
 apparently nominated for such office is not his true name, the
 commission or the proper board named in section six shall summon
 the apparent nominee to appear before it and submit to examination.
 If no person appears in response to such summons or if a person
 representing himself to be the nominee appears and after a hearing
 the commission or board is satisfied that the allegations contained in
 such objection are true, the commission or board shall sustain the
 objection and vacate the nomination.

55B:12. Records of decisions; transcripts of hearings.

Section 12. The commission shall be required to keep records of all
 decisions and an official transcript of all proceedings of the hearings.
 These documents shall be stored in the office of the state secretary.
 The commission shall upon written request provide any person appeal-
 ing a decision by the commission a copy of the transcript from

hearings pertaining to his case, in accordance with rules and regulations established in conformance with chapter thirty A. All records and transcripts of the commission shall be open to the public.	6
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CHAPTER 56.

VIOLATIONS OF ELECTION LAWS.

Section

PENALTIES FOR OFFENCES CONCERNING ASSESSMENT, LISTING AND REGISTRATION OF VOTERS.

1. False listings of voters; registrars or assistants, listing board members; etc.
2. Misconduct of registrars or assistants.
3. Neglect of duty; registrars or assistants; listing board members; etc.
4. Refusal or neglect to give information to registrars, etc.
5. Giving false information.
6. False oath, etc.
7. Aiding or abetting false oath, etc.
8. Illegal registration, etc.
9. Misconduct at registration.
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- 11A. False or willful alteration of district designation on nomination papers; penalties.

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12. Misconduct of officers; failure to perform duties.
13. Challenged ballots; failure to make proper entry on.
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16. Improper disposition of ballots and lists.
17. Unlawful examination of ballots after election.
18. Failure to make and transmit election records.
19. False certificates of election results.
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21. Misconduct relating to absent voting.
22. General penalty provisions.

Section

PENALTIES ON INDIVIDUALS FOR OFFENCES RELATING TO THE CONDUCT OF PRIMARIES, CAUCUSES AND ELECTIONS.

Defacing Notices, etc.

23. Notices or warrants; defacing or removing.
24. List of candidates; instructions for voters; etc.; defacing or destroying.

Offences by Voters.

25. Distinguishing marks; false statements or oaths.
26. Illegal voting or attempt to vote.
27. Absent voting laws; violations.
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29. Unlawful interference with voter.
30. Obstructing voting.
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36. Public officers and employees; influencing political action.
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| <p>Section
44. Lists of candidates without party designations; distribution.
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45. Naturalization fees; paying or promising to pay.</p> <p style="text-align: center;"><i>Disorderly Conduct.</i></p> <p>46. Disorderly conduct at polling places.
47. Disobeying election, caucus or primary officer.
48. Interfering with election officials.</p> <p style="text-align: center;"><i>Tampering with Ballots, etc.</i></p> <p>49. Obstructing transmission of ballots or returns.</p> | <p>Section
50. Altering ballots, etc.
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58. Prosecutions; trial and judgments, etc.
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60. Conduct contrary to election laws; remedies.</p> |
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PENALTIES FOR OFFENCES CONCERNING ASSESSMENT,
LISTING AND REGISTRATION OF VOTERS.

56:1. False listings of voters; registrars or assistants, listing board members; etc.

Section 1. A registrar, assistant registrar, member of a listing board, police officer or interpreter, who knowingly enters on any list of persons, or causes or allows to be entered thereon, or reports the name of any person as a resident of a building, who is not a resident thereof, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.	1 2 3 4 5 6
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56:2. Misconduct of registrars or assistants.

Section 2. A registrar or assistant registrar who refuses or wilfully neglects to require, under section forty-four of chapter fifty-one, an applicant for registration to submit an affidavit in compliance with said section, or who knowingly prevents or seeks to prevent the registration of any legal voter, or who knowingly registers the name of any person not qualified to vote, or who is guilty of any fraud or corrupt conduct in the execution of the duties of his office, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.	1 2 3 4 5 6 7 8 9
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56:3. Neglect of duty; registrars or assistants; listing board members; etc.

Section 3. A registrar, assistant registrar or a member of a listing board or a police officer in a city or town having a listing board upon whom a duty is imposed by any law relating to the listing or registration of voters, who refuses or wilfully fails to perform such duty, or who wilfully performs it contrary to law, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months.	1 2 3 4 5 6 7
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56:4. Refusal or neglect to give information to registrars, etc.

Section 4. Whoever, being an inmate of a building and a resident
 seventeen years of age or upward, refuses or neglects to give the
 information required by section four of chapter fifty-one when asked
 by a registrar, assistant registrar, or anyone so authorized under
 section fourteen A of said chapter fifty-one to perform such duties, or
 whoever being an owner or an occupant of a building, or a clerk,
 superintendent, manager, administrator, or other person having in
 charge the affairs of a hotel, lodging house, public lodging house,
 multi-dwelling unit, nursing home, or rest home, as referred to in
 section ten A of said chapter fifty-one refuses or neglects to give the
 full and true information within his or her knowledge relating to all
 persons residing in such building, home, or unit, when asked by such
 registrar or other authorized person, shall be punished by a fine of
 not more than five hundred dollars or by imprisonment for not more
 than one year. Whoever, being a licensed innholder, keeper of a
 lodging house, or public lodging house, keeper or owner of a multi-
 dwelling unit, or administrator of a nursing home or rest home, fails
 in any respect to make the reports required by said section ten A of
 said chapter fifty-one in the detail and manner and within the time
 therein provided shall be punished by a fine of not less than ten nor
 more than fifty dollars.

56:5. Giving false information.

Section 5. Whoever knowingly gives to a registrar, assistant regis-
 trar, member of a listing board or police officer, for the purpose of
 making a list of residents seventeen years of age or upward or a
 report under the laws relating to listing and registration of voters, the
 name of any person as a resident of a building, who is not a resident
 thereof, shall be punished by a fine of not more than five hundred
 dollars or by imprisonment for not more than six months.

56:6. False oath, etc.

Section 6. Whoever knowingly or wilfully makes a false affidavit,
 takes a false oath or signs a false certificate relative to the qualifica-
 tions of any person for listing or registration shall be punished by a
 fine of not more than one thousand dollars or by imprisonment for not
 more than one year.

56:7. Aiding or abetting false oath, etc.

Section 7. Whoever aids or abets a person in knowingly or wilfully
 making a false affidavit, taking a false oath or signing a false
 certificate relative to the qualifications of any person for listing or
 registration shall be punished by a fine of not more than one thou-
 sand dollars or by imprisonment for not more than one year.

56:8. Illegal registration, etc.

Section 8. Whoever causes or attempts to cause his name to be registered, knowing that he is not a qualified voter in the place of such registration or attempted registration; whoever registers or attempts to register under a name other than his own; whoever represents or attempts to represent himself as some other person to any election commissioner, registrar or assistant registrar; whoever gives a false answer to any election commissioner, registrar or assistant registrar respecting any matter relating to his registration or his right to vote; whoever otherwise illegally registers or attempts to register; or whoever aids or abets any other person in doing any of the acts above mentioned, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

56:9. Misconduct at registration.

Section 9. Whoever refuses to obey the lawful orders or directions of an election commissioner, a registrar or assistant registrar, or interrupts or disturbs the proceedings at any registration shall be punished by a fine of not more than one hundred dollars.

56:10. Defacing or removing notices or voting lists.

Section 10. Whoever wilfully defaces or removes a notice relating to the registration of voters, or a voting list, posted according to law, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

PENALTIES FOR OFFENCES CONCERNING CERTIFICATES OF NOMINATION, NOMINATION PAPERS, PETITIONS, ETC.

56:11. Wilful alteration, mutilation, etc., of nomination papers, etc.; subscribing to false statements.

Section 11. Whoever falsely makes or wilfully alters, defaces, mutilates, destroys or suppresses a certificate of nomination or nomination paper, or letter of withdrawal of a name from such paper, or an initiative petition or a petition for the submission of a question to the voters, or unlawfully signs any such certificate, paper, letter or petition, or files any such certificate, paper, letter or petition, knowing the same to be falsely made or altered, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

56:11A. False or willful alteration of district designation on nomination papers; penalties.

Section 11A. Whoever falsely or willfully alters the designation of the district on a nomination paper after the names of voters signed

thereto have been certified shall be punished by a fine of not more 3
 than one thousand dollars or by imprisonment for not more than one 4
 year. 5

PENALTIES ON OFFICERS FOR OFFENCES IN THE CONDUCT
 OF PRIMARIES, CAUCUSES, CONVENTIONS AND ELECTIONS.

56:12. Misconduct of officers; failure to perform duties.

Section 12. An officer of a primary, caucus or convention who 1
 knowingly makes any false count of ballots or votes, or makes a false 2
 statement or declaration of the result of a ballot or vote, or knowingly 3
 refuses to receive any ballot offered by a person qualified to vote at 4
 such primary, caucus or convention, or wilfully alters, defaces or 5
 destroys any ballot cast, or voting list used thereat, before the 6
 requirements of law have been complied with, or refuses or wilfully 7
 fails to receive any written request made as thereby required, or 8
 refuses or wilfully fails to perform any duty or obligation imposed 9
 thereby shall be punished by a fine of not more than five hundred 10
 dollars or by imprisonment for not more than six months. 11

56:13. Challenged ballots; failure to make proper entry on.

Section 13. A presiding officer at a caucus, primary or state or 1
 city election, or at an election in a town or district at which official 2
 ballots are used, who, when the right of a person offering to vote is 3
 challenged for any legal cause, wilfully or negligently fails to require 4
 the name and residence of such person to be written upon the ballot 5
 offered by him, and to add thereto the name of the person challenging 6
 and the assigned cause, before such ballot is received, shall be 7
 punished by a fine of not more than five hundred dollars or by 8
 imprisonment for not more than six months. 9

56:14. Giving information relative to vote of challenged voter.

Section 14. A primary, election or other officer whose duty it is to 1
 recount the ballots cast at a primary or election, who makes any 2
 statement or gives any information in regard to a ballot cast by a 3
 voter challenged at such primary or election, except as required by 4
 law, shall be punished by a fine of not more than one hundred dollars 5
 or by imprisonment for not more than six months. 6

56:15. Reading or showing names on ballots during election.

Section 15. A presiding officer who, at a town election at which 1
 official ballots are not used, before the polls are closed and without 2
 the consent of a voter, reads or examines or permits to be read or 3
 examined, the names written or printed on the ballot of such voter, in 4

order to ascertain the persons voted for by him, shall be punished by 5
a fine of not more than one hundred dollars. 6

56:16. Improper disposition of ballots and lists.

Section 16. A primary or election officer, or a director of the count 1
or assistant appointed under section six of chapter fifty-four A, who 2
wilfully violates any provision relating to the enclosing in envelopes 3
or containers, sealing, endorsing and delivering or transmitting of 4
ballots and voting lists, before or after the votes have been counted 5
and recorded, shall be punished by a fine of not more than five 6
hundred dollars or by imprisonment for not more than one year. 7

56:17. Unlawful examination of ballots after election.

Section 17. A city or town clerk or an election commissioner who 1
examines or permits to be examined, except as required by law, 2
ballots cast at an election, which are received and retained by him 3
under section one hundred and nine of chapter fifty-four, shall be 4
punished by a fine of not more than two hundred dollars. 5

56:18. Failure to make and transmit election records.

Section 18. A city or town clerk or an election commissioner who 1
fails to make a record of votes cast at an election and to make and 2
transmit copies of any such record, as required by chapter fifty-four, 3
shall be punished by a fine of not more than two hundred dollars; but 4
if a copy of the records is deposited in the post office within the time 5
fixed for transmission or delivery, postpaid and properly addressed, it 6
shall be a bar to any complaint for delinquency. 7

56:19. False certificates of election results.

Section 19. A city or town clerk, precinct clerk, election commis- 1
sioner, mayor, alderman, selectman or other officer, who wilfully 2
signs or issues a certificate not in accordance with the result of an 3
election as appearing by the records and copies of records of votes 4
cast, or by a recount of votes, shall be punished by imprisonment for 5
not more than one year. 6

56:20. Repealed, 1965, 530, Sec. 2.

56:21. Misconduct relating to absent voting.

Section 21. Any city or town officer trusted with the execution of 1
the laws relative to absent voting, who wilfully violates any provision 2
thereof, shall be punished by a fine of not more than one hundred 3
dollars. 4

56:22. General penalty provisions.

Section 22. A public officer, primary, caucus or election officer, director of the count or assistant appointed under section six of chapter fifty-four A, or officer or member of a political committee or convention, upon whom a duty is imposed by law, who refuses or wilfully fails to perform such duty, or who wilfully performs it contrary to law, shall be punished by a fine of not less than five nor more than one thousand dollars or by imprisonment for not more than one year, or both.

PENALTIES ON INDIVIDUALS FOR OFFENCES RELATING TO
THE CONDUCT OF PRIMARIES, CAUCUSES AND ELECTIONS.

Defacing Notices, etc.

56:23. Notices or warrants; defacing or removing.

Section 23. Whoever wilfully defaces or removes a notice or warrant for a primary, caucus or election posted according to law, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

56:24. List of candidates; instructions for voters; etc.; defacing or destroying.

Section 24. Whoever, before a primary or election, wilfully defaces or destroys any list of candidates posted according to law, or, during a primary, caucus or election, wilfully defaces, tears down, removes or destroys any card of instruction or specimen ballot posted for the instruction of voters, or during a primary, caucus or election, wilfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare his ballot, shall be punished by a fine of not more than one hundred dollars.

Offences by Voters.

56:25. Distinguishing marks; false statements or oaths.

Section 25. Whoever, at a primary, caucus or election, places any distinguishing mark upon his ballot, or makes a false statement as to his ability to mark his ballot, or allows the marking of his ballot to be seen by any person for any purpose not authorized by law, or gives a false answer to or makes a false oath before a presiding officer, shall be punished by imprisonment for not more than six months or by a fine of not more than one hundred dollars.

56:26. Illegal voting or attempt to vote.

Section 26. Whoever, knowing that he is not a qualified voter in any place, wilfully votes or attempts to vote therein; whoever votes

or attempts to vote more than once on his own name, his name having
 been registered more than once; whoever votes or attempts to vote in
 more than one voting precinct or town, his name having been regis-
 tered in more than one voting precinct or town; whoever votes or
 attempts to vote on any name other than his own, or knowingly casts
 or attempts to cast more than one ballot at one time of balloting; or
 whoever votes or attempts to vote otherwise illegally; shall be
 punished by imprisonment for not less than six months nor more than
 one year. This section shall apply to primaries, caucuses, elections
 and open town meetings.

56:27. Absent voting laws; violations.

Section 27. Whoever not being entitled to vote under the laws
 relative to absent voting votes or attempts to vote thereunder, or
 whoever being entitled to vote under said laws, knowingly votes or
 attempts to vote in violation thereof, shall be punished by a fine of
 not more than five hundred dollars and by imprisonment for not more
 than one year.

56:27A. Unlawful distribution of absent voter ballots.

Section 27A. Whoever, at any election at which absent voting is
 permitted, knowingly and wilfully delivers an absent voter ballot to a
 voter or other person in any other manner than is provided for in
 section eighty-nine of chapter fifty-four shall be punished by a fine of
 not more than five hundred dollars.

Interference with Voting.

56:28. Illegal voting; aiding or abetting.

Section 28. Whoever, at a primary, caucus or election, aids or
 abets a person, who is not entitled to vote, in voting or attempting to
 vote, or in voting or attempting to vote under a name other than his
 own, or in casting or attempting to cast more than one ballot, shall be
 punished by imprisonment for not less than six months nor more than
 one year.

56:29. Unlawful interference with voter.

Section 29. Whoever wilfully and without lawful authority hin-
 ders, delays or interferes with, or aids in hindering, delaying or
 interfering with, a voter while on his way to a primary, caucus or
 election, while within the guard rail, while marking his ballot or while
 voting or attempting to vote, or endeavors to induce a voter, before
 depositing his ballot, to disclose how he marks or has marked it, shall
 be punished by a fine of not more than five hundred dollars or by
 imprisonment for not more than one year.

56:30. Obstructing voting.

Section 30. Whoever wilfully obstructs the voting at a primary,	1
caucus or election shall be punished by a fine of not more than one	2
hundred dollars.	3

56:31. Illegal challenging.

Section 31. Any person challenging a qualified voter for purposes	1
of intimidation, or of ascertaining how he voted, or for any other	2
illegal purpose, shall be punished by a fine of not more than one	3
hundred dollars.	4

CERTAIN PRACTICES FORBIDDEN.

56:32. Bribery of voter.

Section 32. No person shall, directly or indirectly, pay, give or	1
promise to a voter, any gift or reward to influence his vote or to	2
induce him to withhold his vote.	3

Violation of any provision of this section shall be punished by	4
imprisonment for not more than one year.	5

56:33. Employers; influencing votes of employees.

Section 33. No person shall, by threatening to discharge a person	1
from his employment or to reduce his wages, or by promising to give	2
him employment at higher wages, attempt to influence a voter to give	3
or to withhold his vote, or, because of the giving or withholding of a	4
vote, discharge a person from his employment or reduce his wages.	5

Violation of any provision of this section shall be punished by	6
imprisonment for not more than one year.	7

56:34. Promising public appointments.

Section 34. No person shall, to aid or promote his nomination or	1
election to a public office, directly or indirectly promise to appoint or	2
to secure or assist in securing the appointment, nomination or election	3
of another person to a public position or employment or to a position	4
of honor, trust or emolument, except that he may announce or define	5
what is his choice or purpose in relation to an election in which he	6
may be called to take part, if elected.	7

Violation of any provision of this section shall be punished by	8
imprisonment for not more than one year or by a fine of not more	9
than one thousand dollars.	10

56:35. Promising public appointments for political action.

Section 35. No person holding a public office or in nomination for,	1
or seeking a nomination for, or appointment to, an office, shall	2

corruptly use or promise to use, directly or indirectly, any official authority or influence to confer upon any person, or to aid a person to obtain, an office or public employment, or a nomination, confirmation, promotion or increase of salary, upon the consideration or condition that the vote, political influence or action of any person shall be given or used in behalf of a candidate, officer or party, or upon any other corrupt condition or consideration. 3
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Violation of any provision of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars. 10
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56:36. Public officers and employees; influencing political action.

Section 36. No person in the service of the commonwealth or of any county, city or town shall use his official authority or influence to coerce the political action of any person or body, or to interfere with any election. 1
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Violation of any provision of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars. 5
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56:37. Public officers and employees; initiative and referendum; promoting or opposing for hire.

Section 37. No member of the general court or paid officer or employee of the commonwealth shall promote or oppose, for a valuable consideration other than reimbursement for expenses actually incurred, the acceptance by the voters of any political subdivision of the commonwealth of any law conditioned to take effect therein upon such acceptance, or of any law or proposed law or constitutional amendment submitted under Article XLVIII of the amendments to the constitution, or an expression of opinion by the voters on any question of public policy. 1
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Any person taking or giving employment in violation of any provision of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. 10
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56:38. Editorial support; paying for or receiving payment.

Section 38. No person shall pay the owner, editor, publisher, or agent of a newspaper or other periodical to induce him editorially to advocate or oppose any candidate for public office or political principle, or any question submitted to the voters; and no such owner, editor, publisher, or agent shall accept such payment. This section shall not apply to the outright purchase of such newspaper or periodical. 1
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56:39. Publishing political advertisements; statement; names; signatures, etc.; penalties.

Section 39. No person shall publish or cause to be published in a newspaper or other periodical any paid advertisement designed or tending to aid, injure, or defeat any candidate for public office or any question submitted to the voters, unless the name of the chairman or secretary or the names of two officers of the political or other organization inserting the same, or the name of one or more persons eighteen years of age or older who are responsible therefor, with the residence and the street and number thereof, of each such person eighteen years of age or older appears therein in the nature of a signature; provided, that each such person eighteen years of age or older has signed his name in the presence of a witness to the following statement authorizing the insertion of such advertisement. The statement shall be retained by the newspaper or periodical for not less than one year, shall be available to any person upon request, and shall be in substantially the following form:

I hereby authorize the affixing of my name to the attached political advertisement on behalf of or in opposition to _____, candidate for _____ in the election to be held in the current year, or on behalf of or in opposition to a question being submitted to the voters in the election in the current year.

Witness: _____ Signature: _____

Address: _____ Address: _____

Date: _____

Such matter inserted in reading columns shall be preceded or followed by the word "Advertisement" in a separate line, in type not smaller than that of the body type of the newspaper or other periodical. This section shall not authorize expenditures otherwise prohibited by this chapter.

Any corporation violating any provision of this section or section thirty-eight, relative to payments to newspapers and periodicals, and to political advertising, shall be punished by a fine of not more than ten thousand dollars, and any officer, director or agent of a corporation violating any such provision, who authorized such violation, or any person who violates, or in any way knowingly aids or abets the violation of, any such provision, shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year.

56:40. Using names of political parties; restrictions.

Section 40. No organization consisting of two or more persons, other than a political committee duly elected in accordance with law or a corporation organized prior to January first, nineteen hundred and twenty-three, under the laws of this commonwealth and having as a part of its name the name of a political party, as defined by law, shall, in order to promote the success or defeat of a political party or principle or of a candidate in a public election, in any circular, advertisement or publication use in its organization name the name of such a political party, except with the written consent of the duly elected state committee representing such political party.

Any member of an organization subject to this section who participates in a violation of any provision of said section shall be punished by imprisonment for not more than six months or by a fine of not more than one thousand dollars, or both.

56:41. Unsigned circulars and posters; posting or distributing.

Section 41. No candidate for nomination or election to public office or any other person shall write, print, post or distribute, or cause to be written, printed, posted or distributed, a circular or poster designed to aid or defeat any candidate for nomination or election to any public office, or designed to aid or defeat any question submitted to the voters, unless there appears upon such circular or poster in a conspicuous place either the names of the chairman and secretary, or of two officers, of the political or other organization issuing the same, or of some person eighteen years of age or older who is responsible therefor, with his name and residence, and the street and number thereof, if any.

Violation of this section shall be punished by imprisonment for not more than six months.

56:41A. Unauthorized use of endorsements; penalty.

Section 41A. No person shall, in order to promote his success or the success of another as a candidate for nomination or election to any public office, or in connection with any question submitted to the voters, include or cause to be included in any political advertisement, circular, poster or publication, the name of any person as an endorser or supporter except with the express consent of such person. Violation of any provision of this section shall be punished by imprisonment for not more than six months or by a fine of not more than one thousand dollars.

56:42. False statements relating to candidates or questions submitted to voters.

Section 42. No person shall make or publish, or cause to be made or published, any false statement in relation to any candidate for

nomination or election to public office, which is designed or tends to aid or to injure or defeat such candidate. 3
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No person shall publish or cause to be published in any letter, circular, advertisement, poster or in any other writing any false statement in relation to any question submitted to the voters, which statement is designed to affect the vote on said question. 5
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Whoever knowingly violates any provision of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months. 9
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56:43. Interfering with distribution of printed matter.

Section 43. No person shall prevent, hinder or interfere with the lawful distribution of any circular, poster, card, handbill, placard, picture or other printed matter intended to influence the action of a voter, and no person shall, wilfully and with intent to injure the person in whose behalf such printed matter was distributed, remove such matter from any residential premises to which it was delivered. 1
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Violation of this section shall be punished by a fine of not more than one hundred dollars. 7
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56:43A. Using the word "veteran" by candidates.

Section 43A. No person, except a veteran, as defined by section one of chapter thirty-one, who is a candidate for nomination or election to any public office shall use the word "veteran" as applied to himself, in any circular, poster, card, handbill, placard, picture or other printed matter unless the word "veteran" is accompanied by other words indicating the country for which he served. Any violation of this section shall be punished by a fine of not more than five hundred dollars. 1
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56:44. Lists of candidates without party designations; distribution.

Section 44. No individual, except as otherwise provided by law, and no non-elected political committee, shall distribute by mail, or otherwise or directly or indirectly cause to be distributed by mail or otherwise, a list or slate containing names of candidates for state office of more than one political party to be nominated at state primaries or to be elected at a biennial state election, unless against the name of each candidate on such list or slate appears his political party designation. 1
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Violation of any provision of this section shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars. 9
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56:44A. Lists of candidates; distribution; signatures of responsible voters.

Section 44A. No person shall distribute by mail or otherwise, or directly or indirectly cause to be distributed by mail or otherwise, a list or slate containing names of candidates for state office to be nominated at state primaries or to be elected at a biennial state election, unless the name of some voter who is responsible therefor, with his residence and the street and number thereof, if any, appears therein in the nature of a signature. Violation of this section shall be punished by a fine of not more than one hundred dollars.

56:45. Naturalization fees; paying or promising to pay.

Section 45. No political committee and no person required to file a statement shall make any payment or promise of payment of money to or in behalf of any person for naturalization fees or for services as counsel or otherwise in assisting anyone to obtain naturalization. Violation of any provision of this section shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars.

Disorderly Conduct.

56:46. Disorderly conduct at polling places.

Section 46. Whoever, at a primary, caucus or election, behaves in a disorderly manner, and, after notice from the presiding officer or director of the count, persists in such behavior and refuses to withdraw from the polling place, or from the central counting place, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one month.

56:47. Disobeying election, caucus or primary officer.

Section 47. Whoever wilfully disobeys any lawful command of an election, caucus or primary officer shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one month.

56:48. Interfering with election officials.

Section 48. Whoever interferes, or aids or abets any person in interfering, with an election commissioner, city or town clerk, election officer, or director of the count or assistant appointed under section six of chapter fifty-four A, in the performance of his duties shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year.

*Tampering with Ballots, etc.***56:49. Obstructing transmission of ballots or returns.**

Section 49. Whoever wilfully obstructs or interferes with the
transmission of ballots or returns to or from a polling place or a
central counting place shall be punished by a fine of not more than
five hundred dollars or by imprisonment for not more than one year.

56:50. Altering ballots, etc.

Section 50. Whoever alters a ballot cast at a primary or caucus or,
not being authorized thereto, deposits a ballot in a ballot box, contain-
er or envelope used at a primary or caucus, or removes a ballot from
such ballot box, container or envelope, shall be punished by imprison-
ment in jail for not more than two and one half years.

56:51. Tampering with voting machines.

Section 51. Any person who shall tamper with or injure or attempt
to tamper with or to injure any voting machine to be used or being
used in an election, or who shall prevent or attempt to prevent the
correct operation of such machine, or any unauthorized person who
shall make or have in his possession a key to a voting machine to be
used or being used in an election, shall be punished by a fine of not
less than one hundred nor more than five hundred dollars, or by
imprisonment for not less than one nor more than two and one half
years or in the state prison for not less than two and one half nor
more than five years, or both.

56:52. Forgery or destruction of ballots; defacement.

Section 52. Whoever wilfully forges or falsely makes the official
endorsement on any ballot, or wilfully destroys or defaces a ballot,
shall be punished by a fine of not more than one hundred dollars or by
imprisonment for not more than one year.

56:53. Identifying mark on ballots.

Section 53. Whoever places a mark against a name on a ballot not
cast by himself, or places a distinguishing mark on a ballot not cast
by himself, except as authorized by law, shall be punished by impris-
onment for not more than two and one half years.

56:54. Removing ballots from within guard rail.

Section 54. Whoever removes a ballot from the space enclosed by
the guard rail before the close of the polls shall be punished by
imprisonment for not more than one year.

56:55. Fraudulent alteration, etc., of ballots.

Section 55. Whoever, with intent to defraud, alters a ballot cast at a primary, caucus or election; or, with such intent, deposits a ballot in the ballot box used at a primary, caucus or election, or in an envelope or container provided by law for the preservation of ballots cast at a primary, caucus or election; or, with such intent, removes a ballot from any such ballot box or envelope or container; shall be punished by imprisonment for not more than two and one half years.

56:56. Challenged ballots; giving information as to vote.

Section 56. Whoever gives any information derived from a recount of votes, relative to a ballot cast by a challenged voter at an election, caucus or primary, except as required by law, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year.

PROCEDURE AND ENFORCEMENT.

56:57. Arrest without warrant.

Section 57. Police officers and constables shall arrest without a warrant any person detected in the act of violating any provision of chapters fifty to fifty-six, inclusive.

56:58. Prosecutions; trial and judgments, etc.

Section 58. A prosecution for the violation of any provision of chapters fifty to fifty-six, inclusive, shall not, unless the purposes of justice require such disposition, be placed on file or disposed of except by trial and judgment according to the regular course of criminal proceedings. It shall be disposed of otherwise only upon written motion stating specifically the reasons therefor and verified by affidavit if facts are relied on. If the court or magistrate certifies in writing that he is satisfied that the cause relied on exists and that the interests of public justice require the allowance of the motion, the motion shall be allowed and the certificate of the court or magistrate shall be filed in the case. Nothing in this section shall be deemed to permit the suspension of the execution of the sentence of a person convicted of a violation of any provision of section twenty-six or twenty-eight of chapter fifty-six.

56:59. Supreme judicial court; superior court departments; jurisdiction.

Section 59. The supreme judicial court and the superior court department of the trial court shall have jurisdiction of civil actions to enforce the provisions of chapters fifty to fifty-six, inclusive, and may award relief formerly available in equity or by mandamus. The supreme judicial court shall also have jurisdiction of any civil action

relative to the division of the commonwealth into congressional,	6
councillor, senatorial, and representative districts in chapter fifty-	7
seven, but every such action shall be filed within thirty days after the	8
act establishing such districts has the force of a law.	9

56:60. Conduct contrary to election laws; remedies.

Section 60. Whenever the state secretary determines, after con-	1
sulting with the local official involved, that a pattern of conduct, or a	2
standard, practice, or procedure of a city or town clerk board of	3
registrars of voters, or any other municipal or district officer or board	4
upon whom a duty is imposed is contrary to chapters fifty to fifty-	5
four, inclusive, or any other general or special law concerning admin-	6
istration of elections, he may order such local official to comply with	7
law. The attorney general may enforce the order by civil action. The	8
state secretary may adopt procedural regulations governing adminis-	9
trative proceedings under this section. The remedy provided by this	10
section shall not in any way limit the availability of judicial remedies	11
to any person, official, commission or board.	12

CHAPTER 57.

CONGRESSIONAL, COUNCILLOR AND SENATORIAL DISTRICTS,
AND APPORTIONMENT OF REPRESENTATIVES.

Section

CONGRESSIONAL DISTRICTS.

1. Division of state into congressional districts.

COUNCILLOR DISTRICTS.

2. Division of state into councillor districts.

Section

SENATORIAL DISTRICTS.

3. Division of state into senatorial districts.

APPORTIONMENT OF REPRESENTATIVES.

4. Division of state into representative districts.

5. Repealed, 1973, 326, Sec. 2.

CONGRESSIONAL DISTRICTS.

57:1. Division of state into congressional districts.

Section 1. For the purpose of electing representatives in the Congress of the United States and delegates and alternate delegates to the national conventions of political parties, until otherwise provided by law, the commonwealth is divided into the following ten districts, each of which shall elect one representative:

NUMBER ONE. — All the cities and towns in the counties of Berkshire and Franklin; in the county of Hampden, the cities of Holyoke and Westfield, and the towns of Blandford, Chester, Granville, Montgomery, Russell, Southwick, Tolland and West Springfield; in the county of Hampshire, the towns of Amherst, Belchertown, Chesterfield, Cummington, Easthampton, Goshen, Granby, Hatfield, Huntington, Middlefield, Pelham, Plainfield, Southampton, Westhampton, Williamsburg and Worthington; in the county of Middlesex the towns of Ashby and Townsend; and in the county of Worcester, the cities of Fitchburg, Gardner and Leominster, the towns of Ashburnham, Athol, Barre, Hardwick, Hubbardston, New Braintree, North Brookfield, Oakham, Petersham, Phillipston, Royalston, Templeton, West Brookfield, Westminster and Winchendon, and part of the town of Lunenburg including blocks 102-111, 113-129 and block groups 2, 4 and 5 of tract 7121 in VTD 0405 (Precinct 1), and VTDs 0410 and 0415 (Precincts 2 and 3).

NUMBER TWO. — In the county of Hampden, the cities of Agawam, Chicopee and Springfield, and the towns of Brimfield, East Longmeadow, Hampden, Holland, Longmeadow, Ludlow, Monson, Palmer, Wales and Wilbraham; in the county of Hampshire, the city of Northampton and the towns of Hadley, South Hadley and Ware; in the county of Norfolk, the town of Bellingham; and in the county of Worcester, the towns of Blackstone, Brookfield, Chariton, Douglas, Dudley, East Brookfield, Hopedale, Leicester, Mendon, Milford, Mill-

bury, Millville, Oxford, Southbridge, Spencer, Sturbridge, Sutton, 30
 Uxbridge, Warren and Webster, and part of the town of Auburn 31
 including tract 7363, block 107 and block groups 2-6 and 9 of tract 32
 7365 in VTD 0045 (Precinct 1), VTD 0050 (Precinct 2), block 902 of 33
 tract 7365 in VTD 0055 (Precinct 3), blocks 303-310 and block group 9 34
 of tract 7362 in VTD 0060 (Precinct 4), and VTD 0065 (Precinct 5). 35

NUMBER THREE. — In the county of Bristol, the city of Attleboro 36
 part of the city of Fall River including VTDs 0185-0230 (Wards 37
 1-3), VTD 0235, (Ward 4, Precinct A), tract 6409, blocks 207-208 of 38
 tract 6410, and block 132 of tract 6411 in VTD 0240 (Ward 4, Precinct 39
 B), blocks 105 and 109 of tract 6410 in VTD 0245 (Ward 4, Precinct C), 40
 and VTDs 0265-0270 (Ward 6, Precincts A-B), the towns of Dartmouth, 41
 North Attleboro, Seekonk, Somerset, Swansea and Westport, 42
 and part of the town of Mansfield including VTDs 0345-0350 (Pre- 43
 cincts 1-2), blocks 203, 212-213, 214B, 215, 305-307 and 319, and block 44
 group 4 of tract 6101 in VTD 0355 (Precinct 3), and blocks 104-105, 45
 109 and 115, and block groups 2 and 4-5 of tract 6101 in VTD 0360 46
 (Precinct 4); in the county of Middlesex, the towns of Holliston and 47
 Hopkinton; in the county of Norfolk, the towns of Franklin, Medway, 48
 Plainville and Wrentham, and part of the town of Foxboro including 49
 tract 4101 and blocks 217-223, 226-232 and 234 of tract 4104 in VTD 50
 0255 (Precinct 1), blocks 211, 213-215, 220, 225-226 and 231-232 of tract 51
 4101, blocks 102 and 104-106 of tract 4102, and block 216 of tract 4104 52
 in VTD 0265 (Precinct 3), blocks 203, 205-206, 208, 210, 212, 216-219, 53
 221-224, 227-230 and 233-236, and block groups 4-5 of tract 4101 and 54
 tract 4102 in VTD 0270 (Precinct 4), and VTD 0275 (Precinct 5); and 55
 in the county of Worcester, the city of Worcester, the towns of Berlin, 56
 Boylston, Clinton, Grafton, Holden, Northborough, Northbridge, Pax- 57
 ton, Princeton, Rutland, Shrewsbury, Sterling, Upton, Westborough 58
 and West Boylston, part of the town of Auburn including block 106 59
 and block group 7 of tract 7365 in VTD 0045 (Precinct 1), tracts 7363 60
 and 7364, block group 1 and blocks 901, 903 and 905 of tract 7365 in 61
 VTD 0055 (Precinct 3), and block groups 1 and 2 and block 301 of 62
 tract 7362 and tract 7363 in VTD 0060 (Precinct 4), and part of the 63
 town of Lancaster including blocks 145-158 and 160, block group 2, 64
 and blocks 963 and 964 of tract 7131 in VTD 0325 (Precinct 1) and 65
 block groups 2-4, and blocks 956-961 and 965-975 of tract 7131, and 66
 tract 7162 in VTD 0330 (Precinct 2). 67

NUMBER FOUR. — In the county of Bristol, the city of New 68
 Bedford, part of the city of Fall River including blocks 205-206 of 69
 tract 6410 and block 131 of tract 6411 in VTD 0240 (Ward 4, Precinct 70
 B), tract 6409, blocks 101-104, 106-108 and 110-115, and block groups 2 71
 and 3 of tract 6410, and tracts 6411, 6412, 6419 and 6420 in VTD 0245 72
 (Ward 4, Precinct C), VTDs 0250-0260 (Ward 5), VTD 0275 (Ward 6, 73
 Precinct C), and VTDs 0280-0330 (Wards 7-9), the towns of Acushnet, 74
 Berkley, Dighton, Fairhaven, Freetown, Norton, Raynham and Reho- 75

both, part of the town of Easton including blocks 101-129 and 131-136 76
of tract 6001 in VTD 0130 (Precinct 1), tracts 6001 and 6002.02 in VTD 77
0135 (Precinct 2), tract 6001, blocks 101-112, 114-115, 120-122 and 127- 78
128 of tract 6002.02 in VTD 0140 (Precinct 3), blocks 201-204, 301-306 79
and 310-311 of tract 6002.02 in VTD 0145 (Precinct 4), and part of the 80
town of Mansfield including blocks 204-211, 216-218, 301-304, 311-312, 81
315, 318 and 320 of tract 6101 and tract 6102 in VTD 0355 (Precinct 3), 82
and blocks 101-103, 106-108, 110-114 and 116 of tract 6101 and tract 83
6102 in VTD 0360 (Precinct 4); in the county of Middlesex, the city of 84
Newton and the town of Sherborn; in the county of Norfolk, the 85
towns of Brookline, Dover, Millis, Norfolk, Sharon and Wellesley, and 86
part of the town of Foxborough including block group 1 and blocks 87
224-225 and 233 of tract 4104 in VTD 0255 (Precinct 1), VTD 0260 88
(Precinct 2), block 209 of tract 4101, blocks 101 and 107 of tract 4102, 89
and block group 1, blocks 201-207, 208A, 208B, 209-215, and block 90
group 9 of tract 4104 in VTD 0265 (Precinct 3), and blocks 201-202, 91
204 and 207 of tract 4101 in VTD 0270 (Precinct 4); and in the county 92
of Plymouth, the towns of Bridgewater, Carver, East Bridgewater, 93
Halifax, Hanson, Lakeville, Marion, Mattapoisett, Middleborough, 94
Pembroke, Plympton, Rochester, Wareham and West Bridgewater, 95
and part of the town of Rockland including block group 3 and block 96
513 of tract 5021.01 in VTD 0520 (Precinct 2), VTDs 0525 and 0530 97
(Precincts 3 and 4), and blocks 116, 118-120, 123, 310 and 315-317 of 98
tract 5021.01 in VTD 0535 (Precinct 5). 99

NUMBER FIVE. — In the county of Essex, the city of Lawrence 100
and the towns of Andover and Methuen; in the county of Middlesex, 101
the cities of Lowell and Marlborough, the towns of Acton, Ashland, 102
Ayer, Billerica, Boxborough, Carlisle, Chelmsford, Concord, Dracut, 103
Dunstable, Groton, Hudson, Littleton, Maynard, Pepperell, Shirley, 104
Stow, Sudbury, Tewksbury, Tyngsborough, Wayland and Westford, 105
and part of the town of Lincoln including block 901A of tract 3601, 106
and blocks 101-106 and 109-113 of tract 3602 in VTD 0935 (Precinct 1); 107
and in the county of Worcester, the towns of Bolton, Harvard and 108
Southborough, part of the town of Lancaster including blocks 101-108, 109
110-114, 117-144 and 159, block group 5, and blocks 901-954, 962 and 110
976-979 of tract 7131 in VTD 0325 (Precinct 1), and block group 1 and 111
block 955 of tract 7131 in VTD 0330 (Precinct 2), and part of the town 112
of Lunenburg including blocks 101 and 112, and block groups 8 and 9 113
of tract 7121 in VTD 0405 (Precinct 1). 114

NUMBER SIX. — In the county of Essex, the cities of Beverly, 115
Gloucester, Haverhill, Lynn, Newburyport, Peabody and Salem, and 116
the towns of Amesbury, Boxford, Danvers, Essex, Georgetown, 117
Groveland, Hamilton, Ipswich, Lynnfield, Manchester-by-the-Sea, Mar- 118
blehead, Merrimac, Middleton, Nahant, Newbury, North Andover, 119
Rockport, Rowley, Salisbury, Saugus, Swampscott, Topsfield, Wen- 120
ham and West Newbury; and in the county of Middlesex, the towns 121

of Bedford, Burlington, North Reading and Wilmington, and part of 122
 the town of Reading including VTD 1750 (Precinct 1), and blocks 111, 123
 114, 116 and 123, block group 2, and blocks 309-312, 315-317, 319-320 124
 and 396 of tract 3343 in VTD 1785 (Precinct 8). 125

NUMBER SEVEN. — In the county of Middlesex, the cities of 126
 Everett, Malden, Medford, Melrose, Waltham and Woburn, the towns 127
 of Arlington, Framingham, Lexington, Natick, Stoneham, Wakefield, 128
 Weston and Winchester, part of the town of Lincoln including blocks 129
 901B and 901C of tract 3601, and blocks 107-108 and 114-128, and 130
 block groups 2 and 4 of tract 3602 in VTD 0935 (Precinct 1), and VTD 131
 0940 (Precinct 2), and part of the town of Reading including VTDs 132
 1755-1780 (Precincts 2-7), and blocks 109, 112, 115, 313-314, 318 and 133
 395 of tract 3343 in VTD 1785 (Precinct 8); and in the county of 134
 Suffolk, the city of Revere and the town of Winthrop. 135

NUMBER EIGHT. — In the county of Middlesex, the cities of 136
 Cambridge and Somerville, and the towns of Belmont and Watertown; 137
 and in the county of Suffolk, the city of Chelsea, and part of the city 138
 of Boston including VTDs 0005-0070 and 1430 (Ward 1/Harbor Is- 139
 lands), VTDs 0075-0105 (Ward 2), VTDs 0150-0195, (Ward 4), VTDs 140
 0200-0215 (Ward 5, Precincts 1-4), block group 3 and blocks 401-403 141
 and 407 of tract 0201 in VTD 0220 (Ward 5, Precinct 5), VTDs 0225- 142
 0245 (Ward 5, Precincts 6-10), VTDs 0380-0445 (Wards 9 and 10), 143
 VTDs 0450-0470, (Ward 11, Precincts 1-5), VTDs 0500-0540 (Ward 12), 144
 VTDs 0595-0660 (Ward 14), VTDs 0665-0685 and 0695-0705 (Ward 15, 145
 Precincts 1-5 and 7-9), VTDs 0770-0780 and 0790-0820 (Ward 17, 146
 Precincts 1-3 and 5-11), VTDs 0840-0865, 0910 and 0940 (Ward 18, 147
 Precincts 1-6, 15 and 21), and VTDs 1120-1260 (Wards 21 and 22). 148

NUMBER NINE. — In the county of Bristol, the city of Taunton 149
 and part of the town of Easton including block 130 and block groups 3 150
 and 4 of tract 6001 in VTD 0130 (Precinct 1), tract 6002.01 in VTD 151
 0135 (Precinct 2), tract 6002.01 and blocks 123-126 of tract 6002.02 in 152
 VTD 0140 (Precinct 3), tract 6002.01 and blocks 205-206 and 307-309 of 153
 tract 6002.02 in VTD 0145 (Precinct 4), and VTD 0150 (Precinct 5); in 154
 the county of Norfolk, the towns of Braintree, Canton, Dedham, 155
 Medfield, Milton, Needham, Norwood, Randolph, Stoughton, Walpole 156
 and Westwood; in the county of Plymouth, part of the city of 157
 Brockton including VTDs 0060-0075 (Ward 1), VTDs 0085-0095 (Ward 158
 2, Precincts B-D), VTD 0100-0135 (Wards 3 and 4), block 306 of tract 159
 5109 and blocks 106-107 of tract 5113.01 in VTD 0140 (Ward 5, 160
 Precinct A), and VTD 0150 (Ward 5, Precinct C); and in the county of 161
 Suffolk, part of the city of Boston including VTDs 0110-0145 (Ward 162
 3), block groups 1 and 2, blocks 404-406, 408-409 and 412 of tract 0201, 163
 and tract 0202 in VTD 0220 (Ward 5, Precinct 5), VTDs 0250-0375 164
 (Wards 6-8), VTDs 0475-0495 (Ward 11, Precincts 6-10), VTDs 0545- 165
 0590 (Ward 13), VTD 0690 (Ward 15, Precinct 6), VTDs 0710-0765 166

(Ward 16), VTDs 0785 and 0825-0835 (Ward 17, Precincts 4 and 12-14), 167
 VTDs 0870-0905, 0915-0935 and 0945-0950 (Ward 18, Precincts 7-14, 168
 16-20 and 22-23), and VTDs 0955-1115 (Wards 19 and 20). 169

NUMBER TEN. — All of the towns in the counties of Barnstable, 170
 Dukes County and Nantucket; in the county of Norfolk, the city of 171
 Quincy and the towns of Avon, Cohasset, Holbrook and Weymouth; 172
 and in the county of Plymouth, part of the city of Brockton including 173
 VTD 0080 (Ward 2, Precinct A), tracts 5102 and 5104, block groups 1 174
 and 2, block 305, and block group 4 of tract 5109, tracts 5110 and 175
 5112, and blocks 101-105 and 110 of tract 5113.01 in VTD 0140 (Ward 5, 176
 Precinct A), VTDs 0145 and 0155 (Ward 5, Precincts B and D), and 177
 VTDs 0160-0195 (Wards 6 and 7), the towns of Abington, Duxbury, 178
 Hanover, Hingham, Hull, Kingston, Marshfield, Norwell, Plymouth, 179
 Scituate and Whitman, and part of the town of Rockland including 180
 VTD 0515 (Precinct 1), block group 4 and blocks 501-512 of tract 181
 5021.01 in VTD 0520 (Precinct 2), blocks 101-103, 108-111, 114-115, 182
 117, 121-122 and 301-309 of tract 5021.01 in VTD 0535 (Precinct 5), 183
 and VTD 0540 (Precinct 6). 184

For the purposes of this section, the following words shall have the 185
 following meanings: 186

“Voting tabulation districts” or “VTD”, areas identified by the 187
 state to the United States Bureau of the Census as a voting district, 188

“Tract”, a large statistical area used by the United States Bureau 189
 of the Census. A tract is a large group of blocks, 190

“Block group”, a set of census blocks identified by the same first 191
 digit, 192

“Blocks”, the smallest census reporting area. 193

In the event of a discrepancy in congressional district descriptions 194
 between references to wards and precincts and “VTD”, the “VTD” 195
 references shall govern. 196

COUNCILLOR DISTRICTS.

57:2. Division of state into councillor districts.

Section 2. For the purpose of choosing councillors until the next 1
 apportionment, the commonwealth is divided, conformably with the 2
 constitution, into the following eight councillor districts: 3

First. — Consisting of the Bristol and Plymouth, the First Bristol, 4
 the Second Bristol, the Cape and Islands and the Plymouth and 5
 Barnstable senatorial districts. 6

Second. — Consisting of the Middlesex, Norfolk and Worcester, the 7
 Norfolk, Bristol and Middlesex, the Norfolk and Bristol, the Second 8
 Suffolk, and the First Suffolk and Norfolk senatorial districts. 9

<i>Third.</i> — Consisting of the First Middlesex, the Fifth Middlesex, the Middlesex and Norfolk, the Middlesex and Suffolk, and the Middlesex and Worcester senatorial districts.	10 11 12
<i>Fourth.</i> — Consisting of the Norfolk, the Norfolk and Plymouth, the Plymouth, the First Suffolk, and the Second Suffolk and Norfolk senatorial districts.	13 14 15
<i>Fifth.</i> — Consisting of the First Essex, the Second Essex, the Third Essex, the First Essex and Middlesex, and the Second Essex and Middlesex senatorial districts.	16 17 18
<i>Sixth.</i> — Consisting of the Second Middlesex, the Third Middlesex, the Fourth Middlesex, the Suffolk, Essex and Middlesex, and the Suffolk and Middlesex senatorial districts.	19 20 21
<i>Seventh.</i> — Consisting of the Worcester, the Worcester, Franklin, Hampden and Hampshire, the First Worcester and Middlesex, the Second Worcester and Middlesex, and the Worcester and Norfolk senatorial districts.	22 23 24 25
<i>Eighth.</i> — Consisting of the Berkshire, Franklin, Hampden and Hampshire, the Franklin and Hampshire, the Second Hampden, the Hampden and Hampshire, and the First Hampden senatorial districts.	26 27 28

SENATORIAL DISTRICTS.

57:3. Division of state into senatorial districts.

Section 3. For the purposes of choosing senators, and of electing members of state committees of political parties as provided in section one of chapter fifty-two, until the next apportionment, the commonwealth is divided, conformably with the constitution, into the following forty senatorial districts:	1 2 3 4 5
<i>Berkshire, Franklin, Hampden and Hampshire.</i> — Consisting of the cities and towns in the county of Berkshire; and the towns of Charlemont, Colrain, Hawley, Heath, Monroe and Rowe, all in the county of Franklin; the towns of Chester, Blandford and Tolland, all in the county of Hampden; and the towns of Cummington, Middlefield, Plainfield and Worthington, all in the county of Hampshire.	6 7 8 9 10 11
<i>First Bristol.</i> — Consisting of the city of Fall River and the towns of Freetown, Somerset, Swansea and Westport, all in the county of Bristol.	12 13 14
<i>Bristol and Plymouth.</i> — Consisting of the city of Taunton and the towns of Berkley, Dighton, Raynham, Rehoboth, and Seekonk all in the county of Bristol; and the towns of Bridgewater, Lakeville, Middleborough, Rochester, Marion, Mattapoisett, Halifax and Carver, all in the county of Plymouth.	15 16 17 18 19

<i>Second Bristol.</i> — Consisting of the city of New Bedford, and the towns of Dartmouth, Fairhaven and Acushnet, all in the county of Bristol.	20 21 22
<i>Cape and Islands.</i> — Consisting of the towns of Barnstable, Brewster, Chatham, Dennis, Eastham, Falmouth, Harwich, Mashpee, Orleans, Provincetown, Truro, Wellfleet and Yarmouth, all in the county of Barnstable; and the county of Nantucket; and the county of Dukes.	23 24 25 26 27
<i>First Essex.</i> — Consisting of the city of Lynn and the towns of Lynnfield, Marblehead, Nahant, precincts numbered one, three, five, seven and ten of Saugus, and the town of Swampscott, all in the county of Essex.	28 29 30 31
<i>Second Essex.</i> — Consisting of the cities of Beverly, Peabody and Salem and the town of Danvers, all in the county of Essex.	32 33
<i>Third Essex.</i> — Consisting of the cities of Haverhill and Newburyport and the towns of Amesbury, Merrimac, Methuen, North Andover, and Salisbury, all in the county of Essex.	34 35 36
<i>First Essex and Middlesex.</i> — Consisting of the city of Gloucester and the towns of Boxford, Essex, Georgetown, Groveland, Hamilton, Ipswich, Manchester, Middleton, Newbury, Rockport, Rowley, Topsfield, Wenham, West Newbury, all in the county of Essex; and the town of North Reading and precincts numbered one, seven, and eight of the town of Reading and the town of Wilmington, all in the county of Middlesex county.	37 38 39 40 41 42 43
<i>Second Essex and Middlesex.</i> — Consisting of the city of Lawrence and the town of Andover, both in the county of Essex; and the towns of Billerica and Tewksbury, both in the county of Middlesex.	44 45 46
<i>Franklin and Hampshire.</i> — Consisting of the towns of Ashfield, Buckland, Conway, Deerfield, Greenfield, Leverett, Montague, Shelburne, Sunderland and Whately, all in the county of Franklin; and the city of Northampton and the towns of Amherst, Chesterfield, Goshen, Granby, Hadley, Hatfield, Huntington, South Hadley, Williamsburg and Westhampton, all in the county of Hampshire.	47 48 49 50 51 52
<i>First Hampden.</i> — Consisting of wards numbered one, three, four, and six of the city of Springfield and the towns of Agawam, Longmeadow, and West Springfield, all in the county of Hampden.	53 54 55
<i>Second Hampden.</i> — Consisting of wards numbered two, four, and five of the city of Chicopee, and wards numbered two, five, seven and eight of the city of Springfield and the towns of East Longmeadow, Hampden, Ludlow, and Wilbraham, all in the county of Hampden.	56 57 58 59
<i>Hampden and Hampshire.</i> — Consisting of wards numbered one, three, six, seven, eight, and nine of the city of Chicopee, and the cities of Holyoke and Westfield, and the towns of Granville, Montgomery,	60 61 62

Russell and Southwick, all in the county of Hampden; and the towns of Easthampton and Southampton, both in the county of Hampshire.	63 64
<i>First Middlesex.</i> — Consisting of the city of Lowell and the towns of Dracut, Dunstable, Groton, Pepperell, Shirley and Tyngsborough, all in the county of Middlesex.	65 66 67
<i>Second Middlesex.</i> — Consisting of the cities of Medford and Somerville and the town of Winchester, all in the county of Middlesex.	68 69
<i>Third Middlesex.</i> — Consisting of the cities of Malden and Melrose and precincts numbered two, three, four, five and six of the town of Reading, and the towns of Stoneham and Wakefield, all in the county of Middlesex.	70 71 72 73
<i>Fourth Middlesex.</i> — Consisting of ward numbered eleven of the city of Cambridge and the city of Woburn and the towns of Arlington, Burlington and Lexington, all in the county of Middlesex.	74 75 76
<i>Fifth Middlesex.</i> — Consisting of the city of Waltham and the towns of Bedford, Carlisle, Chelmsford, Concord, Lincoln, Wayland and Weston, all in the county of Middlesex.	77 78 79
<i>Middlesex and Norfolk.</i> — Consisting of the city of Newton in the county of Middlesex; and the town of Brookline, in the county of Norfolk.	80 81 82
<i>Middlesex, Norfolk and Worcester.</i> — Consisting of the towns of Ashland, Framingham, Holliston and Natick, all in the county of Middlesex; and the towns of Franklin and Medway, both in the county of Norfolk; and the town of Southborough, in the county of Worcester.	83 84 85 86 87
<i>Middlesex and Suffolk.</i> — Consisting of wards numbered seven, eight, nine and ten of the city of Cambridge and the towns of Belmont and Watertown, all in the county of Middlesex; and precincts numbered nine, eleven, twelve, thirteen, fourteen, fifteen, and sixteen of ward numbered twenty-one; and precincts numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve and thirteen of ward numbered twenty-two of the city of Boston, in the county of Suffolk.	88 89 90 91 92 93 94 95
<i>Middlesex and Worcester.</i> — Consisting of the city of Marlborough and the towns of Acton, Ayer, Boxborough, Hudson, Littleton, Maynard, Stow, Sudbury and Westford, all in the county of Middlesex; and the towns of Berlin, and Harvard, all in the county of Worcester.	96 97 98 99
<i>Norfolk and Bristol.</i> — Consisting of the towns of Canton, Foxborough, Norwood, Sharon and Stoughton, all in the county of Norfolk; and the towns of Easton, Mansfield and Norton, all in the county of Bristol.	100 101 102 103
<i>Norfolk, Bristol and Middlesex.</i> — Consisting of the towns of Dover, Millis, Needham, Norfolk, Plainville, Wellesley and Wrentham,	104 105

all in the county of Norfolk; and the city of Attleboro, and the town of North Attleboro, in the county of Bristol; and the town of Sherborn, in the county of Middlesex. 106
107
108

Norfolk. — Consisting of the city of Quincy and the towns of Avon, Braintree, and Holbrook, all in the county of Norfolk. 109
110

Norfolk and Plymouth. — Consisting of the towns of Cohasset and Weymouth, both in the county of Norfolk; and the towns of Duxbury, Hingham, Hull, Marshfield and Scituate, all in the county of Plymouth. 111
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Plymouth. — Consisting of the city of Brockton and the towns of Abington, Hanover, Norwell and Rockland, all in the county of Plymouth. 115
116
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Plymouth and Barnstable. — Consisting of the towns of East Bridgewater, Hanson, Kingston, Pembroke, Plymouth, Plympton, Wareham, West Bridgewater and Whitman, all in the county of Plymouth; and the towns of Bourne and Sandwich, both in the county of Barnstable. 118
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First Suffolk. — Consisting of precincts numbered seven and eight of ward numbered three; precinct numbered two of ward numbered four; precincts numbered three, six, seven, eight, nine and ten of ward numbered five; ward numbered six; ward numbered seven; ward numbered eight; precincts numbered one, two and three of ward numbered nine; ward numbered thirteen; ward numbered fifteen; precinct numbered one of ward numbered sixteen; and precincts numbered one and two of ward numbered seventeen of the city of Boston, in the county of Suffolk. 123
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Second Suffolk. — Consisting of precincts numbered one, three, four, five, six, seven, eight, nine, and ten of ward numbered four; precincts numbered one and two of ward numbered five; precincts numbered four and five of ward numbered nine; ward numbered ten; precincts numbered one, two, three, four and five of ward numbered eleven; ward numbered twelve; ward numbered fourteen; precincts numbered three, five, and six of ward numbered seventeen; precincts numbered two, three, and twenty-one of ward numbered eighteen; and precincts numbered one and three of ward numbered nineteen of the city of Boston, in the county of Suffolk. 132
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Suffolk, Essex and Middlesex. — Consisting of ward numbered two; and precincts numbered one, two, four and five of ward numbered three in the city of Boston, and the cities of Chelsea and Revere, all in the county of Suffolk; and precincts numbered two, four, six, eight and nine of the town of Saugus, in the county of Essex; and the city of Everett, in the county of Middlesex. 142
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Suffolk and Middlesex. — Consisting of ward numbered one; precincts numbered three and six of ward numbered three; precincts 148
149

numbered four and five of ward numbered five; precincts numbered 150
 one, two, three, four, five, six, seven, eight and ten of ward numbered 151
 twenty-one; in the city of Boston, and the town of Winthrop, in the 152
 county of Suffolk; and wards numbered one, two, three, four and five 153
 and six of Cambridge, in the county of Middlesex. 154

First Suffolk and Norfolk. — Consisting of precincts numbered 155
 ten, eleven, twelve, seventeen, eighteen, nineteen, twenty, twenty-two 156
 and twenty-three of ward numbered eighteen; precincts numbered 157
 two, ten, eleven, twelve and thirteen of ward numbered nineteen; and 158
 ward numbered twenty, of the city of Boston, in the county of 159
 Suffolk; and the towns of Dedham, Medfield, Walpole and Westwood, 160
 all in the county of Norfolk. 161

Second Suffolk and Norfolk. — Consisting of precincts numbered 162
 six, seven, eight, nine and ten of ward numbered eleven; precincts 163
 numbered two, three, four, five, six, seven, eight, nine, ten, eleven and 164
 twelve of ward numbered sixteen; precincts numbered four, seven, 165
 eight, nine, ten, eleven, twelve, thirteen and fourteen of ward num- 166
 bered seventeen; precincts numbered one, four, five, six, seven, eight, 167
 nine, thirteen, fourteen, fifteen and sixteen of ward numbered eigh- 168
 teen; and precincts numbered four, five, six, seven, eight and nine of 169
 ward numbered nineteen, of the city of Boston, in the county of 170
 Suffolk; and the towns of Milton and Randolph, both in the county of 171
 Norfolk. 172

Worcester. — Consisting of wards numbered one, two, three, four, 173
 nine and ten of the city of Worcester and the towns of Boylston, 174
 Clinton, Shrewsbury and West Boylston, all in the county of Worces- 175
 ter. 176

Worcester, Franklin, Hampden and Hampshire. — Consisting of 177
 the towns of Ashburnham, Athol, Barre, Brookfield, East Brookfield, 178
 Hardwick, Hubbardston, New Braintree, North Brookfield, Oakham, 179
 Paxton, Petersham, Phillipston, Royalston, Rutland, Spencer, Stur- 180
 bridge, Templeton, Warren, West Brookfield, and Winchendon, all in 181
 the county of Worcester; and the towns of Bernardston, Erving, Gill, 182
 Leyden, New Salem, Northfield, Orange, Shutesbury, Warwick and 183
 Wendell, all in the county of Franklin; and the towns of Brimfield, 184
 Holland, Monson, Palmer and Wales, all in the county of Hampden; 185
 and the towns of Belchertown, Pelham and Ware, all in the county of 186
 Hampshire. 187

First Worcester and Middlesex. — Consisting of wards numbered 188
 five, six, seven and eight of the city of Worcester and the towns of 189
 Grafton, Hopedale, Leicester, Millbury, Northborough, Sutton, Upton, 190
 and Westborough, all in the county of Worcester; and the town of 191
 Hopkinton, in the county of Middlesex. 192

Second Worcester and Middlesex. — Consisting of the cities of Fitchburg, Gardner, and Leominster and the towns of Bolton, Holden, Lancaster, Lunenburg, Princeton, Sterling and Westminster, all in the county of Worcester; the towns of Ashby and Townsend, both in the county of Middlesex.

Worcester and Norfolk. — Consisting of the towns of Auburn, Blackstone, Charlton, Douglas, Dudley, Mendon, Milford, Millville, Northbridge, Oxford, Southbridge, Uxbridge, and Webster, all in the county of Worcester; and the town of Bellingham, in the county of Norfolk.

APPORTIONMENT OF REPRESENTATIVES.

57:4. Division of state into representative districts.

Section 4. For the purpose of choosing representatives in the general court until the next decennial division of the commonwealth into representative districts, the commonwealth is divided, conformably with Article CI of the Articles of Amendment of the Constitution, into the one hundred and sixty following representative districts:—

Barnstable, Dukes and Nantucket 6

First Barnstable. — Consisting of the town of Brewster, precincts one, two, four and five, of the town of Dennis, and the town of Yarmouth, all in the county of Barnstable. 7 8 9

Second Barnstable. — Consisting of the town of Barnstable and precinct two, of the town of Sandwich, both in the county of Barnstable. 10 11 12

Third Barnstable. — Consisting of the town of Bourne, precincts four and seven, of the town of Falmouth, the town of Mashpee, and precincts one, three and four, of the town of Sandwich, all in the county of Barnstable. 13 14 15 16

Fourth Barnstable. — Consisting of the town of Chatham, precinct three, of the town of Dennis, and the towns of Eastham, Harwich, Orleans, Provincetown, Truro and Wellfleet, all in the county of Barnstable. 17 18 19 20

Barnstable, Dukes and Nantucket. — Consisting of precincts one, two, three, five and six, of the town of Falmouth, in the county of Barnstable; the towns of Chilmark, Edgartown, Gay Head, Gosnold, Oak Bluffs, Tisbury and West Tisbury, all in the county of Dukes County; and the town of Nantucket, in the county of Nantucket. 21 22 23 24 25

Berkshire 26

First Berkshire. — Consisting of the towns of Adams, Cheshire, Clarksburg, Florida, Peru, Savoy and Windsor, and the city of North 27 28

Adams, all in the county of Berkshire; and the towns of Hawley, 29
 Monroe and Rowe, all in the county of Franklin. 30

Second Berkshire. — Consisting of the towns of Dalton, Hancock, 31
 Lanesborough, New Ashford, Richmond and Williamstown, and all 32
 precincts of wards one and two, of the city of Pittsfield, all in the 33
 county of Berkshire. 34

Third Berkshire. — Consisting of all precincts of wards three, 35
 four, five, six, and seven, of the city of Pittsfield, in the county of 36
 Berkshire. 37

Fourth Berkshire. — Consisting of the towns of Alford, Becket, 38
 Egremont, Great Barrington, Hinsdale, Lee, Lenox, Monterey, Mount 39
 Washington, New Marlborough, Otis, Sandisfield, Sheffield, Stock- 40
 bridge, Tyringham, Washington and West Stockbridge, all in the 41
 county of Berkshire. 42

Bristol 43

First Bristol. — Consisting of precincts one, two and five, of the 44
 town of Easton, and the town of Mansfield, all in the county of 45
 Bristol; and precincts one, two and five, of the town of Foxborough, 46
 and precinct four, of the town of Stoughton, all in the county of 47
 Norfolk. 48

Second Bristol. — Consisting of the city of Attleboro, and pre- 49
 cinct one, of the town of Seekonk, both in the county of Bristol. 50

Third Bristol. — Consisting of all precincts of wards one, two, 51
 three, four, five, seven and eight, of the city of Taunton, in the county 52
 of Bristol. 53

Fourth Bristol. — Consisting of the towns of Norton and Reho- 54
 both, precincts two, three and four, of the town of Seekonk, and 55
 precincts one and four, of the town of Swansea, all in the county of 56
 Bristol. 57

Fifth Bristol. — Consisting of the towns of Dighton and Somer- 58
 set, precincts two and three, of the town of Swansea, and all precincts 59
 of ward six, of the city of Taunton, all in the county of Bristol. 60

Sixth Bristol. — Consisting of precinct B of ward two, precincts 61
 A and C of ward four, precincts A, C and D of ward seven, precincts 62
 B, C and D of ward eight, and all precincts of ward nine, of the city of 63
 Fall River, in the county of Bristol. 64

Seventh Bristol. — Consisting of all precincts of ward one, pre- 65
 cincts A and C of ward two, all precincts of ward three, precinct B of 66
 ward four, and precinct A of ward five, of the city of Fall River, in 67
 the county of Bristol. 68

Eighth Bristol. — Consisting of precincts B and C of ward five, 69
 all precincts of ward six, precinct B of ward seven, and precinct A of 70

ward eight, of the city of Fall River, and the town of Westport, all in the county of Bristol. 71
72

Ninth Bristol. — Consisting of the towns of Berkley, Dartmouth and Freetown, all in the county of Bristol. 73
74

Tenth Bristol. — Consisting of the town of Fairhaven, in the county of Bristol; and the towns of Lakeville, Marion, Mattapoisett and Rochester, all in the county of Plymouth. 75
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Eleventh Bristol. — Consisting of the town of Acushnet, and all precincts of ward one and precincts C, D, E and G of ward two, of the city of New Bedford, all in the county of Bristol. 78
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Twelfth Bristol. — Consisting of precincts A, B and F of ward two, all precincts of ward three, precincts C, E, F and G of ward four, and precinct G of ward five, of the city of New Bedford, in the county of Bristol. 81
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Thirteenth Bristol. — Consisting of precincts A, B and D of ward four, precincts A, B, C, D, E and F of ward five, and all precincts of ward six, of the city of New Bedford, in the county of Bristol. 85
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Fourteenth Bristol. — Consisting of precincts three and four, of the town of Foxborough, the town of Plainville, and precinct one, of the town of Wrentham, all in the county of Norfolk; and the town of North Attleborough, in the county of Bristol. 88
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Essex 92

First Essex. — Consisting of the towns of Amesbury and Salisbury, and the city of Newburyport, all in the county of Essex. 93
94

Second Essex. — Consisting of precincts two, three, four and five of ward three, of the city of Haverhill, and the towns of Georgetown, Groveland, Merrimac, Newbury, Rowley and West Newbury, all in the county of Essex. 95
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Third Essex. — Consisting of all precincts of wards one and two, precinct one of ward three, and all precincts of ward four, of the city of Haverhill, in the county of Essex. 99
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Fourth Essex. — Consisting of the towns of Boxford, Essex, Hamilton, Ipswich, Topsfield and Wenham, all in the county of Essex. 102
103

Fifth Essex. — Consisting of the city of Gloucester, and the towns of Manchester and Rockport, all in the county of Essex. 104
105

Sixth Essex. — Consisting of the city of Beverly, in the county of Essex. 106
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Seventh Essex. — Consisting of the city of Salem, in the county of Essex. 108
109

<i>Eighth Essex.</i> — Consisting of precinct four of ward three, of the city of Lynn, and the towns of Marblehead and Swampscott, all in the county of Essex.	110 111 112
<i>Ninth Essex.</i> — Consisting of precincts one, two and three of ward one, of the city of Lynn, and the town of Saugus, all in the county of Essex; and precinct two of ward eight, of the city of Malden, in the county of Middlesex.	113 114 115 116
<i>Tenth Essex.</i> — Consisting of precinct four of ward one, all precincts of ward two, precincts one, two and three of ward three, all precincts of ward four and precinct four of ward five, of the city of Lynn, in the county of Essex.	117 118 119 120
<i>Eleventh Essex.</i> — Consisting of precincts one, two and three of ward five, and all precincts of wards six and seven, of the city of Lynn, and the town of Nahant, all in the county of Essex.	121 122 123
<i>Twelfth Essex.</i> — Consisting of all precincts of wards one, two, three, four, and precincts one and three of ward five, of the city of Peabody, in the county of Essex.	124 125 126
<i>Thirteenth Essex.</i> — Consisting of the town of Danvers, precinct two of ward five, and all precincts of ward six, of the city of Peabody, all in the county of Essex.	127 128 129
<i>Fourteenth Essex.</i> — Consisting of precincts four and five of ward E, and precincts one, two, three and four of ward F, of the city of Lawrence, and the towns of Middleton and North Andover, all in the county of Essex.	130 131 132 133
<i>Fifteenth Essex.</i> — Consisting of the town of Methuen, in the county of Essex.	134 135
<i>Sixteenth Essex.</i> — Consisting of all precincts of wards A, B and C, and precincts two, three, four and five of ward D, of the city of Lawrence, in the county of Essex.	136 137 138
<i>Seventeenth Essex.</i> — Consisting of the town of Andover, and precinct one of ward D, precincts one, two and three of ward E, and precinct five of ward F, of the city of Lawrence, all in the county of Essex.	139 140 141 142

Franklin 143

<i>First Franklin.</i> — Consisting of the towns of Ashfield, Buckland, Charlemont, Colrain, Conway, Deerfield, Heath, Montague, Shelburne, Sunderland and Whately, all in the county of Franklin; and the towns of Chesterfield, Cummington, Goshen, Huntington, Middlefield, Plainfield, Williamsburg and Worthington, all in the county of Hampshire.	144 145 146 147 148 149
<i>Second Franklin.</i> — Consisting of the towns of Bernardston, Erving, Gill, Greenfield, Leverett, Leyden, New Salem, Northfield,	150 151

Orange, Shutesbury, Warwick and Wendell, all in the county of Franklin. 152
153

Hampden 154

First Hampden. — Consisting of the towns of Brimfield, Holland and Palmer, all in the county of Hampden; the towns of Belchertown and Ware, both in the county of Hampshire; and the town of Hardwick, in the county of Worcester. 155
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Second Hampden. — Consisting of the towns of East Longmeadow, Hampden and Longmeadow, and precinct B of ward six, of the city of Springfield, all in the county of Hampden. 159
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161

Third Hampden. — Consisting of the towns of Agawam, Blandford, Chester, Granville, Russell, Southwick and Tolland, all in the county of Hampden. 162
163
164

Fourth Hampden. — Consisting of the town of Montgomery and the city of Westfield, both in the county of Hampden. 165
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Fifth Hampden. — Consisting of all precincts of wards one, three, four, five, six and seven, of the city of Holyoke, in the county of Hampden. 167
168
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Sixth Hampden. — Consisting of precinct A of ward seven, of the city of Chicopee, all precincts of ward two, of the city of Holyoke, and the town of West Springfield, all in the county of Hampden. 170
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172

Seventh Hampden. — Consisting of precinct B of ward four, and all precincts of wards five and six, of the city of Chicopee, and the town of Ludlow, all in the county of Hampden; and the town of Granby, in the county of Hampshire. 173
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Eighth Hampden. — Consisting of all precincts of wards one, two, and three, precincts A and C of ward four, precinct B of ward seven, and all precincts of wards eight and nine, of the city of Chicopee, in the county of Hampden. 177
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Ninth Hampden. — Consisting of precincts A, B, C, D, E and F of ward one, and all precincts of ward two, of the city of Springfield, in the county of Hampden. 181
182
183

Tenth Hampden. — Consisting of precincts G and H of ward one, precincts A, B, D and E of ward three, precincts A, C, D, E, F and G of ward six, and precincts A and B of ward seven, of the city of Springfield, in the county of Hampden. 184
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Eleventh Hampden. — Consisting of precincts B, C, D, E, F and G of ward five, precinct E of ward seven, and all precincts of ward eight, of the city of Springfield, in the county of Hampden. 188
189
190

Twelfth Hampden. — Consisting of precincts C, F, G and H of ward three, all precincts of ward four, and precincts A and H of ward five, of the city of Springfield, in the county of Hampden. 191
192
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Thirteenth Hampden. — Consisting of precinct H of ward six, 194
and precincts C, D, F, G and H of ward seven, of the city of 195
Springfield, and the towns of Monson, Wales and Wilbraham, all in 196
the county of Hampden. 197

Hampshire 198

First Hampshire. — Consisting of the towns of Hatfield, South- 199
ampton and Westhampton, and the city of Northampton, all in the 200
county of Hampshire. 201

Second Hampshire. — Consisting of the towns of Easthampton, 202
Hadley and South Hadley, all in the county of Hampshire. 203

Third Hampshire. — Consisting of the towns of Amherst and 204
Pelham, both in the county of Hampshire. 205

Middlesex 206

First Middlesex. — Consisting of precinct one, of the town of 207
Ayer, the towns of Dunstable, Groton and Pepperell, precincts two 208
and three, of the town of Townsend, and the town of Tyngsborough, 209
all in the county of Middlesex; and precincts A and C, of the town of 210
Lunenburg, in the county of Worcester. 211

Second Middlesex. — Consisting of precinct two, of the town of 212
Ayer, and the towns of Littleton and Westford, all in the county of 213
Middlesex; and the town of Harvard, in the county of Worcester. 214

Third Middlesex. — Consisting of the towns of Boxborough, Hud- 215
son, Shirley and Stow, all in the county of Middlesex; and the town of 216
Bolton and precinct one, of the town of Lancaster, both in the county 217
of Worcester. 218

Fourth Middlesex. — Consisting of the city of Marlborough, in 219
the county of Middlesex; and the town of Berlin, in the county of 220
Worcester. 221

Fifth Middlesex. — Consisting of the towns of Natick and Sher- 222
born, both in the county of Middlesex. 223

Sixth Middlesex. — Consisting of precincts one, two, three, four, 224
five, six, seven, eight, nine and ten, of the town of Framingham, in 225
the county of Middlesex. 226

Seventh Middlesex. — Consisting of the town of Ashland, and 227
precincts eleven, twelve, thirteen, fourteen, fifteen, sixteen and seven- 228
teen, of the town of Framingham, all in the county of Middlesex. 229

Eighth Middlesex. — Consisting of the towns of Holliston and 230
Hopkinton, both in the county of Middlesex; precincts one and two of 231
the town of Medway, in the county of Norfolk; and the towns of 232
Southborough and Upton, both in the county of Worcester. 233

<i>Ninth Middlesex.</i> — Consisting of all precincts of wards one, two, three, four and seven, of the city of Waltham, and precinct two, of the town of Weston, all in the county of Middlesex.	234 235 236
<i>Tenth Middlesex.</i> — Consisting of precinct four of ward one, precinct one of ward two, and precincts three and four of ward three, of the city of Newton, and all precincts of wards five, six, eight and nine, of the city of Waltham, all in the county of Middlesex.	237 238 239 240
<i>Eleventh Middlesex.</i> — Consisting of precincts two and three of ward one, precincts two and three of ward two, precinct one of ward six, all precincts of ward seven, and precincts one, two and four of ward eight, of the city of Newton, in the county of Middlesex.	241 242 243 244
<i>Twelfth Middlesex.</i> — Consisting of precincts one and two of ward three, all precincts of wards four and five, precincts two, three and four of ward six, and precinct three of ward eight, of the city of Newton, in the county of Middlesex.	245 246 247 248
<i>Thirteenth Middlesex.</i> — Consisting of the towns of Maynard, Sudbury and Wayland, all in the county of Middlesex.	249 250
<i>Fourteenth Middlesex.</i> — Consisting of the towns of Acton, Carlisle and Concord, all in the county of Middlesex.	251 252
<i>Fifteenth Middlesex.</i> — Consisting of the towns of Lexington and Lincoln, both in the county of Middlesex.	253 254
<i>Sixteenth Middlesex.</i> — Consisting of the town of Chelmsford, and precincts two and three of ward six, of the city of Lowell, all in the county of Middlesex.	255 256 257
<i>Seventeenth Middlesex.</i> — Consisting of the town of Dracut, and precincts two and three of ward five, and all precincts of ward nine, of the city of Lowell, all in the county of Middlesex.	258 259 260
<i>Eighteenth Middlesex.</i> — Consisting of precincts two and three of ward one, precincts two and three of ward four, precincts two and three of ward seven, precinct two of ward eight, and all precincts of wards ten and eleven, of the city of Lowell, in the county of Middlesex.	261 262 263 264 265
<i>Nineteenth Middlesex.</i> — Consisting of precinct one of ward one, all precincts of wards two and three, precinct one of ward four, precinct one of ward five, precinct one of ward six, precinct one of ward seven, and precincts one and three of ward eight, of the city of Lowell, in the county of Middlesex.	266 267 268 269 270
<i>Twentieth Middlesex.</i> — Consisting of the town of Tewksbury, and precincts one, two, four and five, of the town of Wilmington, all in the county of Middlesex.	271 272 273

<i>Twenty-first Middlesex.</i> — Consisting of the towns of North Reading and Reading, and precinct six, of the town of Wilmington, all in the county of Middlesex.	274 275 276
<i>Twenty-second Middlesex.</i> — Consisting of the town of Lynnfield, in the county of Essex; and the town of Wakefield, in the county of Middlesex.	277 278 279
<i>Twenty-third Middlesex.</i> — Consisting of the towns of Bedford and Burlington, and precinct three, of the town of Wilmington, all in the county of Middlesex.	280 281 282
<i>Twenty-fourth Middlesex.</i> — Consisting of the town of Billerica, in the county of Middlesex.	283 284
<i>Twenty-fifth Middlesex.</i> — Consisting of precincts five, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one, of the town of Arlington, in the county of Middlesex.	285 286 287 288
<i>Twenty-sixth Middlesex.</i> — Consisting of precincts one, two, three, four and six, of the town of Arlington, and the town of Belmont, all in the county of Middlesex.	289 290 291
<i>Twenty-seventh Middlesex.</i> — Consisting of precincts three and four of ward seven, and all precincts of wards eight, nine, ten and eleven, of the city of Cambridge, in the county of Middlesex.	292 293 294
<i>Twenty-eighth Middlesex.</i> — Consisting of precincts two, three and four of ward two, precinct four of ward three, all precincts of wards four, five and six, and precincts one and two of ward seven, of the city of Cambridge, in the county of Middlesex.	295 296 297 298
<i>Twenty-ninth Middlesex.</i> — Consisting of all precincts of ward one, precinct one of ward two, and precincts one, two and three of ward three, of the city of Cambridge, and all precincts of ward one, precincts one and two of ward two, and precinct three of ward four, of the city of Somerville, all in the county of Middlesex.	299 300 301 302 303
<i>Thirtieth Middlesex.</i> — Consisting of precinct three of ward two, all precincts of ward three, precincts one and two of ward four, all precincts of ward five, and precincts two and three of ward six, of the city of Somerville, in the county of Middlesex.	304 305 306 307
<i>Thirty-first Middlesex.</i> — Consisting of the city of Everett, in the county of Middlesex.	308 309
<i>Thirty-second Middlesex.</i> — Consisting of precinct one of ward one, of the city of Newton, and the town of Watertown, all in the county of Middlesex.	310 311 312
<i>Thirty-third Middlesex.</i> — Consisting of the city of Woburn, in the county of Middlesex.	313 314

Thirty-fourth Middlesex. — Consisting of precincts two, three, four and six, of the town of Stoneham, and the town of Winchester, all in the county of Middlesex. 315
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Thirty-fifth Middlesex. — Consisting of the city of Melrose, and precincts one and five, of the town of Stoneham, all in the county of Middlesex. 318
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Thirty-sixth Middlesex. — Consisting of precinct one of ward one, and all precincts of wards two, three, four, five and six, of the city of Malden, in the county of Middlesex. 321
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Thirty-seventh Middlesex. — Consisting of precincts two, three and four of ward three, and all precincts of wards five and six, of the city of Medford, precinct one of ward six, and all precincts of ward seven, of the city of Somerville, all in the county of Middlesex. 324
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Thirty-eighth Middlesex. — Consisting of all precincts of wards one and two, precinct one of ward three, and all precincts of wards four and seven, of the city of Medford, in the county of Middlesex. 328
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Norfolk 331

First Norfolk. — Consisting of precincts three, four and five of ward three, precinct three of ward four, precincts two, four and five of ward five, and all precincts of ward six, of the city of Quincy, in the county of Norfolk. 332
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Second Norfolk. — Consisting of all precincts of ward one, precinct two of ward three, precincts one, two, four and five of ward four, and precincts one and three of ward five, of the city of Quincy, in the county of Norfolk. 336
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Third Norfolk. — Consisting of all precincts of ward two and precinct one of ward three, of the city of Quincy, and precincts five, six, nine, twelve, sixteen and seventeen, of the town of Weymouth, all in the county of Norfolk. 340
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Fourth Norfolk. — Consisting of precincts one, two, three, four, seven, eight, ten, eleven, thirteen, fourteen, fifteen and eighteen, of the town of Weymouth, in the county of Norfolk. 344
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Fifth Norfolk. — Consisting of the town of Braintree, in the county of Norfolk. 347
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Sixth Norfolk. — Consisting of the town of Canton, and precincts one, two, three, four and five, of the town of Randolph, all in the county of Norfolk. 349
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Seventh Norfolk. — Consisting of the town of Milton, and precincts six, seven and eight, of the town of Randolph, all in the county of Norfolk. 352
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<i>Eighth Norfolk.</i> — Consisting of the town of Sharon and precincts one, two, three, five, six, seven and eight, of the town of Stoughton, all in the county of Norfolk.	355 356 357
<i>Ninth Norfolk.</i> — Consisting of the towns of Millis, Norfolk, Walpole and precinct two, of the town of Wrentham, all in the county of Norfolk.	358 359 360
<i>Tenth Norfolk.</i> — Consisting of the towns of Bellingham and Franklin, and precinct three, of the town of Medway, all in the county of Norfolk; and precinct two, of the town of Blackstone, in the county of Worcester.	361 362 363 364
<i>Eleventh Norfolk.</i> — Consisting of the town of Dedham, precincts E and H, of the town of Needham, and precincts one and three, of the town of Westwood, all in the county of Norfolk.	365 366 367
<i>Twelfth Norfolk.</i> — Consisting of the town of Norwood, and precincts two and four, of the town of Westwood, all in the county of Norfolk.	368 369 370
<i>Thirteenth Norfolk.</i> — Consisting of the towns of Dover and Medfield, and precincts A, B, C, D, F, G, I and J, of the town of Needham, all in the county of Norfolk.	371 372 373
<i>Fourteenth Norfolk.</i> — Consisting of the town of Wellesley, in the county of Norfolk; and precincts one, three and four, of the town of Weston, in the county of Middlesex.	374 375 376
<i>Fifteenth Norfolk.</i> — Consisting of precincts one, two, three, four, six, seven, eight, nine, ten and eleven, of the town of Brookline, in the county of Norfolk.	377 378 379
<i>Plymouth</i>	380
<i>First Plymouth.</i> — Consisting of precincts one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, of the town of Plymouth, in the county of Plymouth.	381 382 383
<i>Second Plymouth.</i> — Consisting of precinct three, of the town of Carver, and the towns of Middleborough and Wareham, all in the county of Plymouth.	384 385 386
<i>Third Plymouth.</i> — Consisting of the town of Cohasset, in the county of Norfolk; and the towns of Hingham and Hull, both in the county of Plymouth.	387 388 389
<i>Fourth Plymouth.</i> — Consisting of precincts one, two, three, five and six, of the town of Marshfield, and the town of Scituate, all in the county of Plymouth.	390 391 392
<i>Fifth Plymouth.</i> — Consisting of the towns of Hanover, Norwell and Rockland, all in the county of Plymouth.	393 394

Sixth Plymouth. — Consisting of the towns of Duxbury and Hanson, precinct four, of the town of Marshfield, and precincts one, two and four, of the town of Pembroke, all in the county of Plymouth. 395
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Seventh Plymouth. — Consisting of the town of Holbrook, in the county of Norfolk; and the towns of Abington and Whitman, both in the county of Plymouth. 398
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Eighth Plymouth. — Consisting of the town of Bridgewater, in the county of Plymouth; precincts three and four, of the town of Easton, and the town of Raynham, all in the county of Bristol. 401
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Ninth Plymouth. — Consisting of all precincts of ward one, precincts C and D of ward two, all precincts of ward three, and precinct B of ward four, of the city of Brockton, in the county of Plymouth. 404
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Tenth Plymouth. — Consisting of precincts A, C and D of ward four, all precincts of ward five, and precinct B of ward six, of the city of Brockton, and the town of West Bridgewater, all in the county of Plymouth. 407
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Eleventh Plymouth. — Consisting of the town of Avon, in the county of Norfolk; and precincts A and B of ward two, precincts A, C and D of ward six, and all precincts of ward seven, of the city of Brockton, in the county of Plymouth. 411
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Twelfth Plymouth. — Consisting of precincts one and two, of the town of Carver, the towns of East Bridgewater, Halifax and Kingston, precinct three, of the town of Pembroke, precinct thirteen, of the town of Plymouth, and the town of Plympton, all in the county of Plymouth. 415
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Suffolk 420

First Suffolk. — Consisting of all precincts of ward one, of the city of Boston, in the county of Suffolk. 421
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Second Suffolk. — Consisting of precincts two, three, four, five, six and seven of ward two, of the city of Boston, and the city of Chelsea, all in the county of Suffolk. 423
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Third Suffolk. — Consisting of precinct one of ward two, all precincts of ward three, precinct one of ward four, and precinct five of ward five, of the city of Boston, in the county of Suffolk. 426
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Fourth Suffolk. — Consisting of all precincts of ward six, precincts one, two, three, four, five, six, seven and eight of ward seven, of the city of Boston, in the county of Suffolk. 429
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Fifth Suffolk. — Consisting of precinct ten of ward seven, precincts five, six and seven of ward eight, precincts four and six of ward twelve, precincts one, two, four and five of ward thirteen, precincts one, two, three, four, five, seven, eight and nine of ward fifteen, and 432
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precinct two of ward seventeen, of the city of Boston, in the county of Suffolk.	436 437
<i>Sixth Suffolk.</i> — Consisting of precincts two, five, eight, nine, ten, eleven, twelve, thirteen and fourteen of ward fourteen, precincts one, three, five and six of ward seventeen, precincts three and seven of ward eighteen, and precincts twelve and thirteen of ward nineteen, of the city of Boston, in the county of Suffolk.	438 439 440 441 442
<i>Seventh Suffolk.</i> — Consisting of precincts one, two, three and four of ward eight, precincts four and five of ward nine, precincts one, two, three, five, eight and nine of ward twelve, and precincts one, three, four, six and seven of ward fourteen, of the city of Boston, in the county of Suffolk.	443 444 445 446 447
<i>Eighth Suffolk.</i> — Consisting of precincts one, two, three, four, six, seven, eight, nine and ten of ward five, of the city of Boston, in the county of Suffolk.	448 449 450
<i>Ninth Suffolk.</i> — Consisting of precincts two, three, four, five, six, seven, eight and nine of ward four, and precincts one, two and three of ward nine, of the city of Boston, in the county of Suffolk.	451 452 453
<i>Tenth Suffolk.</i> — Consisting of precincts two, three, five, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty of ward twenty, of the city of Boston, in the county of Suffolk.	454 455 456 457
<i>Eleventh Suffolk.</i> — Consisting of precincts five, twelve, thirteen, fourteen, fifteen and sixteen, of the town of Brookline, in the county of Norfolk; and precincts one, four and six of ward twenty, and precincts twelve, thirteen and fourteen of ward twenty-one, of the city of Boston, in the county of Suffolk.	458 459 460 461 462
<i>Twelfth Suffolk.</i> — Consisting of precinct seven of ward ten, all precincts of ward eleven, precinct seven of ward twelve, and precincts four, six, seven and eleven of ward nineteen, of the city of Boston, in the county of Suffolk.	463 464 465 466
<i>Thirteenth Suffolk.</i> — Consisting of precincts eight and eleven of ward sixteen, precincts four, seven, eight, nine, ten, eleven, twelve, thirteen and fourteen of ward seventeen, and precincts one, two, four, five, six and twenty-one of ward eighteen, of the city of Boston, in the county of Suffolk.	467 468 469 470 471
<i>Fourteenth Suffolk.</i> — Consisting of precinct nine of ward seven, precincts three, six, seven, eight, nine and ten of ward thirteen, precinct six of ward fifteen, and precincts one, two, three, four, five, six, seven, nine, ten and twelve of ward sixteen, of the city of Boston, in the county of Suffolk.	472 473 474 475 476
<i>Fifteenth Suffolk.</i> — Consisting of precincts eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen,	477 478

nineteen, twenty, twenty-two and twenty-three of ward eighteen and precinct ten of ward nineteen, of the city of Boston, in the county of Suffolk. 479
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Sixteenth Suffolk. — Consisting of precinct ten of ward four, 482
precincts one, two, three, four, five, six, eight and nine of ward ten, 483
precincts one, two, three, five, eight and nine of ward nineteen, and 484
precinct one of ward twenty-one, of the city of Boston, in the county 485
of Suffolk. 486

Seventeenth Suffolk. — Consisting of precinct two of ward one, 487
all precincts of ward seven, and precinct one of ward eight, of the city 488
of Malden, in the county of Middlesex; and precinct three of ward 489
one, precinct one of ward three, all precincts of ward four, precincts 490
one and two of ward five, and all precincts of ward six, of the city of 491
Revere, in the county of Suffolk. 492

Eighteenth Suffolk. — Consisting of precincts four, six, seven, 493
eight, nine, ten, eleven and fifteen of ward twenty-one, and precincts 494
two, three, six, nine and ten of ward twenty-two, of the city of 495
Boston, in the county of Suffolk. 496

Nineteenth Suffolk. — Consisting of precincts two, three, five 497
and sixteen of ward twenty-one and precincts one, four, five, seven, 498
eight, eleven, twelve and thirteen of ward twenty-two, of the city of 499
Boston, in the county of Suffolk. 500

Twentieth Suffolk. — Consisting of precincts one and two of ward 501
one, all precincts of ward two, precincts two and three of ward three, 502
and precinct three of ward five, of the city of Revere, and the town of 503
Winthrop, all in the county of Suffolk. 504

Worcester 505

First Worcester. — Consisting of the towns of Athol, Holden, 506
Hubbardston, Petersham, Phillipston, Royalston, Rutland, and pre- 507
cincts one and two, of the town of Templeton, all in the county of 508
Worcester. 509

Second Worcester. — Consisting of the town of Ashby and pre- 510
cinct one, of the town of Townsend, both in the county of Middlesex; 511
and the town of Ashburnham, precincts three and four, of the town of 512
Templeton, the town of Winchendon, and the city of Gardner, all in 513
the county of Worcester. 514

Third Worcester. — Consisting of all precincts of wards one, two, 515
three, four and five, and precinct A of ward six, of the city of 516
Fitchburg, in the county of Worcester. 517

Fourth Worcester. — Consisting of precinct B of ward six, of the 518
city of Fitchburg, the city of Leominster, and precinct B of the town 519
of Lunenburg, all in the county of Worcester. 520

<i>Fifth Worcester.</i> — Consisting of the towns of Barre, Brookfield, East Brookfield, New Braintree, North Brookfield, Oakham, Spencer, precinct two, of the town of Sturbridge, and the towns of Warren and West Brookfield, all in the county of Worcester.	521 522 523 524
<i>Sixth Worcester.</i> — Consisting of the towns of Charlton, Dudley, Southbridge, and precinct one, of the town of Sturbridge, all in the county of Worcester.	525 526 527
<i>Seventh Worcester.</i> — Consisting of the towns of Auburn, Millbury and Oxford, all in the county of Worcester.	528 529
<i>Eighth Worcester.</i> — Consisting of the towns of Douglas, Millville, Sutton, Uxbridge and Webster, all in the county of Worcester.	530 531
<i>Ninth Worcester.</i> — Consisting of the towns of Grafton, Northbridge and Westborough, all in the county of Worcester.	532 533
<i>Tenth Worcester.</i> — Consisting of precinct one, of the town of Blackstone, and the towns of Hopedale, Mendon and Milford, all in the county of Worcester.	534 535 536
<i>Eleventh Worcester.</i> — Consisting of the towns of Boylston, Northborough and Shrewsbury, all in the county of Worcester.	537 538
<i>Twelfth Worcester.</i> — Consisting of the town of Clinton, precinct two, of the town of Lancaster, and the towns of Princeton, Sterling, West Boylston and Westminster, all in the county of Worcester.	539 540 541
<i>Thirteenth Worcester.</i> — Consisting of the town of Paxton, and all precincts of wards one and nine, of the city of Worcester, all in the county of Worcester.	542 543 544
<i>Fourteenth Worcester.</i> — Consisting of all precincts of wards two and three, and precinct four of ward ten, of the city of Worcester, in the county of Worcester.	545 546 547
<i>Fifteenth Worcester.</i> — Consisting of all precincts of ward four, precinct five of ward five, precinct three of ward eight, and precincts one, two, three, five, six and seven of ward ten, of the city of Worcester, in the county of Worcester.	548 549 550 551
<i>Sixteenth Worcester.</i> — Consisting of precincts one, two, three, four, six and seven of ward five, all precincts of ward six, and precincts one and four of ward eight, of the city of Worcester, in the county of Worcester.	552 553 554 555
<i>Seventeenth Worcester.</i> — Consisting of the town of Leicester, all precincts of ward seven and precincts two, five, six, seven and eight of ward eight, of the city of Worcester, all in the county of Worcester.	556 557 558

57:5. Repealed, 1973, 326, Sec. 2.

TITLE IX.

TAXATION.

CHAPTER 58.

GENERAL PROVISIONS RELATIVE TO TAXATION.

Section

SUPERVISION OF LOCAL TAXATION.

7. Unpaid taxes; obtaining information;
affidavits.

SUPERVISION OF LOCAL TAXATION.

58:7. Unpaid taxes; obtaining information; affidavits.

Section 7. The commissioner shall from time to time secure information as to any unpaid taxes in any town, may examine the books, records and papers of collectors and assessors, and of other town officers, and may require them to make reports to him.

The commissioner may annually obtain from local officials at the expense of the commonwealth copies of all affidavits executed under section thirty-six of chapter fifty-one, and shall include the information obtained from such affidavits in any examination of tax records so as to insure the payment of taxes by all domiciliaries of the commonwealth. The commissioner shall also forward a copy of such list of residents to the registrar of motor vehicles.

CHAPTER 59.

ASSESSMENT OF LOCAL TAXES.

Section

DUTY AND MANNER OF
ASSESSING TAXES.

21C. Limitations on total taxes assessed; determination by voters.

DUTY AND MANNER OF ASSESSING TAXES.

59:21C. Limitations on total taxes assessed; determination by voters.

Section 21C. (a) Whenever used in the text of this section, the following words and terms shall have the following meanings:—

“Full and fair cash valuation”, the fair cash value of all real estate and personal property as defined in this chapter, as certified by the commissioner, or, if no certification has been made, as last reported by the commissioner to the general court pursuant to section ten C of chapter fifty-eight as updated by the commissioner for any intervening period by an appropriate factor, if any.

“Local appropriating authority”, in a town, the board of selectmen; in a city, the council, with the mayor’s approval when required by law; in a municipality having a town council form of government, the town council.

“Total taxes assessed”, the net amount to be raised by any ad valorem tax levied on the real estate and personal property located within a city or town.

(b) The total taxes assessed within any city or town under the provisions of this chapter shall not exceed two and one-half per cent of the full and fair cash valuation in said city or town in any fiscal year. Any city or town in which total taxes exceed this limit shall be subject to the provisions of paragraph (d).

[There is no paragraph (c).]

(d) Any city or town in which total taxes assessed exceed the limits set forth in paragraph (b) shall for each successive year until the total taxes assessed shall not exceed said limits, reduce the total taxes assessed by not less than fifteen per cent of the total taxes assessed for the year immediately preceding; provided, however, that the reduction pursuant to this paragraph shall not be so great as to require a reduction below the limits set forth in paragraph (b); and provided, further, that said reduction may be adjusted by those

amounts approved in accordance with the applicable provisions of paragraph (e). 29
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(e) The local appropriating authority of any city or town which is subject to the provisions of paragraph (d) may, by a two-thirds vote, seek voter approval to assess taxes in excess of the amount allowed pursuant to said paragraph (d) by a specified amount. Any question submitted to the voters shall be worded as follows:— 31
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“Shall the (city/town) of _____ be allowed to assess an additional \$_____ in real estate and personal property taxes for the fiscal year beginning July first, nineteen hundred and _____? 36
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YES _____ NO _____”. 39

If the amount specified in such question is not greater than one-half of the reduction required pursuant to said paragraph (d), the proposal shall be deemed approved if a majority of the persons voting thereon shall vote “yes”. If the amount specified is greater than one-half of the reduction required pursuant to said paragraph (d), the proposal shall be deemed approved if two-thirds of the persons voting thereon shall vote “yes”. 40
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In no event shall the amount specified be greater than the reduction required pursuant to said paragraph (d). 47
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The local appropriating authority may, by a two-thirds vote, submit two questions on the same ballot; provided that only one question shall specify an amount which is greater than one-half of the reduction required pursuant to paragraph (d). If both questions are approved by the required number of voters, then the question which requires a two-thirds vote shall apply. 49
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(f) in any city or town in which the total taxes assessed result in a percentage which is less than or equal to the limits imposed pursuant to paragraph (b), the total taxes assessed for any fiscal year shall not exceed an amount equal to one hundred and two and one-half per cent of the maximum levy limit for the preceding fiscal year as determined by the commissioner of revenue; provided, however, that the total taxes assessed may be further increased by those amounts approved in accordance with the provisions of paragraph (g); and provided further, that the total amount of taxes assessed for the then current fiscal year may be increased by an amount equal to the tax rate for the preceding fiscal year multiplied by the amount of increase in the assessed valuation of any parcel of real, or article of personal property over the assessed valuation of such property during the prior year which shall become subject to taxation for the first time, or taxed as a separate parcel for the first time during such fiscal year, or which has had an increase in its assessed valuation over the prior year’s valuation unless such increased assessed valuation is due to revaluation of the entire city or town. 55
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(g) The local appropriating authority of any city or town which is subject to the provisions of paragraph (f) may, by majority vote, seek voter approval to assess taxes in excess of amount allowed pursuant to said paragraph (f) by a specified amount.

Any question submitted to the voters shall be worded as follows:—

“Shall the (city/town) of _____ be allowed to assess an additional \$_____ in real estate and personal property taxes for the purposes of (state the purpose(s) for which the monies from this assessment will be used) for the fiscal year beginning July first, nineteen hundred and _____?”

YES _____ NO _____”

Said question shall be deemed approved if a majority of the persons voting thereon shall vote “yes”.

(h) In a city or town, if a majority of the local appropriating authority or the people by local initiative procedure shall so require, there shall be a special election called in order to submit a question to the voters as to whether said city or town should be required to assess taxes by a specified amount below that amount allowed pursuant to this section. The question submitted to the voters shall be worded as follows:—

“Shall the (city/town) of _____ be required to reduce the amount of real estate and personal property taxes to be assessed for the fiscal year beginning July first, nineteen hundred and _____ by an amount equal to \$_____?”

YES _____ NO _____”.

If a majority of the persons voting on the question shall vote “yes”, the limit on total taxes assessed shall be decreased to the percentage so voted for that fiscal year.

(i) With regard to the referenda procedures set out in this section the local appropriating authority may direct that the questions be placed upon the official ballot at a regular city or town election or at a special election which the local appropriating authority may call at any time. The local appropriating authority may also direct that not more than three such questions be placed upon the official ballots for use in the city or town at a biennial state election, by filing with the state secretary not later than the first Wednesday of August preceding that election a copy of its vote attested by the city or town clerk.

(i ½) The local appropriating authority of any city or town may, by a two-thirds vote, seek voter approval to assess taxes in excess of the levy limitation for certain capital outlay expenditures. Amounts for such capital outlay expenditures shall be assessed only after approval by a separate vote of the people taken at a regular or special election

held before the setting of the annual tax rate; provided, however, that 115
 the question submitted shall be worded as follows: "Shall the (city/ 116
 town) of _____ be allowed to assess an additional 117
 \$_____ in real estate and personal property taxes for the 118
 purposes of (state the purpose(s) for which the monies from this 119
 assessment will be used) for the fiscal year beginning July first, 120
 nineteen hundred and _____? 121

Yes _____ No _____"; 122

and provided, further, that said question shall be deemed approved if 123
 a majority of the persons voting thereon shall vote "yes". 124

Capital outlay expenditures may be authorized for any municipal 125
 purpose for which the city or town would be authorized to borrow 126
 money under section seven or eight of chapter forty-four. 127

(j) The local appropriating authority of any city or town may, by a 128
 two-thirds vote, seek voter approval at a regular or special election to 129
 assess taxes in excess of the amount allowed pursuant to this section 130
 for the payment of principal and interest on bonds, notes or certifi- 131
 cates of indebtedness, excluding tax revenue anticipation notes, is- 132
 sued by the city or town and for the city's or town's apportioned 133
 share of the principal and interest on such bonds or notes issued by a 134
 regional governmental unit which were outstanding as of November 135
 fourth, nineteen hundred and eighty; provided, however, that the 136
 question submitted shall be as follows:— 137

"Shall the (city/town) of _____ be allowed to exempt the total 138
 amounts required to pay for bonded indebtedness incurred prior to 139
 the passage of proposition two and one-half, so-called, from the 140
 (city's/town's) limit? 141

YES _____ NO _____"; 142

and provided, further, that said question shall be deemed approved if 143
 a majority of the persons voting thereon shall vote "yes". 144

(k) The local appropriating authority of any city or town may, by 145
 two-thirds vote, seek voter approval at a regular or special election to 146
 assess taxes in excess of the amount allowed pursuant to this section 147
 for the payment of principal and interest on bonds, notes or certifi- 148
 cates of indebtedness, excluding tax revenue anticipation notes, is- 149
 sued by the city or town and for the city's or town's apportioned 150
 share of the principal and interest on such bonds or notes issued by a 151
 regional governmental unit which were not outstanding as of Novem- 152
 ber fourth, nineteen hundred and eighty; provided, however, that the 153
 question submitted shall be as follows:— 154

“Shall the (city/town) of _____ be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to (state the purpose or purposes for which the monies from the local issue will be used)?

YES NO ”; 155

and provided, further, that said question shall be deemed approved if a majority of the persons voting thereon shall vote “yes”. 156 157

(l) Amounts exempted from the tax limit under paragraph (i 1/2), (j) or (k) shall not be included in calculating the “total taxes assessed” in paragraph (a) or the maximum levy limit in paragraph (f). 158 159 160

(m) A town may appropriate from the tax levy, from available funds, or from borrowing, contingent upon the passage of a referendum question under paragraph (g), (i 1/2), or (k), provided that: (1) the statement of the purpose in the appropriation shall be the same as the statement of purpose in the referendum question; (2) the appropriation vote shall not be deemed to take effect until the approval of the referendum question; (3) the first election at which the referendum question appears on the ballot must take place no later than forty-five days after the date of the appropriation vote, provided, however, that no such election shall take place later than ninety days after said vote (4) after a contingent appropriation from the tax levy, a tax rate for a town shall not be submitted for certification by the commissioner under section twenty-three until after a referendum question under paragraphs (g), (i 1/2), or (k) has been voted upon, or until forty-five days have passed, whichever period is shorter. 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175

TITLE X.
PUBLIC RECORDS.
CHAPTER 66.
PUBLIC RECORDS.

Section

10. Public inspection and copies of records;
presumption; exception.

66:10. Public inspection and copies of records; presumption; exception.

Section 10. (a) Every person having custody of any public record, 1
as defined in clause Twenty-sixth of section seven of chapter four, 2
shall, at reasonable times and without unreasonable delay, permit it, 3
or any segregable portion of a record which is an independent public 4
record, to be inspected and examined by any person, under his 5
supervision, and shall furnish one copy thereof upon payment of a 6
reasonable fee. Every person for whom a search of public records is 7
made shall, at the direction of the person having custody of such 8
records, pay the actual expense of such search. The following fees 9
shall apply to any public record in the custody of the state police, the 10
Massachusetts bay transportation authority police or any municipal 11
police department or fire department: for preparing and mailing a 12
motor vehicle accident report, five dollars for not more than six pages 13
and fifty cents for each additional page; for preparing and mailing a 14
fire insurance report, five dollars for not more than six pages plus 15
fifty cents for each additional page; for preparing and mailing crime, 16
incident or miscellaneous reports, one dollar per page; for furnishing 17
any public record, in hand, to a person requesting such records, fifty 18
cents per page. A page shall be defined as one side of an eight and 19
one-half inch by eleven inch sheet of paper. 20

(b) A custodian of a public record shall, within ten days following 21
receipt of a request for inspection or copy of a public record, comply 22
with such request. Such request may be delivered in hand to the 23
office of the custodian or mailed via first class mail. If the custodian 24
refuses or fails to comply with such a request, the person making the 25
request may petition the supervisor of records for a determination 26
whether the record requested is public. Upon the determination by 27
the supervisor of records that the record is public, he shall order the 28
custodian of the public record to comply with the person's request. 29
If the custodian refuses or fails to comply with any such order, the 30
supervisor of records may notify the attorney general or the appropri- 31
ate district attorney thereof who may take whatever measures he 32
deems necessary to insure compliance with the provisions of this 33

section. The administrative remedy provided by this section shall in 34
 no way limit the availability of the administrative remedies provided 35
 by the commissioner of administration and finance with respect to any 36
 officer or employee of any agency, executive office, department or 37
 board; nor shall the administrative remedy provided by this section in 38
 any way limit the availability of judicial remedies otherwise available 39
 to any person requesting a public record. If a custodian of a public 40
 record refuses or fails to comply with the request of any person for 41
 inspection or copy of a public record or with an administrative order 42
 under this section, the supreme judicial or superior court shall have 43
 jurisdiction to order compliance. 44

(c) In any court proceeding pursuant to paragraph (b) there shall 45
 be a presumption that the record sought is public, and the burden 46
 shall be upon the custodian to prove with specificity the exemption 47
 which applies. 48

(d) The clerk of every city or town shall post, in a conspicuous 49
 place in the city or town hall in the vicinity of the clerk's office, a 50
 brief printed statement that any citizen may, at his discretion, obtain 51
 copies of certain public records from local officials for a fee as 52
 provided for in this chapter. 53

The commissioner of public safety and his agents, servants, and 54
 attorneys including the keeper of the records of the firearms records 55
 bureau of said department, or any licensing authority, as defined by 56
 chapter one hundred and forty shall not disclose any records divulg- 57
 ing or tending to divulge the names and addresses of persons who 58
 own or possess firearms, rifles, shotguns, machine guns and ammuni- 59
 tion therefor, as defined in said chapter one hundred and forty and 60
 names and addresses of persons licensed to carry and/or possess the 61
 same to any person, firm, corporation, entity or agency except crimi- 62
 nal justice agencies as defined in chapter six and except to the extent 63
 such information relates solely to the person making the request and 64
 is necessary to the official interests of the entity making the request. 65

CHAPTER 71.

PUBLIC SCHOOLS.

Section

REGIONAL SCHOOL DISTRICT
PLANNING BOARD.

14E. Regional school district committee membership options.

Section

REGIONAL SCHOOL DISTRICT.

15. Regional school districts; acceptance of organization provisions by electorate.

REGIONAL SCHOOL DISTRICT PLANNING BOARD.

71:14E. Regional school district committee membership options.

Section 14E. A regional school district may, by amendment to its regional school district agreement, provide for one of the following options concerning the members of its regional district school committee: (1) electing committee members by voters in member communities with each community's representation apportioned according to population; (2) electing members in district-wide elections to be held at the biennial state elections; (3) electing members with residency requirements in district-wide elections to be held at the biennial state elections; (4) weighing the votes of committee members according to the population they represent; and (5) appointing committee members by locally elected officials such as school board members. Each regional school district shall designate an individual to serve as district clerk.

If a regional school district decides to elect members in district-wide elections to be held at the biennial state elections or if any vacancy is to be so filled, the district clerk shall notify the state secretary by April fifteenth of the year of the biennial state election of that fact and also of his name and mailing address.

REGIONAL SCHOOL DISTRICT.

71:15. Regional school districts; acceptance of organization provisions by electorate.

Section 15. The selectmen of each of the several towns shall, upon receipt of the recommendation that a regional school district should be formed, and of a proposed agreement therefor submitted in accordance with the provisions of sections fourteen to fourteen B, inclusive, or otherwise, in the form and with the approval required by said sections, cause to be presented for determination by vote, with printed ballots at an annual or special town meeting to be held in either case within thirty days after receipt of such recommendation by said selectmen, the question of accepting the provisions of sections sixteen

to sixteen I, inclusive, and the proposed agreement or agreements. 10
 The article in the warrant for such annual or special town meeting 11
 and the question on the printed ballots to be used at such meeting 12
 shall be in substantially the following form: 13

Shall the town accept the provisions of sections
 sixteen to sixteen I, inclusive, of chapter seventy-one
 of the General Laws, providing for the establishment
 of a regional school district, together with the towns of
 , and , etc., and the construction,
 maintenance and operation of a regional school by the
 said district in accordance with the provisions of a
 proposed agreement filed with the selectmen?

YES.	
NO.	

If a majority of the voters present and voting on said question in 14
 each of the several towns shall vote in the affirmative, said sections 15
 sixteen to sixteen I, inclusive, shall become effective, and the pro- 16
 posed regional school district shall be deemed to be established 17
 forthwith in accordance with the terms of the agreement so adopted 18
 notwithstanding any defect or omission in the creation or organization 19
 of any regional school district planning committee or regional school 20
 district planning board. 21

TITLE XVI.
PUBLIC HEALTH.
CHAPTER 111.
PUBLIC HEALTH.

Section	Section
DUTIES OF THE DEPARTMENT OF PUBLIC HEALTH.	28B. Definitions.
8C. Fluoridation of public water supplies by local boards; advice of commissioner; election; discontinuance.	

DUTIES OF THE DEPARTMENT OF PUBLIC HEALTH.

111:8C. Fluoridation of public water supplies by local boards; advice of commissioner; election; discontinuance.

Section 8C. The department in taking cognizance of the dental health of the people in the commonwealth shall recommend such methods as in its opinion are advisable to reduce or limit the prevalence of dental caries and other dental diseases and defects. If the commissioner determines that the fluoride content of the public water supply for domestic use in any city, town or district is not at optimum level for sound dental health, he shall so notify the local board of health of his findings. Such board of health, after making such inquiry and other use of the consulting services of the department or elsewhere as it chooses, shall, if it considers doing so in the best interest of the inhabitants of the city, town or district within its jurisdiction, order the upward adjustment of the fluoride content of the water supply available for domestic use in that city, town or district. No such order shall be effective until ninety days after it has been published in a newspaper having a general circulation in such city or town, or until favorable vote has been taken in accordance with the provisions of this section, whichever occurs later.

The provisions of this section shall not apply if two or more cities or towns are supplied water from the same source, if such supply to each city or town cannot be treated independently and if the majority of the boards of health representing such cities and towns have voted not to accept such recommendation; provided, however, that any such city or town desiring to adjust upward the fluoride content of the water consumed within its own jurisdiction may comply with the order by the installation of proper equipment that will comply therewith if it does not interfere with the water supply of said other cities or towns.

In any city, town or district where the board of health has ordered the upward adjustment of the fluoride content of the water supply under the provisions of this section, upon petition of ten per cent of the registered voters of said city, town or district, filed in the office of the city or town clerk, as the case may be, within ninety days of the publication of such order, the following question shall be placed upon the official ballot to be used at the next regular city election or for the election of town officers at the next annual town meeting or at a biennial state election, whichever occurs first, but not earlier than sixty days following the date of filing the petition with the city or town clerk:— “Shall the public water supply for domestic use in (this city) (this town) be fluoridated?”, or in such district the following question shall be placed before the next annual meeting of the inhabitants of the district:— “Shall the public water supply for domestic use in this district be fluoridated?” If the majority of votes in answer to said question is in the negative, the water supply of such city, town or district shall not be fluoridated, and the fluoridation of such water supply shall not be ordered again by the board of health for a period of at least two years from the date of such vote.

111:25B. Definitions.

* * *

“Health care facility”, a hospital, institution for the care of unwed mothers or clinic, as defined in section fifty-two; a long-term care facility, which is an infirmary maintained in a town, a convalescent or nursing home, a rest home or a charitable home for the aged, as defined in section seventy-one; a clinical laboratory subject to licensing under chapter one hundred and eleven D, a public medical institution, which is any medical institution, and, after December first, nineteen hundred and seventy-two, any institution for the mentally ill or retarded, supported in whole or in part by public funds, staffed by professional, medical and nursing personnel and providing medical care, in accordance with standards established through licensing, approval or certification for participation in the programs administered under Titles 18 and 19 of the Federal Social Security Act, by the department; and any part of such facilities; provided, however, that “health care facility” shall not include a facility operated by a religious group relying solely on spiritual means through prayer and healing and in which health care by or under the supervision of doctors of medicine, osteopathy, or dentistry is not provided.

* * *

TITLE XIX.

AGRICULTURE AND CONSERVATION.

CHAPTER 128A.

HORSE AND DOG RACING MEETINGS.

Section	Section
13A. Application of laws to race tracks or racing meetings; exception; approval of locations.	14B. Additional question on ballots in Berkshire county.
14. Granting licenses; petitions; ballots; vote of county.	14C. Additional question on ballots in Hampshire county.
	14D. Granting licenses; election results; copy.

128A:13A. Application of laws to race tracks or racing meetings; exception; approval of locations.

Section 13A. The provisions of section one hundred and eighty-one of chapter one hundred and forty and the provisions of said chapter relative to the powers and duties of dog officers and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter or to animals eligible to race at such meetings; except that no license shall be granted by the commission for a racing meeting in any city or town, except in connection with a state or county fair, unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and city council or the town council or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one, after a public hearing, seven days' notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein, otherwise in a newspaper published in the county wherein such city or town is situated.

The approval of a location by a mayor and city council shall be deemed to be a measure within the provisions of section forty-two of chapter forty-three and the provisions of said sections shall apply to every city; provided, however, that such approval, if not rescinded as provided in said sections, shall be submitted to the voters of the city at a special election which shall be called by the city council and shall be held within forty-five days of the filing of the petition protesting such approval taking effect.

The approval of a location by a town council, in a town having a town council, and by the selectmen in any other town, upon petition of

twelve per cent of the voters of the town filed with the town clerk 30
 protesting against such approval taking effect shall be suspended 31
 from taking effect and the town council or the selectmen, as the case 32
 may be, shall immediately reconsider such approval, and if such 33
 approval is not rescinded, the question of such approval shall be 34
 submitted to the voters of the town at a special election which shall be 35
 called by the selectmen or town council, as the case may be, and 36
 which shall be held within forty-five days of the submission of said 37
 petition. Such approval shall become null and void unless a majority 38
 of the voters voting on the same at said election vote in the affirma- 39
 tive. 40

128A:14. Granting licenses; petitions; ballots; vote of county.

Section 14. Licenses shall not be granted under this chapter for 1
 the holding or conducting of any horse racing meeting or any dog 2
 racing meeting within any county unless a majority of the registered 3
 voters of such county voting on the following described questions 4
 relative to granting such licenses when said questions were last 5
 submitted to them have voted in the affirmative. 6

The state secretary shall, if there has been filed with said secretary, 7
 not later than the sixtieth day before the biennial state election at 8
 which such subdivision is to be submitted, petitions, the forms of 9
 which may be obtained from said secretary, signed by registered 10
 voters of such county, the total of which are equal in number to at 11
 least ten per cent of the total number of registered voters in said 12
 county, cause to be placed on the official ballot to be used in the cities 13
 and towns at biennial state elections, commencing in the year nineteen 14
 hundred and seventy-eight, the following subdivided questions: 15

A. Shall the pari-mutuel system of betting on
 licensed horse races be permitted in this county?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

B. Shall the pari-mutuel system of betting on
 licensed dog races be permitted in this county?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in a county in answer to subdivision 16
 A is in the affirmative, such county shall be taken to have authorized 17
 the licensing of horse races therein at which the pari-mutuel system 18
 of betting shall be permitted. 19

If a majority of the votes cast in a county in answer to subdivision 20
 B is in the affirmative, such county shall be taken to have authorized 21
 the licensing of dog races therein at which the pari-mutuel system of 22
 betting shall be permitted. 23

128A:14B. Additional question on ballots in Berkshire county.

Section 14B. Except as hereinafter provided, the state secretary shall, in addition to subdivisions A and B of the subdivided question provided for in section fourteen, cause to be placed on the official ballot to be used in the cities and towns of Berkshire county at the biennial state election in the year nineteen hundred and fifty-four, and every fourth year thereafter, the following subdivided question:—

C. Shall the pari-mutuel system of betting on licensed horse races at county fairs be permitted in this county?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in Berkshire county in answer to subdivision C are in the affirmative, said county shall be taken to have authorized the licensing of horse races at county fairs therein at which the pari-mutuel system of betting shall be permitted.

The state secretary shall not cause the foregoing question to be placed on the ballot at any biennial state election if the voters in said county in response to said question have voted in the affirmative four consecutive times or in the negative four consecutive times, unless there has been filed with said secretary not later than the sixtieth day before the election at which the question is to be submitted, petitions, the forms of which may be obtained from said secretary, signed by registered voters of said county the total of which are equal in number to at least ten per cent of the total number of registered voters in said county. Such petitions shall be subject to the provisions of chapter fifty-three relative to initiative petitions.

128A:14C. Additional question on ballots in Hampshire county.

Section 14C. Except as hereinafter provided, the state secretary shall, in addition to subdivisions A and B of the subdivided question provided for in section fourteen, cause to be placed on the official ballot to be used in the cities and towns of Hampshire county at the biennial state election in the year nineteen hundred and fifty-eight and every fourth year thereafter, the following subdivided question:—

C. Shall the pari-mutuel system of betting on licensed horse races at county fairs be permitted in this county?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in Hampshire county in answer to subdivision C are in the affirmative, said county shall be taken to have authorized the licensing of horse races at county fairs therein at which the pari-mutuel system of betting shall be permitted.

The state secretary shall not cause the foregoing question to be placed on the ballot at any biennial state election if the voters in said county in response to said question have voted in the affirmative four

consecutive times or in the negative four consecutive times, unless 14
 there has been filed with said secretary not later than the sixtieth day 15
 before the election at which the question is to be submitted, petitions, 16
 the forms of which may be obtained from said secretary, signed by 17
 registered voters of said county the total of which are equal in 18
 number to at least ten per cent of the total number of registered 19
 voters in said county. Such petitions shall be subject to the provi- 20
 sions of chapter fifty-three relative to initiative petitions. 21

128A:14D. Granting licenses; election results; copy.

Section 14D. A certified copy of the results of a vote on a question 1
 submitted to the voters of a political subdivision, in accordance with 2
 the provisions of this chapter, relative to granting a license for a 3
 horse or dog racing meeting or horse or dog races at fairs, shall be 4
 sent by the state secretary, or by the city or town clerk in the case of 5
 a vote by a city or town, to the commission, within ninety days after 6
 the election. 7

TITLE XX.

PUBLIC SAFETY AND GOOD ORDER.

CHAPTER 138.

ALCOHOLIC LIQUORS.

Section		Section	
	LICENSING BOARDS.	33A.	Sales of alcoholic beverages by on-premise licensees on Sundays and certain legal holidays; sales between 1:00 A.M. and 2:00 A.M.
11.	Questions to be placed on ballot at biennial state election.		
11A.	Submission of question at special and regular municipal elections; petition; taverns.	33B.	Sales of alcoholic beverages by on-premise licensees on Sundays and certain legal holidays; sales between 11:00 A.M. and 12:00 noon.
	DRUGGISTS.		
33.	Sales and delivery of alcoholic beverages and election days, Sundays and legal holidays; dancing on Sundays.		

LICENSING BOARDS.

138:11. Questions to be placed on ballot at biennial state election.

Section 11. Except as hereinafter provided, the state secretary shall cause to be placed on the official ballot used in the cities and towns at each biennial state election the following subdivided question:

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A. Shall licenses be granted in this city (or town) for the sale therein of all alcoholic beverages (whisky, rum, gin, malt beverages, wines and all other alcoholic beverages)?

YES.	
NO.	

B. Shall licenses be granted in this city (or town) for the sale therein of wines and malt beverages (wines and beer, ale and all other malt beverages)?

YES.	
NO.	

C. Shall licenses be granted in this city (or town) for the sale therein of all alcoholic beverages in packages, so called, not to be drunk on the premises?

YES.	
NO.	

D. Shall licenses be granted in this city (or town) for the sale of all alcoholic beverages by hotels having a dining room capacity of not less than ninety-nine persons and lodging capacity of not less than fifty rooms?

YES.	
NO.	

If a majority of the votes cast in a city or town in answer to subdivision A is in the affirmative, such city or town shall, irrespective of the result of the votes in answer to subdivisions B, C, and D be taken to have authorized, for the two calendar years next succeeding, the retail sale in such city or town of all alcoholic beverages to be drunk on and off the premises where sold, in accordance with the provisions of this chapter.

If a majority of the votes cast in a city or town in answer to subdivisions A, C, and D is not in the affirmative, but a majority thereof in answer to subdivision B is in the affirmative, such city or town shall be taken to have authorized, for said calendar years, the retail sale therein of wines and malt beverages only to be drunk on and off the premises where sold, in accordance with the provisions of this chapter.

If a majority of the votes cast in a city or town in answer to subdivisions A, B, and D is not in the affirmative, but a majority thereof in answer to subdivision C is in the affirmative, such city or town shall be taken to have authorized, for said calendar years, the retail sale therein of all alcoholic beverages but only in packages, so called, not to be drunk on the premises where sold, in accordance with the provisions of this chapter.

If a majority of the votes cast in a city or town in answer to subdivisions A and D is not in the affirmative, but a majority thereof in answer to subdivisions B and C is in the affirmative, such city or town shall be taken to have authorized, for said calendar years, the retail sale therein of wines and malt beverages to be drunk on and off the premises where sold, and also the sale of all other alcoholic beverages but only in packages, so called, not to be drunk on the premises where sold, in accordance with the provisions of this chapter.

If a majority of the votes cast in a city or town in answer to subdivisions A, B, and C is not in the affirmative, but a majority thereof in answer to subdivision D is in the affirmative, such city or town shall be taken to have authorized, for said calendar years, the retail sale therein of all alcoholic beverages to be drunk on premises of hotels having a dining room capacity of not less than ninety-nine persons and lodging capacity of not less than fifty rooms, in accordance with the provisions of this chapter.

Except as hereinafter provided, upon receipt of a petition signed by the registered voters of any city or town equal in number to at least ten per cent of the number of voters registered therein at the last preceding city or town election, requesting the insertion on the ballot at a biennial state election of the following subdivision, the state secretary shall cause to be placed on the ballot at the next succeeding

biennial state election held not less than sixty days subsequent to the filing of such petition and at each biennial state election thereafter, the following subdivision:—

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E. Shall licenses be granted in this city (or town) for the sale therein of alcoholic beverages by restaurants and function rooms having a seating capacity of not less than one hundred persons?

YES.	
NO.	

In any city or town which has been authorized to vote on a subdivision designated as E or F, the subdivision authorized by this paragraph shall be designated subdivision F or G, as the case may be. The petition authorized herein shall be subject to the provisions of section seven of chapter fifty-three.

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The state secretary shall not cause any subdivision of the foregoing question, including a subdivision required by the provisions of any special act, to be placed on the ballot at any biennial state election in any city or town in which the voters in response to such subdivision have voted in the affirmative three consecutive times or in the negative three consecutive times, beginning with the biennial state election in the year nineteen hundred and sixty-six, unless there has been filed with said secretary, not later than the sixtieth day before the election at which such subdivision is to be submitted, a petition, the forms for which may be obtained from said secretary, signed by a number of voters of the city or town at least equal to ten per cent of the total number of voters registered at the last preceding city or town election. Such petitions shall be subject to the provisions of section seven of chapter fifty-three relative to the identification and certification of signatures and the time of submission to registrars.

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138:11A. Submission of question at special and regular municipal elections; petition; taverns.

Section 11A. Except as otherwise provided in this section, the city council of any city and the selectmen of any town shall, upon the filing with the city or town clerk of a petition signed by registered voters of such city or town equal in number to at least one per cent of the whole number of registered voters therein and conforming to the provisions of section thirty-eight of chapter forty-three relative to initiative petitions, requesting that the question of licensing the sale in such city or town of alcoholic beverages in taverns be submitted to the voters thereof, call a special election to be held within a period of sixty days from the filing of such petition, and cause to be so submitted thereat the following question:—

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“Shall licenses be granted in this city (or town) for the sale therein of alcoholic beverages in taverns?”

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

Except as otherwise provided in this section, in any city or town wherein a regular election is about to be held, the city council or selectmen, upon the filing of such a petition at least thirty days before such election, shall cause said question to be submitted to the voters thereof at such election. The foregoing question shall not be submitted to the voters of any city or town under this section oftener than once in two years.

If a majority of the votes cast in such a city or town in answer to the question hereinbefore set forth are in the affirmative, such city or town shall be taken to have authorized the sale therein in taverns of such alcoholic beverages, if any, as are from time to time lawfully authorized to be sold in such city or town, subject in all respects to the provisions of this chapter, but only pending the taking under this section of the next succeeding vote, if any, on such question.

DRUGGISTS.

138:33. Sales and delivery of alcoholic beverages and election days, Sundays and legal holidays; dancing on Sundays.

Section 33. No licensee under section fifteen shall sell or deliver any alcoholic beverages, and no registered pharmacist acting under section twenty-nine and no licensee under section thirty A shall sell any alcoholic beverages or alcohol without a physician's prescription, during polling hours on any day on which a state or municipal election, caucus or primary is held in the city or town in which such licensed place is conducted; provided, that the foregoing restrictions shall not apply in the case of such an election, primary or caucus if the local licensing authorities issue an order to that effect applicable alike to all licensees of every class subject to such restrictions. Except as provided in section thirty-three A, no holder of a tavern license shall sell any alcoholic beverages on Sundays, no other licensee under section twelve shall sell any such beverages on Sundays between one o'clock antemeridian and twelve o'clock noon, in any county other than Suffolk no licensee under section twelve shall sell any such beverages on Christmas day, or on the day following when said day occurs on Sunday, or on the last Monday in May, between one o'clock antemeridian and twelve o'clock noon, and in Suffolk county no licensee under said section twelve shall sell any such beverages on Christmas day or on the day following when said day occurs on Sunday, or on the last Monday in May, between two o'clock antemeridian and twelve o'clock noon, no registered pharmacist acting under section twenty-nine and no licensee under section thirty A shall

sell any alcoholic beverages or alcohol without a prescription on 24
 Sundays or legal holidays, no licensee under section fifteen, eighteen 25
 or nineteen shall sell or deliver any alcoholic beverages on Sunday or 26
 on the last Monday in May, Thanksgiving day or Christmas day or on 27
 the day following when Christmas day occurs on a Sunday, and no 28
 licensee under any other section of this chapter for the sale of 29
 alcoholic beverages not to be drunk on the premises shall sell or 30
 deliver any such beverages or alcohol on Sundays or legal holidays; 31
 provided, however, that a licensee under section nineteen B may sell 32
 wine at retail by the bottle to consumers for consumption off the 33
 winery premises on Sundays and legal holidays. The local licensing 34
 authorities may, notwithstanding any provision of chapter one hun- 35
 dred and thirty-six or one hundred and forty to the contrary, autho- 36
 rize any licensee under section twelve, who is authorized to sell 37
 alcoholic beverages on Sundays between the hours of twelve midnight 38
 and one o'clock antemeridian or two o'clock antemeridian, to allow 39
 dancing during said one or two hour period, as the case may be, in 40
 which he is so authorized to sell alcoholic beverages. 41

138:33A. Sales of alcoholic beverages by on-premise licensees on Sundays and certain legal holidays; sales between 1:00 A.M. and 2:00 A.M.

Section 33A. The local licensing authority of any city or town 1
 which accepts this section may authorize licensees under section 2
 twelve to sell alcoholic beverages between the hours of one o'clock 3
 ante meridian and two o'clock ante meridian on Sundays, the last 4
 Monday in May and on Christmas day or on the day following when 5
 said day occurs on Sunday. 6

138:33B. Sales of alcoholic beverages by on-premise licensees on Sundays and certain legal holidays; sales between 11:00 A.M. and 12:00 noon.

Section 33B. The local licensing authority of any city or town 1
 which accepts this section may authorize licensees under section 2
 twelve to sell alcoholic beverages between the hours of eleven o'clock 3
 ante meridian and twelve o'clock noon on Sundays, the last Monday in 4
 May and on Christmas day or on the day following when said day 5
 occurs on Sunday. 6

CHAPTER 147.

STATE AND OTHER POLICE, AND
CERTAIN POWERS AND DUTIES OF THE
DEPARTMENT OF PUBLIC SAFETY.

Section	Section
LICENSED BOXING MATCHES.	50. Resubmission; petition; reacceptance.
49. Acceptance by city council or town board of selectmen.	

LICENSED BOXING MATCHES.

147:49. Acceptance by city council or town board of selectmen.

Section 49. Sections thirty-two to forty-seven, inclusive, shall take effect in a city if accepted by a majority vote of the city council, with the approval of the mayor where such approval is required by the charter of the city and in a town if accepted by a majority vote of the board of selectmen.

147:50. Resubmission; petition; reacceptance.

Section 50. In any city or town in which the provisions of sections thirty-two to forty-seven, inclusive, are in force, said sections shall again be submitted to the voters at any municipal election; provided, that a petition to that effect signed by not less than ten per cent of the voters is filed with the city or town clerk not less than thirty days before the election. If upon such resubmission the voters vote against said sections, they shall cease to have effect in that city or town until reaccepted by the voters as provided in the preceding section.

TITLE XXI.
LABOR AND INDUSTRIES.
CHAPTER 149.
LABOR AND INDUSTRIES.

Section

MISCELLANEOUS PROVISIONS.

178. Leave of absence from work for voting.

MISCELLANEOUS PROVISIONS.

149:178. Leave of absence from work for voting.

Section 178. No owner, superintendent or overseer in any manu-	1
facturing, mechanical or mercantile establishment shall employ or	2
permit to be employed therein any person entitled to vote at an	3
election, during the period of two hours after the opening of the polls	4
in the voting precinct, ward or town in which such person is entitled	5
to vote, if he shall make application for leave of absence during such	6
period.	7

PART IV.

CRIMES, PUNISHMENTS AND PROCEEDINGS IN CRIMINAL CASES.

TITLE II.

PROCEEDINGS IN CRIMINAL CASES.

CHAPTER 279.

JUDGMENT AND EXECUTION.

Section

30. Vacation of office from time of sentence to state prison.

279:30. Vacation of office from time of sentence to state prison.

Section 30. If a convict sentenced by a court of the commonwealth or of the United States to imprisonment in the state prison or by a court of the United States to a federal penitentiary for a felony holds an office under the constitution or laws of the commonwealth at the time of sentence, it shall be vacated from the time of sentence. If the judgment against him is reversed upon writ of error, he shall be restored to his office with all its rights and emoluments; but, if pardoned, he shall not by reason thereof be restored, unless it is so expressly ordered by the terms of the pardon.

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BEANO.

St.1971, c. 486, § 4, as amended by St.1974, c. 244, §§ 2, 3 and St.1975, c. 779, provides:

SECTION 4. The following question shall be placed upon the official ballot to be used for the election of city or town officers at the next regular city or annual town election:—

“Shall licenses be granted in this city (or town) for the operation, holding or conducting of a game commonly called beano?”

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

If a majority of the votes cast in a city or town in answer to said question is in the affirmative, such city or town shall be taken to have authorized the operation, holding or conducting of a game commonly called beano in accordance with the provisions of sections thirty-eight and thirty-nine of chapter ten of the General Laws, for the period ending December the thirty-first, nineteen hundred and seventy-five. In the year nineteen hundred and seventy-five, said question shall again be submitted to the qualified voters of the cities and towns at city or town elections in the same manner, and, if a majority of the votes cast in a city or town in answer to said question is in the affirmative, such city or town shall be taken to have authorized the operation, holding or conducting of a game commonly called beano in accordance with the provisions of sections thirty-eight and thirty-nine of chapter ten of the General Laws. In the event a city or town fails to place the required question upon its official ballot as required herein, it shall be placed on the official ballot for the next regular city or annual town election and such city or town shall be taken to have authorized the operation, holding or conducting of the game commonly called beano until such time as the required question appears, provided that a majority of the votes cast in such city or town in answer to said question was in the affirmative the last time the question appeared on said official ballot.

Beginning in the year nineteen hundred and seventy-nine, the city council of any city and the selectmen of any town shall, upon the filing with the city or town clerk of a petition signed by registered voters of such city or town equal in number to at least five per cent of the whole number of registered voters therein and conforming to the provisions of section thirty-eight of chapter forty-three of the General Laws relative to initiative petitions, requesting that the question of licensing the game of beano in such city or town be submitted to the voters thereof, cause to be so submitted at the regular city or town election the following question:—

“Shall licenses be granted in this city (or town) for the operation, holding or conducting of a game commonly called beano?”

YES.	
NO.	

The foregoing question shall not be submitted to the voters of any city or town oftener than once in four years. If a majority of the vote cast in answer to such question is in the affirmative, such city or town shall be taken to have authorized the game called beano, in accordance with the provisions of sections thirty-eight and thirty-nine of said chapter ten.

MARTHA'S VINEYARD COMMISSION.

St.1977, c. 831, § 2, as amended by St.1979, c. 319, §§ 1, 2: and St.1992, c. 97, § 1, provides:

SECTION 2. There is hereby created the Martha's Vineyard Commission, hereinafter referred to as the commission, which shall be a public body corporate and which shall have the responsibilities, duties, and powers established herein over the lands and waters in the county of Dukes County with the exception of the Elizabeth Islands and the Indian Common Lands known generally as the Cranberry Bogs, the Clay Cliffs, and Herring Creek, all situated in the town of Gay Head, and to the extent they are excluded from the responsibilities, duties and powers of the towns, all lands owned by the commonwealth or any of its constituent agencies, boards, departments, commissions or offices.

The commission shall consist of twenty-one members, except as provided further in this section; one selectman or a resident registered to vote from each town on Martha's Vineyard, appointed by the board of selectmen of that town; nine persons to be elected at-large, island-wide, provided that there shall not be less than one person nor more than two persons elected from each town on Martha's Vineyard and provided that said elections shall be held in accordance with the provisions of the following paragraphs; one county commissioner of the county of Dukes County, appointed by the county commissioners of said county, or by a designee; one member of the cabinet, or his designee, appointed by the governor; and four persons whose principal residence is not on Martha's Vineyard, to be appointed by the governor, said persons to have voice but not vote in deciding matters before the commission. In the event that legislation relevant to the purposes of this act is enacted by the Congress of the United States, upon certification of such enactment by the President of the United States and by the governor of the commonwealth, and one member of the cabinet of the United States or the designee of such cabinet member shall also be a member of the commission.

The election of the nine at-large members of the commission shall be conducted at the biennial state election in nineteen hundred and seventy-eight and all succeeding elections of such members shall take place at the biennial state election. The nomination of candidates for election to the office of commission member shall be in accordance with sections six and eight of chapter fifty-three of the General Laws, provided, however, that no more than ten signatures of voters shall be required on the nomination papers for such office. Notwithstanding the provisions of section ten of chapter fifty-three of the General Laws, nomination papers for said candidates shall be filed with the office of the state secretary on or before the tenth Tuesday preceding the day of the election. Such nomination papers shall be subject to

the provisions of section seven of said chapter fifty-three. All candidates for said office are hereby exempted from the reporting requirements as provided for in section sixteen of chapter fifty-five of the General Laws. All appointing authorities shall appoint members to the commission no later than fifteen days after the date of certification of the election of the nine at-large commission members, and said authorities shall notify the state secretary of their appointments in writing. Upon his election or appointment to the commission, each commission member shall be sworn to the faithful execution of his duties by the town clerk of the town in which he resides; provided however, that the four commission members who do not have their principal place of residence on Martha's Vineyard shall be sworn by the town clerk of any town on Martha's Vineyard. Upon the qualification of its members, the commission members shall meet and organize by electing from among its members a chairman, vice-chairman, and clerk-treasurer. Succeeding election of officers shall be held annually, on or before December thirty-first, at a meeting called for the purpose; provided that the commission clerk-treasurer shall not concurrently hold the position of treasurer of said county.

Terms of office for the elected members of the commission and for the non-resident taxpayer members shall be two years. Terms of office for members who are selectmen or their designees or county commissioners shall be for one year and may be renewed only upon vote of the appointing body. The cabinet member or his designee appointed by the governor, shall serve at the discretion of the governor. Terms of office shall be computed from January first each year. Any vacancy in an appointed position shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

Any vacancy in the elected membership shall be filled by a majority vote of the planning board, or the board of selectmen in the absence of a planning board, of the town in which the former member was a registered voter; said vacancy to be filled for the remainder of the unexpired term. The commission shall notify the municipality of any vacancy in the elected membership by notice to the town clerk and planning board at the town of residence of the elected member whose office is vacated. The cabinet member of the United States or his designee shall serve pursuant to applicable federal law.

The commission may also contract for such additional clerical, expert, legal, and other assistance as may be required to discharge its responsibilities and may reimburse its members and staff for reasonable expenses incurred in the performance of their duties, including meals, travel and lodging.

BARNSTABLE COUNTY CHARTER

St.1988, c. 163, § 1, as amended by St.1989, c. 716, § 25 (excerpts), provides:

SECTION 1.

ARTICLE 2

LEGISLATIVE BRANCH

SECTION 2-1 Composition, Mode of Election, Term of Office

(a) Composition—The legislative powers of Barnstable county shall be exercised by an assembly of delegates consisting of fifteen members. One member of the assembly of delegates shall be elected by and from the voters in each of the municipalities of the county.

(b) Eligibility—Any voter of the municipality from which election is sought shall be eligible to hold the office of delegate who at the time of election has been a resident of Barnstable county for a period of one year or more. A delegate who during a term of office moves from the municipality from which elected shall forthwith be deemed to have resigned and the office shall be declared vacant by the remaining members of the assembly of delegates.

(c) Election and Term—Delegates shall be elected for terms of two years each at the biennial state election. The term of office for delegates shall begin on the first business day in January in the year following the year in which elected and shall continue until their successors have been chosen and qualified.

SECTION 2-10 Filling of Vacancies If a vacancy shall occur in the office of assembly delegate with more than six months remaining of the term for which delegates are elected, a successor shall be chosen in accordance with the following procedure:

The clerk of the assembly of delegates shall cause a notice of the vacancy to be sent to the clerk of the municipality in which the vacancy exists. The clerk of said municipality shall, forthwith, cause such notice to be posted on the municipal bulletin boards. Any voter, a resident of Barnstable county for at least one year, desiring to be considered to fill such vacancy shall, in writing, so advise the board of selectmen (or the officer or agency performing similar duties in such municipality). The board of selectmen shall make provision for the interview, in public sessions, of all persons who have indicated such interest. Not more than twenty-one days following the date of the notice sent by the clerk of the assembly of delegates, the board of selectmen shall, by majority vote, choose one person from the municipality to fill such vacancy and shall issue a certificate of such selection to the clerk of the assembly of delegates. Upon receipt of

the said certificate the clerk of the assembly of delegates shall administer the oath of office to such person and shall enter such persons name on the official list of assembly delegates. If, at the expiration of thirty days following the issuance of notice by the clerk of the assembly of delegates that a vacancy from that municipality exists, no certificate has been received, the assembly of delegates may vote to fill such vacancy by electing any registered voter resident of the affected municipality for one year or more to fill such vacancy. The clerk of the assembly of delegates shall administer the oath of office to the person thus chosen who shall serve for the balance of the then unexpired term.

ARTICLE 3

EXECUTIVE BRANCH

SECTION 3-1 Board of County Commissioners

(a) Composition, Term of Office—The executive powers of Barnstable county shall be exercised by a board of county commissioners consisting of three members. County commissioners shall be elected for terms of four years each, so arranged that as nearly an equal a number of such terms as is possible shall be elected at each biennial state election. The provisions of section one hundred fifty-eight of chapter fifty-four of the General Laws shall apply to such elections.

SECTION 3-9 Vacancy in Office of Board of County Commissioners If a vacancy occurs in the office of member of the board of county commissioners during the term for which a member is chosen, the assembly of delegates shall order the office to be filled at the next regular biennial state election to be held one hundred and twenty or more days following the date such vacancy occurs.

Forthwith when a vacancy in the office of board of county commissioners occurs, the assembly of delegates shall act to temporarily fill such vacancy by electing some suitable person, not a resident of the same municipality as either of the other members of the board of county commissioners who remain in office, and who shall serve in such office until a successor is chosen at the next biennial state election. Upon the election of a successor by the voters, such person shall forthwith assume the duties of the office and shall serve as a member of the board of county commissioners for the period between the election and the organization of the government on the first business day in January following, in addition to the term for which elected.

Nothing in this section shall be deemed to prevent a member of the assembly of delegates from being chosen to serve as temporary member of the board of county commissioners or from being a candidate for the office of county commissioner.

Whenever a member of the assembly of delegates becomes the temporary county commissioner pursuant to this provision, a vacancy shall be deemed to exist on the assembly of delegates from the municipality such person had represented.

ARTICLE 4

ADMINISTRATIVE ORGANIZATION

SECTION 4-1 ELECTED COUNTY OFFICERS

(a) In General—Notwithstanding direct election by the voters, the officers named in this section shall be subject to the call of the board of county commissioners at all reasonable times for consultation, discussion and for the coordination of the business of the county.

(b) Vacancies—In the event a vacancy shall occur in any office filled by the voters under this section, the board of county commissioners, subject to the approval of the assembly of delegates, shall appoint a suitable person to serve until the next biennial state election at which time the office shall be filled by the voters for the regular term of years.

(c) County Sheriff—There shall be a county sheriff elected as provided by law.

The county sheriff shall have the general care and superintendence of all jails and houses of correction maintained or kept by the county. The county sheriff shall have all of the other powers and duties which are given to county sheriffs by general laws and such additional powers and duties as may be provided by county ordinance or administrative code.

ARTICLE 7

MUNICIPAL PETITIONS, CITIZEN INITIATIVES, REFERENDUM, RECALL

SECTION 7-1 Municipal Petitions The assembly of delegates shall hold a public hearing and act finally on every petition which is submitted to it which has been approved or otherwise endorsed by the legislative body of any governmental unit in the county. The public hearing shall be held within six weeks following the date the petition is submitted to the county clerk and the final vote on the petition shall be taken within six weeks following adjournment of the public hearing. Hearings on two or more petitions filed under this section may be held at the same time and place. In addition to notice by publication as otherwise required, the county clerk shall give at least fourteen days notice of the public hearing to the clerk of the governmental unit having filed the same.

SECTION 7-2 CITIZENS INITIATIVE MEASURES

(a) Commencement—Initiative procedures may be commenced by the filing of an initiative petition with the county clerk. The petition shall be addressed to the assembly of delegates and shall contain a request for the passage of a particular ordinance which shall be set out in said petition or by attachment to the said petition. The petition shall be signed by not less than three per cent of the total number of voters of the county as of the date of the most recent state election, provided, however, not more than twenty-five per cent of the signatures shall be from any one municipality. Signatures to the said petition need not all be on one paper but all such papers pertaining to one petition shall be fastened together and shall be filed as one instrument with the county clerk. When presented to the county clerk the petitions shall have been certified by the boards of registrars of voters of each municipality in which collected. The board of registrars of voters in each municipality in which such petition forms are filed shall, within seven days following their submission, certify the signatures which are the names of voters in their respective municipality.

(b) Referral to County Legal Officer—If the county clerk shall have verified the initiative petition has been filed by a sufficient number of voters a copy of the particular ordinance contained in the said petition shall forthwith be directed to the county legal officer. Within ten days following receipt of the copy of the said ordinance the county legal officer shall, in writing, advise the assembly of delegates whether the ordinance as proposed may validly be proposed by the initiative process and whether such ordinance may lawfully be adopted by the assembly of delegates. If the opinion of the county legal officer is that the ordinance does not qualify for the initiative procedure, or that the ordinance may not lawfully be adopted by the assembly of delegates the reasons for such opinion shall be stated in full and a copy of the said opinion shall be furnished to the committee designated on said petition as having filed the same.

(c) Action on Petition—Within thirty days following the date a petition has been returned to the assembly of delegates by the county legal officer having been found by such officer to be conformable to law, the assembly of delegates shall act with respect to such petition by adopting the same or by adopting a ordinance which is stated to be in lieu thereof, or by rejecting it. The passage of an ordinance which is stated to be in lieu thereof shall be deemed a rejection. If the assembly of delegates has failed to act on such ordinance within the said thirty days, it shall be deemed to have been rejected on the said thirtieth day. If an initiative ordinance is rejected, the county clerk shall forthwith give notice of such fact in writing to the committee designated as having filed the same.

(d) Supplementary Petitions—Within forty-five days following the date of the notice of rejection given by the county clerk to the petitioners' committee, a supplementary initiative petition may be submitted to the assembly of delegates. The supplementary initiative petition shall be signed by a number of additional voters which is equal to at least one per cent of the total number of persons registered to vote in the county as of the date of the most recent state election, provided, however, not more than twenty-five per cent of the signatures shall be from any one municipality. Signatures to the said supplementary petition need not all be on one paper but shall be fastened together and shall be filed as one instrument with the county clerk. When presented to the county clerk the petitions shall have been certified by the boards of registrars of voters of each municipality in which collected. The board of registrars of voters in each municipality in which such petition forms filed shall, within seven days following their submission, certify the signatures which the names of voters in their respective municipality. If the number of signatures is deemed to be sufficient, the assembly of delegates shall make provision for the submission of the question to the voters at the next biennial state election occurring ninety or more days following the date of the certificate that the petitions do contain the names of at least one per cent of the voters of the county and that a valid supplementary petition has been filed.

(e) Publication—The full text of the proposed ordinance shall be printed and distributed by the assembly of delegates to each residence in the county known to contain one or more registered voters not less than two weeks prior to the date of the election at which the question will be voted upon.

(f) Form of Ballot Question—The ballots used when voting on a ordinance proposed by voters shall contain a question in substantially the following form:

“Shall the following ordinance which was proposed by an initiative petition of voters take effect?”

(Insert here the text of the proposed ordinance, or, a fair, concise summary of the proposed ordinance prepared by the county legal officer.)

(g) Time of Taking Effect—If a majority of the votes cast on the question is in the affirmative the ordinance shall be deemed to be effective immediately, unless a later date is specified in the ordinance.

SECTION 7-3 CITIZEN REFERENDUM PROCEDURES

(a) Referendum Petition, Effect on Final Approval—Within twenty-one days following the date on which the assembly of delegates has given final approval to any ordinance, a petition signed by a number of voters equal to not less than one per cent of the total number of

persons registered to vote in the county as of the date of the most recent state election may be filed with the county clerk protesting against such ordinance or any part thereof from taking effect. The assembly of delegates shall forthwith following receipt of such a petition reconsider such ordinance or part thereof, and if such ordinance or part thereof is not then rescinded, the taking effect of such ordinance shall be suspended pending the submission of the same to the voters. The assembly of delegates shall provide for the submission of the question to the voters at the next regular state election.

(b) Certain Initiative Procedures to Apply—The petition described in this section shall be termed a referendum petition and insofar as applicable the procedures described in section 7-2 shall apply in respect thereto except that the words “ordinance or part thereof” shall be understood to replace the words “proposed ordinance” in said section and the word “referendum” shall be deemed to replace the word “initiative” where it may occur.

SECTION 7-4 EXCLUDED MATTERS The following matters shall not be deemed to be within the scope of the provisions for citizen initiative and referendum: (1) proceedings relating to the internal organization or operation of the assembly of delegates; (2) an ordinance passed in conformity with section 2-9; (3) the county budget as a whole; (4) a revenue loan order; (5) any appropriation for the payment of any county debt or other obligation; or, (6) any ordinance adopted pursuant to the Cape Cod Commission Act unless otherwise specified; provided, however, that any ordinance resulting in the reorganization, consolidation, abolition, merger, division or alteration of the terms of office, the manner of selection, number of members or prescription of the functions, powers, duties and responsibilities of the Cape Cod Commission shall be subject to the citizen referendum provisions of section 7-3; and provided, further, that any such action ultimately approved by the assembly of delegates or by the Barnstable county voters shall be reported to the senate and house clerks of the general court and be transmitted by them to the joint committee on local affairs.

SECTION 7-5 SUBMISSION OF OTHER ORDINANCES TO VOTERS The assembly of delegates may, on its own motion, submit to the voters of the county for adoption or rejection at any election any proposed ordinance, or a proposition for the repeal or amendment of any ordinance, in the same manner and with the same force and effect as is provided in this article for submission by petition.

SECTION 7-6 NOTICE TO SECRETARY OF THE COMMONWEALTH Whenever, pursuant to the provisions of this article relating to initiative and referendum, the assembly of delegates intends that a question is to appear on the state election ballot the county clerk shall at the earliest possible date, but not later than the

first Wednesday in August in an even numbered year, notify the office of the secretary of the commonwealth of the pendency of such question or questions, and the form in which such question or questions are to appear on such ballots.

ARTICLE 8

ELECTION RELATED MATTERS

SECTION 8-1 ELECTIONS The regular elections for county offices shall be held in conjunction with the biennial state election.

SECTION 8-2 APPLICATION OF STATE ELECTION LAWS Except as is expressly provided in this charter all elections for county offices shall be in conformity with and shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary or primary elections, special elections and regular elections, the submission of propositions to the voters, the counting of votes and the declaration of results.

SECTION 8-3 NOMINATIONS The nomination of candidates for nomination at state primaries shall be by nomination papers. In the case of candidates for the office of county commissioner the nomination papers shall be signed in the aggregate by at least five hundred voters of the county.

Candidates for the office of assembly delegate shall be by nomination papers signed in the aggregate by at least twenty voters of the municipality from which election is sought. Elections for the office of assembly delegate shall be non partisan and the names of candidates shall not appear on the ballot at the state primary election. All persons who have filed nomination papers having in the aggregate the names of twenty or more registered voters shall be entitled to have their names appear on the ballot at the general election.

The office of the secretary of the commonwealth shall supply candidates for county office with nomination papers and shall issue certificates of nomination to candidates through the office of the county clerk.

Every nomination paper for a candidate for assembly delegate shall be submitted to the registrars of voters of the municipality where the signers appear to be voters on or before five o'clock post meridian on the twenty-eighth day preceding the day on which it must be filed with the county clerk. Nomination papers shall be filed by the candidate with the county clerk on or before the eleventh Tuesday preceding the day of election. The county clerk shall certify a correct list of candidates to the secretary of the commonwealth on or before the tenth Tuesday preceding the day of election. If the secretary of

the commonwealth shall fail to receive said certified list of candidates on or before said date, the names of candidates shall not be printed on the ballot. The county clerk shall receive the election results from the municipal clerks, shall tabulate the results and shall certify those elected.

If the secretary of the commonwealth cannot accommodate the names of all candidates for county office on the ballot in any particular community such officer may, in such cases, prepare a separate ballot for candidates for county offices.

ARTICLE 9

GENERAL PROVISIONS

Section 9-1 Charter Changes This charter may be replaced, revised or amended in accordance with the procedure made available under chapter eight hundred and one of the acts of nineteen hundred and eighty-five and it may also be amended in accordance with the following procedures.

The assembly of delegates may, by a two-thirds vote of its full membership, provide for the submission of any proposed amendments to this charter to the voters except any amendment which relates in any way to the composition, mode of election or term of office of the legislative body or of the mode of election, or appointment, or term of office of the chief executive or administrative officer of the county. Amendments proposed by the assembly of delegates shall become effective if approved by a majority of the voters voting thereon at the next regular biennial state election held more than one hundred and fifty days following the date of the vote of the assembly of delegates.

Amendments to this charter which relate in any way to the composition, mode of election, or term of office of the legislative body, or the election or appointment or term of office of the chief executive or administrative officer of the county shall be proposed to the voters only after the enactment by the state legislature of a special law approving of a petition filed by the assembly of delegates with the approval of the board of county commissioners.

The assembly of delegates may, by a vote of its members representing a majority of the population of Barnstable county, file a petition for a special law relating to the organization or operation of the county government with the clerk of either branch of the general court at any time. Such petitions shall, upon receipt be referred by such clerk to an appropriate legislative committee.

Whenever, pursuant to the provisions of this section relating to charter amendments, the assembly of delegates intends that a question is to appear on the state election ballot the county clerk shall at

the earliest possible date, but not later than the first Wednesday in August in an even numbered year, notify the office of the secretary of the commonwealth of the pendency of such question, or questions, and the form in which such question or questions are to appear on such ballots.

TRANSFER OF COUNTY COURTHOUSES TO THE COMMONWEALTH

St. 1988, c. 203, § 18, provides:

SECTION 18. After January first, nineteen hundred and ninety, in any county, upon an application signed by five hundred registered voters in that county for an election upon the question of transferring to the commonwealth all right, title and interest held by said county in any or all buildings and land occupied by the judicial branch and owned by said county, the state secretary shall place the following question on the official ballot to be used in that county at the next state election:—

“Shall county elect to transfer to the commonwealth all right, title and interest held by said county in (describe either that portion if part of buildings and land are involved or state that all buildings and land are covered by this question) occupied by the judicial branch and owned by the county?”

If such question receives a majority of all the votes at that election, any transfer so voted shall occur on the following July first under the same terms of transfer as described in section seventeen.

The provisions of law relative to the signing of nomination papers of candidates for state office and to the identification and certification of names thereon and submission to the registrars therefor, shall apply to the applications submitted hereunder. Petition forms for such applications shall be made available for use on or before the fifteenth Tuesday preceding the final date for filing as provided in the next paragraph.

Applications shall be filed with the state secretary not later than the first Wednesday of August before the election at which the question is to be submitted.

HAMPSHIRE COUNTY CHARTER

St.1988, c. 238, § 1 (excerpts), provides:

SECTION 1.

ARTICLE 2

LEGISLATIVE BODY

Section 2.1 Composition, Election, and Terms of Office The legislative power of the county shall be vested in a board of county commissioners.

The board of commissioners shall be composed of members chosen at municipal general elections for terms of two years. Commissioners shall be residents and registered voters of the municipalities from which they are elected, and shall qualify for the ballot in towns in the same manner as candidates for the board of selectmen and in cities in the same manner as at large candidates for the city council. No person shall be a commissioner and at the same time an employee of the county.

There shall be at least one commissioner elected from each municipality. However, any municipality whose population comprises more than ten per cent of the population of the county as determined by the most recent state or federal decennial census shall elect one commissioner for each ten per cent or portion thereof.

Section 2.5 Vacancies Vacancies in or failure to elect to the office of county commissioner shall be filled within thirty days by appointment in towns by the board of selectmen and in cities by the mayor with the approval of the city council.

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950 CMR 50.00: VOTING EQUIPMENT

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50.01: General Provisions

This section applies to 950 CMR 50.00 through 54.00.

- (1) Definitions. Terms shall have the meanings provided in M.G.L. c. 50, s. 1. In addition:
 - (a) "Electronic voting system" means any system for casting or counting ballots which uses electrical or electronic tabulating equipment, or which uses special marking inks or punch card devices in the marking of ballots.
 - (b) "Secretary" means the state secretary.
 - (c) "Voting machine" means any mechanical or automatic device for casting and counting votes which is not part of an electronic voting system.
- (2) Application. These chapters apply to all primaries, preliminary elections, and elections, referred to collectively as "elections", except to the extent provided otherwise. 950 CMR 52.00 applies where paper ballots are used; 950 CMR 53.00 where voting machines are used; and 950 CMR 54.00 where electronic voting systems are used.
- (3) Effective Date. These chapters are effective as soon as publication occurs in the Massachusetts Register, under M.G.L. c. 30A, s. 6.
- (4) Amendment. These chapters may be amended at any time in the manner provided by law. Any interested person may petition the Secretary requesting the adoption, amendment, or repeal of any regulation, under M.G.L. c. 30A, s. 4. This petition shall be considered by the Secretary within thirty days after filing.
- (5) Authority. These chapters are promulgated under authority of M.G.L. c. 54, s. 37.

50.02: Standards

The Secretary shall determine the approved types of voting equipment based on compliance with the minimum requirements for this equipment imposed by law and the ability of this equipment to further the efficient administration of elections. Specifically:

- (1) Equipment actually used to vote shall be simple and convenient to use:
 - (a) A reasonable and average person should be able to operate the equipment after a brief demonstration or explanation.
 - (b) Voting an average ballot on the equipment shall not take an undue length of time.
 - (c) Safeguards such as indicator devices or markings must be employed so as to allow the voter to examine the choices he has made and ensure that the correct choices have been indicated. The voter shall have the ability to change a vote either by resetting the device or by obtaining as many as two new ballots until the time when the final vote has been registered either by pulling a lever or other device or by casting the ballot.
 - (d) If ordinary lighting is inadequate, special lighting must be supplied.
 - (e) Voting machines shall be equipped to permit the insertion of four-inch wide ballot labels for display of ballot questions.
- (2) Equipment shall be designed so as to maximize accuracy and prevent fraud:
 - (a) There shall be a sufficient number of locks and seals to prevent tampering with the counters or other mechanisms.

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(b) Voting machines that do not contain electronic components shall have the following counters:

1. public counter - the counter or other device that registers each time the machine is operated during the election and shows the number of persons who have voted on that machine in that election.
2. protective counter - the counter or other device which registers the total number of times the machine has been operated in its lifetime.
3. vote counters - the counters which numerically register the votes cast for candidates and on questions to voters.
4. vote indicators - the pointers or other devices by which are indicated the votes for candidates or on questions to voters.

Voting machines that contain electronic components need not be equipped with a protective counter, and, instead of candidate and question counters, may be equipped with internal components which register votes electronically.

(c) Ballot boxes shall contain mechanical devices for receiving, registering, and cancelling every ballot deposited in them, but no ballot box shall record any distinguishing number or mark on a ballot, other than the identity of the ward or precinct. Ballot boxes that contain electronic components may be equipped with internal components which register votes electronically.

(d) If a marking device used in a punch-card electronic system contains a mask and template, the mask and template must contain at least 235 positions.

(e) Devices shall be present in voting machines that can prevent the machines from being used to register votes before and after the election, or provide a means for detection of such use.

(f) Special regard must be given to the prevention and detection of double voting.

(g) Special regard must be given to the prevention and detection of voting for candidates of more than one political party at a primary election. All voting machines used in primary elections shall be equipped so that election officers can adjust the machines to prevent voters from voting for candidates of any party in which they are not enrolled. Similar safeguards must be provided for electronic voting devices.

(3) The minimum standard for secrecy in voting shall be that afforded by the use of paper ballots.

(4) Equipment must be adequate to the demands of an average election.

(a) Equipment capacity must be such as to accommodate a reasonable number of candidates and offices on a ballot. Voting machines not in use as of April 3, 1979 must contain spaces for at least fifty candidate names in a single row or column, unless: (i) machines are purchased solely for the purpose of replacing less than a majority of the machines in a city or town which already uses only the same type of machines containing fewer spaces, or (ii) the construction of the machine permits the names of candidates and questions to be arranged in the same format as on the official paper ballot.

(b) A recount of votes cast for each candidate and on each question shall be possible.

(c) Space must be provided where the voter may indicate a write-in or sticker vote if desired.

(d) Punch cards used in an electronic voting system must meet Electronic Industries Association standard RS-292 and U.S.A. standard X3.21-1967.

(5) Absentee ballots used with punch-card systems shall be punch-card ballots. Absentee ballots used with optical scanner systems shall be optical scanner ballots.

(6) Equipment must be accompanied by availability of service by the manufacturer or other persons.

(7) Equipment must be judged sturdy and reliable and able to withstand regular use at elections for at least a decade.

(8) The Secretary may take into account any other factors which he considers relevant pursuant to statutory and regulatory mandates.

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(9) Nothing in these regulations shall be interpreted as removing from the city or town the obligation to test individual pieces of approved types of voting equipment to ensure compliance with these standards.

50.03: Submission and Approval Schedule

The Secretary shall decide whether to approve all types of voting equipment according to the following schedule:

- (1) Equipment must be approved by the Secretary before it may be used.
- (2) The Secretary shall make and file his report in his office, together with a written or printed description and drawings and photographs clearly identifying the equipment, within thirty days after the time of submission.
- (3) No electronic voting system and no direct electronic voting machine may be approved after January 1, 1992 that does not meet the voting system standards adopted by the Federal Election Commission on February 5, 1990, as they may be amended from time to time, and that has not been tested by an independent test authority to confirm compliance.
- (4) Only voting equipment approved by the Secretary at least 180 days before a state primary or state election shall be used at such primary or election, unless it is to be used in a field test (950 CMR 50.04(3)) before final approval of the equipment.
- (5) Any additional printing cost incurred by the Secretary as a result of final approval or field testing of new voting equipment, after receipt by the State Purchasing Agent of the proposed state ballot printing contract, shall be the responsibility of the vendor.

50.04: Submission and Approval Procedure

Submission of voting equipment to the Secretary consists of:

- (1) Submission of detailed specifications, including proof of compliance with 950 CMR 50.03(3).
- (2) Office demonstration of the equipment.
- (3) Field test in at least two elections in one or more communities according to the discretion of the Secretary.

These requirements may be modified at the Secretary's discretion. In all of this procedure the Secretary shall determine whether the equipment meets the standards for voting equipment as specified in 950 CMR 50.02. The Secretary subject to appropriation may employ not more than three individuals who are experts in one or more of the fields of data processing, mechanical engineering and public administration to help him make this determination.

50.05: Monitoring Performance

The Secretary shall monitor the performance of all approved voting equipment, and may for this purpose have representatives observe its use at elections in various cities and towns. If at any time the Secretary decides after a public hearing that any equipment does not conform with the requirements of law and of this chapter, he may revoke his approval of that equipment. He shall file a written report to that effect, and shall notify all interested city and town clerks. Revocation shall not prevent the continued use of previously approved equipment in cities and towns where it is then in use, but a city or town not then using or under contract to buy the equipment may not purchase it in the future.

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50.06: Printing Punch Card or Optical Scanner Ballot Questions on Separate Sheets

Where punch cards on which are printed the candidates' names and other ballot information, or optical scanner ballots, are used, the Secretary's Director of Elections for state elections and the city or town clerk for city or town elections may determine in that officer's discretion that some or all ballot questions shall be printed on separate sheets of paper rather than on punch cards or optical scanner ballots. Voters shall continue to vote on these questions by punching or marking the appropriate positions on the punch card or optical scanner ballot.

REGULATORY AUTHORITY

950 CMR 50.00: M.G.L. c. 54, s. 37.

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950 CMR 51.00: POLLING PLACE ACCESSIBILITY FOR ELDERLY AND HANDICAPPED VOTERS

Section

- 51.01: Purpose
- 51.02: Accessibility Defined
- 51.03: Exemptions

51.01: Purpose

950 CMR 51.00 implements the federal Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. ss. 1973ee to 1973ee-6 (the "Act"), and applies to all Massachusetts elections in which a federal office appears on the ballot. The purpose of the Act and of 950 CMR 51.00 is to promote the fundamental right to vote by improving access for handicapped and elderly individuals to polling places for federal elections.

51.02: Accessibility Defined

Section 3(a) of the Act, 42 U.S.C. s. 1973ee-1(a), requires every city and town to assure that all polling places for federal elections are accessible to handicapped and elderly voters, unless the Secretary exempts them. A polling place is "accessible" to handicapped and elderly voters, for the purpose of sections 3(a) and 8(1) of the Act, 42 U.S.C. ss. 1973ee-1(a), 1973ee-6(1), only if all of the following requirements are met:

(1) Site Access. A clear, reasonably lit, unobstructed path of travel must be provided from the designated spaces in the parking lot, and from the street, to the accessible entrance to the building where the polling place is located. Such path of travel shall have a continuous common surface, not interrupted by steps or abrupt changes in level greater than one-half inch.

(2) Parking. If a parking lot is available on the premises of the polling place and has fifteen or more parking spaces, then the following requirements apply:

(a) As provided by the regulations of the Architectural Access Board in 521 CMR 3.00(23.4), the number of handicapped parking spaces required is as follows:

<u>Total no. of parking spaces</u>	<u>no. of handicapped spaces required</u>
15 - 25	1 space
26 - 40	5% but not less than 2 spaces
41 - 100	4% but not less than 3 spaces
101 - 200	3% but not less than 4 spaces
201 - 500	2% but not less than 6 spaces
501 - 1000	1.5% but not less than 10 spaces
1001 - 2000	1% but not less than 15 spaces
2001 - 5000	.75% but not less than 20 spaces
5001 -	.50% but not less than 30 spaces

(b) Either the handicapped parking spaces shall be 12 feet wide, or the handicapped spaces shall be provided in pairs of 8-foot spaces, separated by a 4 foot center aisle which is painted or striped yellow. The parking lot shall be reasonably lit.

(c) Identification of handicapped spaces shall be by a sign at each space or pair of spaces. The signs shall be at a height of not less than 5 feet nor more than 8 feet to the top of the sign. The sign shall also contain the International Symbol of Accessibility and may including wording identifying its use.

(d) If a sidewalk is provided at such parking spaces, a curb cut (sidewalk ramp) shall be installed at each space or pair of spaces. The slope of the curb cut shall not exceed 1:12.

(e) If no parking lot is available on the premises of the polling place, at least one on-street parking place in front of the polling place must be at least temporarily designated as a handicapped parking space. Identification

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of the handicapped space shall be by the sign provided in 950 CMR 51.02(2)(c).

(3) Entrance.

(a) At least one entrance to the building must be accessible to physically disabled persons. If the main entrance to the building is not accessible, signs must be posted directing persons from the ordinary path of travel to the accessible entrance.

(b) The approach to such entrance shall be a paved walk or ramp with a non-slip surface, uninterrupted by steps or abrupt changes in level greater than one-half inch. Such entrance shall have a level space 60 inches from the door on the interior and exterior of the doors.

(c) Doors to such entrances shall be a minimum of 32 inches clear, measured at 90°. It is recommended that lever handles or other accessible hardware be provided on doors, so that they may be operated with a closed fist. No door threshold shall be higher than one-half inch above the floor on either side.

(4) Ramps.

(a) If the entrance has stairs, a ramp must be provided. A permanent ramp must comply with the following:

1. The slope of the ramp must be no steeper than 1:12.
2. The width of the ramp shall be not less than 36 inches and preferably 48 inches.
3. Handrails must be set on both sides of the ramp, at a height of 34 inches.

(b) If it is impractical to install a permanent ramp, portable ramps shall be provided. Portable ramps shall be as close to 1:12 as possible, and if a portable ramp has no handrails or side walls it must have wheel guards at least two inches high on both sides. Portable ramps may be used to gain access from the parking lot or street to the sidewalk as well as at the entrance to a building. Portable ramps shall be securely anchored.

(5) Building Interior. All doors, approaches, and ramps within the building necessary to obtain access to the polling place must comply with 950 CMR 51.02(3) and (4).

(6) Voting Equipment.

(a) In every polling place, a specimen ballot must be posted at a height no greater than 48 inches.

(b) Where paper or punch-card ballots are used, at least one marking shelf at each polling place (at a primary where punch-card booklets are used, one for each party) must provide clear space under the shelf not less than 30 inches wide, at least 27 inches clear to the underside of the shelf, and not more than 32 inches in height to the top of the shelf, and must contain privacy barriers on both sides of the shelf. For this special marking shelf, the handle of any stylus used for punching punch-card ballots shall be at least 1 inch thick and at least 3 inches long.

(c) Where voting machines are used, a specimen ballot must be placed in at least one machine at each polling place, at a height no greater than 48 inches. For voting machines which have any levers higher than 48 inches above the floor, a "reacher" must be made available to assist disabled persons in reaching the upper levers.

(7) Variations. A city or town may apply to the Architectural Access Board, under 521 CMR 3.00(4.1.1), for a variance from the accessibility requirements of 950 CMR 51.02 or, to the extent that they apply to any polling place, from the requirements of the Architectural Access Board's regulations in 521 CMR 3.00. Notice of an application for any such variance shall be given in the manner required by 950 CMR 51.03(4)(b), and shall also be given to the Director of Elections. No such variance shall be allowed which substantially impairs the accessibility of a polling place to handicapped and elderly voters.

(8) Time Accessibility Required. All non-exempt polling places must be accessible no later than three weeks before the first federal election of an even-numbered year.

51.03: Exemptions

(1) Delegation to Director of Elections. The Secretary delegates to the Director of Elections (the "Director") the authority to determine whether a polling place is exempt from the accessibility requirements under section 3(b) of the Act, 42 U.S.C. s.1973ee-1(b), and under 950 CMR 51.03.

(2) Emergency exemptions. In an emergency under section 3(b)(1) of the Act, 42 U.S.C. s.1973ee-1(b)(1), an exemption may be applied for and determined by telephone, but both the city or town and the Director shall confirm their communications in writing. Mere failure of the city or town to make adequate and timely plans and arrangements does not constitute an emergency. If an exemption is allowed, it applies only to one election, and the city or town must exercise its best efforts to find another accessible polling place, and if none is available, to provide whatever assistance is possible to handicapped and elderly voters. If an emergency exemption is allowed, handicapped or elderly voters assigned to such an emergency exempt polling place may vote by absentee ballot in the office of the city or town clerk or election commission without applying in advance. The procedures set forth in the second paragraph of M.G.L. c. 51. s. 59 shall apply to such voters, except that the absentee ballot envelope shall be marked "Emergency Polling Place Exemption".

(3) Non-availability Exemptions: Standards. In determining under section 3(b)(2)(A) of the Act, 42 U.S.C. s.1973ee-1(b)(2)(A), that all potential places have been surveyed and that no accessible place is available, nor is the city or town able to make one temporarily accessible in the area involved, the Director shall consider the following factors:

(a) Whether each location has been studied by a trained person to determine whether or not it is accessible.

1. Polling places should not be presumed to be accessible simply because there are no obvious barriers, but 950 CMR 51.02 must be applied.

2. A trained person is one with knowledge of what constitute structural barriers to handicapped individuals.

3. Handicapped persons, representatives of handicap groups or professionals who work with handicapped individuals should be consulted.

4. If a location is inaccessible, then the city or town should either seek an alternative accessible location or seek to have the barriers removed.

(b) Whether the owners or proprietors of the building have been consulted regarding the modifications. If the owners or proprietors are unwilling to make the modifications, then an alternative location should be sought. Possible locations include those which are currently accessible and those where the owners or proprietors are willing to make necessary modifications.

(c) Whether an estimate of the cost to make the modifications has been obtained from a qualified person (construction contractor, carpenter), and whether different options for removing the barriers have been explored (e.g., temporary ramps).

(d) With respect to polling places in inaccessible government buildings, whether the city or town has urged government officials to make the modifications necessary for the buildings to be accessible.

(e) The record of the city or town's percentage of polling places in compliance in the past.

(f) The city or town's expressed plans for providing an accessible polling place in the future.

(4) Non-availability Exemptions: Procedure.

(a) The city or town body responsible for selecting polling places under M.G.L. c. 54, s. 24 (city council, board of selectmen, or election commission) must apply in writing for any exemption under section 3(b)(2) of the Act, 42 U.S.C. s.1973ee-1(b)(2). The application must be filed with the Director of Elections, under the penalties of perjury and in a form prescribed by him, not later than 180 days before the first federal election of an even-numbered year.

(b) Not later than the application deadline, the city or town must give notice that it has applied for the exemption, by posting notice on the principal bulletin board, sending copies to all local news media, and mailing copies to the local council on aging, to any municipal handicapped office or

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commission, to the state Office of Handicapped Affairs (One Ashburton Place, Room 1305, Boston, MA 02108), and to any additional organizations which the Director may prescribe. The notice shall state the designation and address of the polling place or places for which exemption is sought, the reasons for the application, the location at which a copy of the application may be inspected, and the fact that any person may file a written response within 30 days with the state Director of Elections, One Ashburton Place, Room 1705, Boston, MA 02108, telephone (617) 727-2828 or (800) 462-8683.

(c) Any person may file with the Director a written response to an exemption application within 30 days after it is filed.

(d) The Director may, in his discretion, seek further information from the city or town or hold an informal hearing before himself or his designee.

(e) Not later than 90 days before the first federal election of an even-numbered year, the Director shall notify the city or town in writing whether an exemption is allowed and of the reasons for the decision. The period of an exemption shall be two calendar years, beginning with an even-numbered year. Renewal of the exemption requires a new application.

(5) Alternative Voting Methods. As required by section 3(b)(2)(B) of the Act, 42 U.S.C. s. 1973ee-1(b)(2)(B), handicapped or elderly voters assigned to an exempt polling place may vote by absentee ballot, either by mail or in the office of the city or town clerk or election commission, if they previously apply in writing, under M.G.L. c. 54, ss. 86 - 103Q. Current state law prevents assigning such voters to another polling place, as well as "curbside voting" outside the polling place on election day.

REGULATORY AUTHORITY

950 CMR 51.00: 42 U.S.C. ss. 1973ee to 1973ee-6.
M.G.L. c. 54, s. 37.

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950 CMR 52.00: VOTING AND COUNTING PROCEDURES FOR PAPER BALLOTS

Section

- 52.01: General Duties of Election Officers
- 52.02: Before the Polls Open
- 52.03: During the Voting Hours
- 52.04: After the Polls Close

52.01: General Duties of Election Officers

(1) Election Officers Assigned to Each Polling Place. Each precinct must have assigned to it a warden, clerk, and at least two inspectors (four in cities), unless in a town where five or fewer precincts vote in the same building the selectmen decide otherwise under M.G.L. c. 54, § 24. In addition, precincts may have a deputy clerk, deputy warden, additional inspectors as are needed to run the election, and as many tellers as are necessary to count the votes after the election.

(2) Election Officers Must Represent Political Parties. Within each precinct, the election officers must equally represent the two leading political parties. Two of the officers in each precinct may be unenrolled.

The warden and deputy warden must be from the same party and different from that of the clerk and deputy clerk. No more than half the inspectors may be from the same party.

Party representation requirements apply only if the chairman of the city or town committee of each political party or the chairman of the state committee of such party files with the registrars lists of enrolled members of the party who desire appointment as election officers under M.G.L. c. 54, §§ 11B, 12 and 13.

(3) Warden: General Duties and Authority. The warden shall be the chief election officer at the polling place. The warden shall supervise the other precinct election officers before the polls open, during the election, and during the vote count. The warden is responsible for maintaining order and handling violations of election law by election officers or others. The warden may use police assistance when necessary.

If the warden leaves, his deputy shall be in charge, but if there is no deputy, he may designate a qualified election officer to be in charge.

(4) Clerk: General Duties. The election clerk shall keep a record of all facts relating to the proceedings of the election required by law to be recorded. The clerk shall note any unusual happenings during the conduct of the election. The clerk is responsible for maintaining the Election Record, filling out forms and adding vote totals for each candidate on the total tally sheet. The clerk shall read and record the ballot box register before and after the election.

(5) Inspectors: General Duties. Inspectors shall be assigned to duties by the warden. Two election officers of different political parties shall be assigned to the check-in area at the entrance to the voting area. Two other election officers of different political parties shall be stationed at the voting area exit. Party representation requirements may not apply under 950 CMR 52.01(2).

(6) Tellers: General Duties. Tellers shall work after the polls close. They shall be assigned to count votes and shall be instructed in that duty.

52.02: Before the Polls Open

(1) Election Officers Report To Polling Place. All election officers must report to work at the polling place at a time to be determined by the city or town clerk, so as to be able to complete all preliminary work and to allow the polls to open on time. They must be sworn in before beginning to work. They shall open the polling place on time.

(2) Replacement Of Election Officers. If an election officer assigned to a polling place fails to appear or leaves, the city or town clerk shall be notified. Replacements shall be sent, or the corresponding deputy election officer shall be designated as the replacement.

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- (3) Arrange The Polling Place. The voting booths, ballot boxes and fiberboard boxes with ballots must be in full view at all times. A guard rail shall be established to prevent unauthorized people from interfering with or observing people who are voting.
- (4) Signs To Be Posted. The following items shall be posted in a conspicuous place inside the polls but outside the guard rail:
 - (a) Three specimen ballots (for each party in primaries).
 - (b) Three "Instructions to Voters" cards.
 - (c) Three "Penalties Upon Voter" cards.
- (5) Ballots Correct. Election officers shall check the ballots against a specimen ballot to see that the correct ballots have been delivered to the polling place. If the ballots are incorrect, the warden shall call the city or town clerk.
- (6) Count And Record The Number Of Ballots. Election officers shall count all packages of paper ballots. They shall record the actual number of ballots received in the polling place.
- (7) Set Up Check-In And Check-Out Tables. An election officer shall lay out the voting list and ballots on the check-in table at the entrance. At the biennial state election, copies of the official information for voters pamphlet, at least one for every hundred registered voters in the precinct, shall be available to voters at the check-in area. An election officer shall set up the voting list on the check-out table near the ballot box.
- (8) Ballot Box. The ballot box shall be placed away from the door, inside the rail, next to the check-out table so it is available to the voters as they leave the polling place.
- (9) Ballot Clerks. The warden shall appoint two election officers of different political parties to be stationed at the entrance to the voting area. Two other election officers of different parties shall be stationed at the exit from the voting area.
- (10) Ballot Box Empty. The warden shall publicly open the ballot box and examine it. It shall be shown to be empty and the register set at zero to the satisfaction of all election officers and other persons present. The warden shall close and lock the ballot box.
- (11) Election Record. The clerk shall record in the election record:
 - (a) the examination and condition of the ballot box,
 - (b) the register number on the ballot box before any ballots are cast, and
 - (c) the actual count of the ballots received.
- (12) Ballot Box Key. The warden shall lock the box and give the ballot box key to the police officer. The officer shall keep the key until the polls close.
- (13) Ballot Box Locked. The ballot box must remain locked or sealed throughout the day, unless the box becomes too full to operate.
- (14) Open on Time. The warden shall open the polls on time if necessary materials are available, even if some things usually done beforehand must be done after the polls open.

52.03: During the Voting Hours

- (1) Declare Polls Open. The warden shall declare that the polls are open.
- (2) Who May Vote. Anyone whose name appears on the voting list shall be eligible to vote. The election officer shall check the supplementary voting list.
- (3) Voter States Name and Address. The voter must announce his address and name to the election officer in charge of the check-in voting list.
- (4) Look for the Name on the Voting List. The election officer shall find the

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name on the list and shall repeat it loudly and clearly. If it is a primary, the election officer shall announce the party as well.

(5) Name Dropped or Listed Incorrectly.

(a) Procedure. If the name, address, or party enrollment of a person claiming the right to vote does not appear on the voting list or is listed incorrectly, the presiding officer must consult the list of the names of voters in the precinct not entered in at least the current annual register for failure to appear on the current street list, which list the registrars of voters shall make available at the polling places for this purpose, and then, if necessary, communicate with the office of the registrars of voters to ascertain whether the person is entitled to vote. If the presiding officer or the registrars determine that the person is entitled to vote, the presiding officer shall complete the proper certificate, attach it to the voting list, and allow the voter to vote. If the presiding officer or the registrars are unable to make this determination, the presiding officer shall direct the person to the registrars' office. If the registrars then determine that the person is entitled to vote, the person may vote there immediately by absentee ballot, or may return with the certificate to vote at the polling place. The registrars or their agents shall orally inform each such person at their office of the opportunity to vote there. If a voter at a primary proves under 950 CMR 52.03 that his or her party enrollment is listed incorrectly, the voter shall be allowed to vote in the correct party's primary. Whenever a person is allowed to vote under this subsection and M.G.L. c. 51, § 59, the registrars shall add the current name, address and previously established party enrollment of that person to the register of voters, without requiring further action by the person.

(b) Standard. The registrars must determine persons to be entitled to vote under 950 CMR 52.03 and M.G.L. c. 51, § 59 whenever such persons have registered to vote in that city or town in the past and present any form of written identification showing current residence in the city or town (or, at a state primary or state election, residence within the previous six months), unless the registrars affirmatively establish, by evidence other than failure to be included in an annual street listing under M.G.L. c. 51, §§ 4 - 14B or failure to respond to a drop notice under M.G.L. c. 51, § 37, that the person has not in fact continuously resided in that city or town. The registrars may for this purpose require the person to sign an affidavit, in a form which must be available at the polling place if it is to be used, stating: "I am currently a legal resident of (city or town), and have continuously been a legal resident here since (last date of ascertained registration). Signed under the penalties of perjury." For the purpose of ascertaining past registration, the registrars must check all available records for at least the previous three years. Such persons are entitled to vote in the precinct where they currently reside (or, at a state primary or state election, where they have resided within the previous six months), regardless of any change of name or of residence within the city or town.

(c) Communications. To carry out the communications required by 950 CMR 52.03 and M.G.L. c. 51, § 59, a properly functioning telephone or other equivalent communications, and a sufficient supply of blank certificate forms, must be immediately available to the presiding officer at every polling place. At the registrars' office, at least one properly functioning telephone line for every 10,000 registered voters or fraction thereof in the city or town (including lines entering a main city or town switchboard and connecting to the required number of lines in the registrars' office), or other equivalent communications, and sufficient personnel available to staff them continuously, must be available for incoming calls throughout the time when polls are open.

(5A) Escrow ballots. A person claiming the right to vote in a precinct, but who is not allowed to vote for any reason, must be allowed to mark an escrow ballot. Such persons include, but are not limited to, persons who are determined not to be entitled to vote under the certificate procedure of M.G.L. c. 51, § 59 and 950 CMR 52.03(5), voters whose names are already checked on the voting list as having voted, and voters who claim their recorded party enrollment is incorrect, thereby preventing their voting in a party primary. An election officer shall orally inform every such person of his right to mark an escrow ballot, of the procedure for doing so, and of the fact that the escrow ballot will not be counted unless the outcome is sufficiently close and the person is later determined to be entitled to vote; in the case of such persons determined at the polling place not

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to be entitled to vote under the certificate procedure, the election officer shall also inform such persons of their option to go to the registrars' office and to vote there under the certificate procedure if determined to be entitled to vote, otherwise to mark an escrow ballot there. In all cases, escrow ballots shall be marked according to the following procedure. An election officer shall write the word "escrow" on the back of a ballot, and the person shall add his or her name and address. The election officer shall administer to the person the challenged voter's oath in 950 CMR 52.03(23)(c). The person shall mark the ballot as usual, but it shall not be cast in the ballot box. An election officer shall instead place it in an envelope marked "escrow ballots," and shall note the event in the clerk's election record.

(5B) Identification. If so authorized by the city or town clerk or registrars of voters, an election officer may request any voter to present written identification. Such requests shall not discriminate in any way, but shall be entirely random, consistent, or based on reasonable suspicion. For the purpose of this subsection, of M.G.L. c. 54, § 76B, and of 950 CMR 52.03(5)(b), suitable written identification includes a driver's license, recent utility bill, rent receipt on a landlord's printed letterhead, lease, duplicate copy of a voter registration affidavit, or any other printed identification which contains the voter's name and address. If voters fail to present suitable written identification when so requested, they must still be allowed to vote, but an election officer or any other person may challenge their right to vote under M.G.L. c. 54, § 85 and 950 CMR 52.03(23).

(6) Mark the Voting List. The election officer shall check the voter's name by marking it on the voting list. In a primary, the voter shall vote the ballot of the party in which he is enrolled. The officer shall ask unenrolled voters which party's ballot they choose. The officer shall mark a D (Democratic) or an R (Republican) next to the names of unenrolled voters when they choose a party ballot. Election officers shall explain to voters who inquire that they may change their enrollment after voting by filling out a card available at the polls, which must be transmitted to the city or town clerk.

(7) An Election Officer Shall Hand the Voter a Ballot.

(8) Instruction and Assistance to Voters.

(a) Instruct Voters. An election official may answer questions and instruct the voter on the proper method of marking and folding the ballot outside the voting booth using specimen ballots.

(b) Instruction is Different from Assistance. Instruction shall consist of informing the voter of the proper methods of marking a ballot; assistance shall consist of actually voting for the voter. Except as the law permits, a voter must mark his or her ballot in secret.

(c) Assistance to Voter. If a voter asks for assistance in casting his ballot due to blindness, physical disability or inability to read or to read English, he may be assisted by a person of his own choice or if he desires instead by two election officers of different parties.

(d) Do Not Influence Voter. Election officers shall not in any manner request or seek to persuade or influence any voter to vote for or against any person or political party or ballot question.

(9) Vote Designated by Cross. A vote should be designated by a cross ("X") in the appropriate space or circle, although any other mark evidencing the voter's intention is permissible.

(10) Write-Ins. A voter may cast a write-in or sticker vote for a candidate whose name does not appear on the ballot for that office. The voter is not required to mark an "X" beside the name.

(11) Spoiled Ballots. If the voter spoils a ballot, the voter may return it and ask for another ballot. Voters shall be allowed up to a total of three ballots.

(12) Spoiled Ballot Envelope. The voter shall return each spoiled ballot to the

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ballot officer who shall mark it "spoiled" and place it in the spoiled ballot envelope. A spoiled ballot shall not be placed in the ballot box.

(13) Voter Folds Ballot . The voter shall fold the ballot so that only the face of the ballot bearing the official endorsement signature can be seen.

(14) Voter Goes to Check-Out Table . Election officers in charge of maintaining the check-out voting list shall ask for the voter's name and address.

(15) Look for Name on List . The election officer shall find the name on the list and shall repeat it loudly and clearly. If it is a primary, the election officer shall announce the party as well.

(16) Mark Name on Voting List . The election officer shall check the voter's name by marking it on the voting list. In a primary, the officer shall mark a D or an R next to the name of unenrolled voters, corresponding to the party ballot chosen by the voter.

(17) Placing Ballots in Ballot Box . The election officers shall ensure that the voter places the ballot face up into the opening of the ballot box. The ballot box clerk shall wind the ballot into the ballot box.

(18) No One May Take a Ballot from the Voting Place .

(19) One Person per Voting Booth . Only one person shall be allowed in a voting booth except in cases of assistance provided to a physically disabled or blind person or a person who cannot read or who cannot read English.

(20) Time Allowed . Voters shall be allowed five minutes to vote if others are in line and ten minutes if there are no voters waiting. If a line of voters forms, this rule should be enforced equally. If there is no line, election officers may be more lenient.

(21) Number of Voters Allowed . If all the voting booths are filled, no more than four waiting voters shall be permitted inside the guard rail.

(22) Candidates' and their Workers' Rights and Restrictions .

(a) Observers . To achieve the legal requirement that the election be held in public view, observers shall be allowed inside the polling place, outside the guard rail, unless they are disorderly or obstruct the access of voters. They may keep notes including marked voting lists. If there are so many observers in the polling place that they obstruct voters, they may be asked to cooperate in collecting information. The warden may exclude from the polling place any person who is disorderly or who obstructs the access of voters.

(b) Voting booths clear of campaign literature . Election officers shall check the voting booths regularly to see that no one has left any literature. The polling place must be kept clear of any campaign material.

(c) Campaign material . No campaign material intended to influence the vote of a voter in the ongoing election, including campaign literature, buttons, signs, and ballot stickers, may be posted, exhibited, circulated, or distributed in the polling place, in the building where it is located, on the building walls, on the premise where the building stands, or within 150 feet of an entrance door to a building. As used in this paragraph and M.G.L. c. 54, § 65, the "premises" where or on which the building stands means only the grounds in the immediate vicinity of the building, and does not include the entirety of a large parcel of real property. No person shall collect or solicit signatures on nomination papers or petitions of any kind within 150 feet of an entrance door to the building. The police officer shall enforce this rule as directed by the warden. Access to the polling place must be open and unobstructed and the voters may not be hindered.

(23) Challenges .

(a) Challenges of the Right to Vote . Any election officer or other person may challenge a person's right to vote. The challenger may challenge an

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absentee ballot as well. The challenger must state the reason for challenging the right of a person to vote, for example:

this person is not old enough to vote; this person is not a citizen; this person should have been removed from the voting list; this person has already voted; this person is not the person he claims to be.

(b) Illegal Challenges. Challengers should be aware that any person challenging a voter for the purpose of intimidation or of ascertaining how he voted may be fined up to \$100.

(c) Challenge Procedure. Election officers shall not permit the challenger and the voter to engage in any arguments. If a voter is challenged, the warden shall administer the following oath to the challenged person:

"You do solemnly swear (or affirm) that you are the identical person whom you represent yourself to be, that you are registered in this precinct, and that you have not voted in this primary (or election)."

The warden shall require the challenged person to write his name and present residence on the outside of the ballot. (If it is an absentee ballot, the warden shall insert this information.) The warden shall add the name and address of the challenger and the stated reason for the challenge, and the voter may cast the ballot in the ballot box. No statement shall be made or information given by any person as to how the person voted. The clerk of the precinct shall record in the clerk's election record the name and residence of every person who is challenged and has voted. The election officers in charge of the voting list shall mark the letters "CV" next to the challenged voter's name on the voting list.

(24) Only the Following Personnel Are Permitted Within Guard Rail:

- (a) Election officials
- (b) Voters in the process of voting
- (c) Police officers with the permission of the warden
- (d) Representatives of the Clerk's Office
- (e) Children may accompany a voter within the guardrail, unless the warden decides that it would disrupt good order.

(25) Information by Election Officers Prohibited. Before the public declaration of the vote, no election officer shall make any statement regarding the number of ballots cast, the number of votes given to any person, the name of any person who has voted or whose name has not been checked, or of any other fact tending to show the state of the polls. But, if requested, the officer shall make a statement of the figures on the ballot box register. That statement shall not be considered an official declaration as to the state of the polls or of the number of ballots cast.

(26) Opening of the Ballot Box. The ballot box shall not be opened nor any ballot removed until the polls are closed; but in order to make room for more ballots, the warden may, in the presence of all the election officers, open the box and press down on the ballots in it. If the ballot box is too full to operate, the warden may, in the presence of a police officer, remove the ballots from the ballot box in convenient packages and place them in the fiberboard or other container which shall then be securely locked and kept in public view. No ballots may be counted until the polls close. If the ballot box becomes impossible to use, the warden shall establish a substitute box, which shall be kept in public view under the same security as the original ballot box; the clerk shall record a statement of the event and of the reason in the election record, and shall also include this statement in the envelope with the ballots cast.

(27) Processing Absentee Ballots.

- (a) Deliver Absentee Ballots. The absentee ballots shall be delivered during the day, not later than one hour after the polls close.
- (b) Warden Shall Process Absentees. The warden may process absentee ballots whenever there is free time, from the time the polls open in the morning and throughout the day.

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- (c) Absentee Ballots to be Processed. The city or town clerk and not the election officers shall determine whether to reject an absentee ballot as defective. If the ballot is transmitted to the polls, election officers shall process it through unless the person's name has been marked on the voting list as having voted in person, or the name is not on the voting list. Election officers shall verify that the name of the person who signed the absentee ballot envelope is on the voting list. Election officers must inform the city or town clerk if the name does not appear on the voting list.
- (d) Mark the Voting List. The letters AV or SAV shall have already been written in front of the absent voter's name. A mark shall be made beside the name of the voter to indicate that the vote has been cast. An election officer shall announce the name and address, and party in a primary, of each absentee voter.
- (e) Open Ballot Envelope. Election officers shall open the ballot envelope carefully so as not to deface, mark or tear the ballot or the ballot envelope. Election officers shall place the ballot envelopes in the proper container.
- (f) One Ballot Per Envelope. The ballot envelope must not contain more than one ballot. If more than one ballot is in the envelope, neither ballot shall be counted and those ballots shall be placed in the ballot envelope which shall be marked "Rejected as Defective" and placed in the proper container.
- (g) Challenging of Absentee Ballots. In the polling place, if an absentee ballot is challenged when cast, the name and address of the absent voter shall be written on the ballot by the warden. The challenger's name and address shall be recorded and the event shall be noted in the clerk's Election Record, and the letters CV shall be placed on the voting list next to the name of the challenged voter. After this, the ballot shall be deposited in the ballot box.
- (h) Remove Ballot and Place in Ballot Box. The warden shall remove each ballot from its envelope without unfolding or examining it. The warden shall present the ballot to the ballot box officer who shall wind it into the ballot box face-up with the name of the community, ward and precinct showing. The envelope shall be kept separate.
- (i) Absentee Ballot Envelopes Shall Be Returned to the Election Authority.

(28) Absentee Voters Who Seek to Vote in Person. If any person who has been sent an absentee ballot tries to vote in person at the election, election officers should see the letters AV or SAV opposite his name on the voting list. This person must present a certificate obtained from the city or town clerk authorizing him to vote in person. The city or town clerk shall by telephone authorize the presiding officer to issue such certificate if the clerk determines that a voter at the polling place is entitled to it, and the presiding officer shall then sign and issue the certificate. The presiding officer shall securely attach the certificate to the voting list and shall duly note that the voter in fact voted in person. If no certificate is authorized, election officers must refuse to let him vote and they shall refer him to the city or town clerk.

(29) "Specially Qualified Voters" and New Citizens Who Register Late. "Specially qualified voters" and legal residents of the commonwealth who become citizens and register to vote after the regular registration deadline under M.G.L. c. 51, §§ 50-51 shall present their certificate of supplementary registration to the warden at the polling place, and these certificates shall be attached to the voting list. If the specially qualified voters or new citizens are applying for absentee ballots, the certificate shall be attached to the voting list before it goes to the polling place, and the procedure on election day shall be the same as for a regular absentee voter.

(30) Announce the Polls Closed. An election officer shall announce that the polls are closed at the designated time. Each person in line when the polls close must be allowed to vote. If possible, all waiting voters shall be inside the polling place. The police officer shall be directed either to stand at the end of the line and move along toward the inspector until the last person eligible has voted, or to hand out certificates stating that the person was in line when the polls closed.

52.04: After the Polls Close

- (1) Votes Counted Continuously. The counting of votes takes place in the

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polling place. The counting shall continue without interruption until all the votes are counted and the results are announced.

(2) Public May Observe Counting. The general public must be allowed inside the polling place after the polls close. The public must observe from outside the guard rail. Only election officers may handle ballots. All ballots cast must be kept in full view of the public while the counting is going on and until they are sealed in the box provided.

(3) The Clerk Shall Record the Final Ballot Box Register Number in the Election Record.

(4) Take Count of Voters on Both Voting Lists. The election officers in charge of each of the two voting lists shall count audibly and distinctly the number of names checked and shall announce the total number. The clerk shall record the numbers in the election record.

(5) Seal Checked Voting Lists in Envelope. After tallying the voting lists, an election officer shall place the tallied voting lists in the envelope provided for that purpose. The election officer shall seal the envelope. The warden and clerk shall sign the certificate. This envelope shall be kept separate.

(5A) Escrow ballot envelope. Two election officers shall count the number of escrow ballots contained in the escrow ballot envelope, and write this number on the outside of the envelope. They shall not count the votes on any escrow ballots. They shall then seal the escrow ballot envelope.

(6) Open Ballot Box and Remove Ballots. The warden shall unlock the ballot box with a key received from the police officer. The warden shall remove all cast ballots in the presence of other election officers.

(7) Election Officers Shall Separate the Ballots into Convenient Blocks. In a primary, election officers shall first divide the ballots by party, and then shall separate each party's ballots into convenient blocks, as designated by the city or town clerk. They shall not open the ballots while separating them.

(8) Count by Teams. Two tellers of different parties shall make a team; both shall view each ballot. One person shall read the vote, and the other shall record the tally. Only the teller actually marking the tally sheet shall have any marking device which must be a red pencil or red pen.

(9) Blocks of Ballots. Each team shall receive a block of ballots, the corresponding block tally sheet, and a long manila envelope. The block tally sheet and the envelope shall have a block number, and D or R on the front if it is a primary.

(10) One Teller Reads Ballots Aloud. Tellers shall count each ballot in its entirety before proceeding to the next ballot. They shall begin with the office at the top of the ballot, reading aloud the names of the candidates selected by the voter. They shall continue reading each office aloud in turn. They shall count all offices on one ballot, and then proceed to the next. They shall keep the ballots in the order counted.

(11) Acceptable Method of Recording Votes. Tellers shall use red pencil or red pen. A teller shall read ballot #1 and a marker shall record all votes for selected candidates or blanks in column #1. A teller shall read ballot #2 and a marker record the vote in first vacant consecutive space on the tally sheet for that candidate. Counting shall continue one ballot at a time working to the right using consecutive boxes as selected candidates are called until the entire stack of ballots is completely tallied.

(12) Alternate Method of Recording Votes. Tellers shall use red pencil or red pen. A teller shall record votes in the space corresponding to the order in which the ballot appears in the block. A teller shall read ballot #1 and a marker shall record all votes for selected candidates or blanks in column #1. Teller shall read ballot #2 and a marker shall record all votes for selected candidates or blanks in column #2. Counting shall continue one ballot at a time working to the right

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using the box corresponding to the order of the ballot within the block.

(13) Tally Blank Votes. If a voter does not cast a vote for a candidate, that vote for that office is tallied as a blank. If there is more than one position to be filled, there must be a vote tallied for a candidate or for a blank so that the total tally for that office shall equal the number of positions to be filled. If a vote for an office is spoiled or defective, it also shall be tallied as a blank. Each vote shall be recorded either in a candidate space or in a space for blanks on the tally sheet.

(14) Total the Tally Marks for Each Office. The tellers shall record the total number of tally marks in each line for each candidate for each office. They shall total all candidates' votes and blank votes in each office. For example, if one person is to be elected, the sum of the votes for the candidates plus the blanks should equal 50 when counting a block of 50 ballots. If two persons are to be elected to an office then all the votes plus the blanks should equal 100 in blocks of 50 ballots. The last block counted may be incomplete and so may contain fewer votes.

(15) Tellers Sign Blocks. After completing and agreeing to the totals, both tellers shall sign their block tally sheet and block envelope. They shall place the ballots and the tally sheet in the manila ballot envelope and shall return it to the clerk.

(16) Count All Valid Ballots. All ballots shall be counted accurately as marked. A ballot may not be rejected for any technical error if it is possible to determine the voter's choice. All votes should be counted for the persons for whom they were intended, so far as the intent can be clearly ascertained from the ballots themselves.

(17) Invalidating Marks. Election officers shall not count a ballot containing any mark clearly designed to let election officers know that a certain person voted in a certain way. If a voter writes his name or marks his ballot with the letters of his name, these are distinguishing marks which identify a voter. In that case, the tellers shall count a blank vote for every office and question on such a ballot.

(18) Over-Voted Offices. No votes shall be counted for an office if a voter marks more candidates than are to be elected. An over-vote shall be tallied as a blank vote, but the remaining valid votes for other offices on the ballot shall be counted.

(19) Write Ins. A write-in or sticker vote shall be counted whenever the intent of the voter can reasonably be determined, whether or not the voter has omitted the address or has made a mistake in the name or address of the candidate. The voter is not required to mark an "X" beside the name. At a presidential primary, a vote both for "no preference" and for a write-in or sticker candidate for president shall be counted as a vote for that write-in or sticker candidate.

(20) Completing the Tallies. The clerk and warden shall have the results of each block of ballots entered on the total tally sheet.

(21) Add Total Tally Sheet. The clerk and warden shall have the columns on the total tally sheet added to ascertain each candidate's total vote.

(22) Warden and Clerk Sign Total Tally Sheet. After the total tally sheet is correct, the warden and clerk shall write the date, ward and precinct and city or town on the tally sheet.

(23) Clerk Shall Complete Election Record.

(24) Announce Final Returns. Officials shall wait until tally sheets balance before announcing any vote totals. The warden or the clerk shall announce the final returns.

(24A) Reporting Results to Central Reporting Service. The clerk may report by telephone the results of final precinct tallies for any presidential preference primary, state primary or general election to a central media reporting service in consideration for a contribution, in an amount approved by the state secretary, to the respective state-wide municipal clerks association to be used for continuing education programs for municipal clerks.

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- (25) Count Spoiled Ballots. The number of ballots spoiled by voters and returned during the day shall be noted in the clerk's Election Record.
- (26) Count Unused Ballots. Election officers shall count all unused ballots. The clerk shall note in the Election Record the number and party of unused ballots.
- (27) Spoiled and Unused Ballots. Election officers shall place the spoiled and unused ballots in the container provided under seal.
- (28) Gather All Counted Ballots. Election officers shall put all cast ballots in their block envelopes. They shall place all block envelopes in the containers provided for the cast ballots.
- (29) Seal Container. The warden shall seal the container with the seal provided and shall attach the proper tag for cast ballots only. In addition, an election officer may affix a private seal.
- (30) Sign Cast Ballot Container. The warden and clerk shall sign the container and shall enter the election and the date. They also shall fill out and sign a certificate stating that all ballots cast are contained therein.
- (31) Total Tally Sheets. The warden and clerk shall place the total tally sheet in an envelope, seal it and sign the outside of the envelope. This envelope shall be kept separate.
- (32) Return All Election Materials. The election officers shall have all election materials returned to the city or town clerk, as follows:
- (a) the counted ballots and the spoiled and unused ballots sealed in the proper containers;
 - (b) the marked voting lists and the total tally sheet and the escrow ballots, in separate envelopes;
 - (c) all other election supplies.
- The election officers shall not throw anything away.

REGULATORY AUTHORITY

950 CMR 52.00: M.G.L. c. 54, § 37.

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950 CMR 53.00: VOTING AND COUNTING PROCEDURES FOR VOTING MACHINES

Section

53.01: General Duties of Election Officers

53.02: Before the Polls Open

53.03: During the Voting Hours

53.04: After the Polls Close

53.01: General Duties of Election Officers

(1) Election Officers Assigned to Each Polling Place. Each precinct must have assigned to it a warden, clerk and at least two inspectors (four in cities unless the clerk determines that fewer inspectors are needed), unless in a town where five or fewer precincts vote in the same building the selectmen decide otherwise under M.G.L. c. 54, § 24. In addition, precincts may have a deputy clerk, deputy warden, additional inspectors as are needed to run the election, and as many tellers as are necessary to count the votes after the election.

(2) Election Officers Must Represent Political Parties. Within each precinct, the election officers must equally represent the two leading political parties. However, two of the officers in each precinct may be unenrolled.

The warden and deputy warden must be from the same party and different from that of the clerk and deputy clerk. No more than half the inspectors may be from the same party.

Party representation requirements apply only if the chairman of the city or town committee of each political party or the chairman of the state committee of such party files with the registrars lists of enrolled members of the party who desire appointment as election officers under M.G.L. c. 54, §§ 11B, 12 and 13.

(3) Warden: General Duties and Authority. The warden shall be the chief election officer at the polling place. The warden shall supervise the other precinct election officers before the polls open, during the election, and during the vote count. The warden is responsible for maintaining order and handling violations of election law by election officers or others. The warden may use police assistance when necessary.

If the warden leaves, his deputy shall be in charge, but if there is no deputy, he may designate a qualified election officer to be in charge.

(4) Clerk: General Duties. The election clerk shall keep a record of all facts relating to the proceedings of the election required by law to be recorded. The clerk shall note any unusual happenings such as challenged votes or ballots and inoperative machines during the conduct of the election. The clerk is responsible for maintaining the Election Record, filling out forms and adding vote totals for each candidate on the total tally sheet. The clerk shall read and record the voting machine protective counter, and check the public counter, before and after the election.

(5) Inspectors: General Duties. Inspectors shall be assigned to duties by the warden. Two election officers of different political parties shall be assigned to the check-in area at the entrance to the voting area. Party representation requirements may not apply under 950 CMR 53.01(2).

(6) Voting Machine Custodians. Voting machine custodians shall be in charge of the preparation and upkeep of voting machines. They shall be in charge of setting up the voting machine prior to the opening of the polls. If they are requested by the warden to make repairs or adjustments during the election they must make the repair in the presence of at least two election officers.

53.02: Before the Polls Open

(1) Election Officers Report to Polling Place. All election officers must report to work at the polling place at a time to be determined by the city or town clerk, so as to be able to complete all preliminary work and to allow the polls to open on time. They must be sworn in before beginning to work. They shall open the polling place on time.

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- (2) Replacement of Election Officers. If an election officer assigned to a polling place fails to appear or leaves, the city or town clerk shall be notified. Replacements shall be sent, or the corresponding deputy election officer shall be designated as the replacement.
- (3) Arrange The Polling Place. The voting machines, the receptacle or receptacles for the voting authority certificates and the ballot box must be in full view at all times. A guard rail shall be established to prevent unauthorized people from interfering with people who are voting.
- (4) Signs To Be Posted. The following items shall be posted in a conspicuous place inside the polls but outside the guard rail:
 - (a) Three specimen ballots (for each party in primaries).
 - (b) three "Instruction To Voters" cards
 - (c) three "Penalties Upon Voter" cards
- (5) Set Up Check-In Table. The voting list and the voting authority certificates shall be placed on the check-in table at the entrance. There shall be enough certificates for all registered voters in the precinct. At the biennial state election, copies of the official information for voters pamphlet, at least one for every hundred registered voters in the precinct, shall be available to voters at the check-in area.
- (6) Election Officers. The warden shall appoint two election officers of different parties to be stationed at the entrance to the voting area. Two other election officers of different parties may receive the voting authority certificates and deposit them in the receptacle when escorting the voter to a machine.
- (7) Keys To The Machines. The city or town clerk shall deliver to the warden the keys to each voting machine in the precinct in separate sealed envelopes at least half an hour before the polls open on the day of the election. The number and location of the precinct, the number of the voting machine, the number of the seal which seals it, and the number that is registered on the protective counter shall be on this envelope.
- (8) Check the Envelope with the Machine. At least one election officer from each political party must examine the envelope, check the number on the seal of the machine at this time if it is an outside seal, and after opening the machine if it is an inside seal, and compare it with the number on the envelope. The number on the protective counter must also be compared with that number entered on the envelope.
- (9) If the Numbers Don't Agree, Notify the Town or City Clerk. If the numbers on the envelope do not correspond with those on the machine then the city or town clerk must be notified.
- (10) Open the Front of the Machines to Set Up Voting Booth.
- (11) Check That The Machines Have The Proper Voting Machine Strips. Election officers shall check the ballot strips on the machines against a specimen ballot to see that they are correct. If they do not correspond, the warden shall call the city or town clerk. The machine shall not be used until the correct ballot strips are inserted.
- (12) Examine the Write-In Roll. An election officer shall open the slot or door and shall examine the write-in roll to ensure that it has been marked either with a red strip or a signature, and dated. If not, the election officer shall so mark it.
- (13) Check Counters.
 - (a) AVM Printomatic Machines.
 1. Check Vote Counters. The crank shall be turned to print the numbers recorded on the vote counters. All the vote counters should read zero.

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2. Pull Out the Proof Sheet. An election officer shall pull out the proof sheet. When the proof sheet is pulled out, at least two election officers of different political parties shall examine the sheet to see that all vote counters and the inside public counter read zero and that the proper machine number is on the sheet. Candidates or their representatives

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- authorized in writing shall be allowed to check the numbers within one half hour before the polls open.
3. Keep the Proof Sheets. The warden and clerk shall examine, sign and date the proof sheets.
- (b) AVM Non-Primomatic Machines.
1. Open the Rear of the Machines to Expose the Vote Counters.
 2. Check Counters. At least two election officers of different political parties shall check the counters to be used in the election to see that they all read zero. Candidates or their representatives authorized in writing shall be allowed to check the counters within one half hour before the polls open.
 3. An Election Officer Shall Close and Lock the Rear of the Machine.
- (c) Shoup Voting Machines.
1. Check Counters. The machines shall have their candidate and question counters exposed when they are delivered to the polls. At least two election officers of different political parties shall check to make certain the counters are all on zero. The counters are located at the front of the machine under the candidate's name or question. Candidates or their representatives authorized in writing shall be allowed to check the counters within one half hour before the polls open.
 2. Close the Candidate and Question Counters. After all the candidate and question counters are checked, election officers shall close and lock the voting machine.
- (d) Direct Electronic Voting Machines.
1. An election officer shall cut the seal and remove it from the machine.
 2. An election officer shall open the write-in slot exposing the paper tape. The election officer shall cause the vote tabulator to print a listing of all candidates and questions in the order they appear on the ballot. At least two election officers of different political parties shall examine the tape to see that there are no votes already on the vote tabulator for each candidate and question.
 3. An election officer shall pull the tape out of the machine. Two election officers who observed the printing of the tape must sign their initials at the bottom of the tape and record the date. Candidates or their representatives authorized in writing shall be allowed to view the printing of the tape within one half hour before the polls open.
 4. The tape shall be posted in a conspicuous place inside the polling place.
- (14) If the Counters Are Not on Zero, Record Information. If the public counter or any of the vote counters is not on zero, then the number and letter of the counter together with the number registered on the counter shall be recorded in the clerk's Election Record and signed by the election officers. If any counter cannot be reset to zero on a direct electronic voting machine, the warden shall call a voting machine custodian to service the machine.
- (15) Ballot Box Empty. The warden shall publicly open the ballot box and examine it. It shall be shown to be empty and the register set at zero to the satisfaction of all election officers and other persons present. The warden shall close and lock the ballot box.
- (16) Election Record. The clerk shall record in the election record:
- (a) the examination and condition of the ballot box,
 - (b) the register number on the ballot box before any ballots are cast, and
 - (c) the actual count of the absentee ballots received.
- (17) Ballot Box Key. The warden shall lock the box and shall give the ballot box key to the police officer. The officer shall keep the key until the polls close.
- (18) Ballot Box Locked. The ballot box must remain locked or sealed throughout the day.
- (19) Open on Time. The warden shall open the polls on time if necessary materials are available, even if some things usually done beforehand must be done after the polls open.

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53.03: During the Voting Hours

- (1) Ready Machines for Voting and Declare Polls Open. An election officer shall cut the seal and remove it from the machine if this has not already been done. An election officer shall activate the machine. The keys shall be sealed in their proper envelope and the envelope shall be placed in the protective custody of the warden or police officer. The warden shall declare that the polls are open.
- (2) Who May Vote. Anyone whose name appears on the voting list shall be qualified to vote. The election officer shall check the supplementary voting list.
- (3) Voter States Name and Address. The voter must announce his address and name to the election officer in charge of the check-in voting list.
- (4) Look for the Name on the Voting List. The election officer shall find the name and shall repeat it loudly and clearly. If it is a primary, the officer shall announce the party as well.
- (5) Name Dropped or Listed Incorrectly.
 - (a) Procedure. If the name, address, or party enrollment of a person claiming the right to vote does not appear on the voting list or is listed incorrectly, the presiding officer must consult the list of the names of voters in the precinct not entered in at least the current annual register for failure to appear on the current street list, which list the registrars of voters shall make available at the polling place for this purpose, and then, if necessary, communicate with the office of the registrars of voters to ascertain whether the person is entitled to vote. If the presiding officer or the registrars determine that the person is entitled to vote, the presiding officer shall complete the proper certificate, attach it to the voting list, and allow the voter to vote. If the presiding officer or the registrars are unable to make this determination, the presiding officer shall direct the person to the registrars' office. If the registrars then determine that the person is entitled to vote, the person may vote there immediately by absentee ballot, or may return with the certificate to vote at the polling place. The registrars or their agents shall orally inform each such person at their office of the opportunity to vote there. If a voter at a primary proves under 950 CMR 53.03 that his or her party enrollment is listed incorrectly, the voter shall be allowed to vote in the correct party's primary. Whenever a person is allowed to vote under this subsection and M.G.L. c. 51, § 59, the registrars shall add the current name, address and previously established party enrollment of that person to the register of voters, without requiring further action by the person.
 - (b) Standard. The registrars must determine persons to be entitled to vote under 950 CMR 53.03 and M.G.L. c. 51, § 59 whenever such persons have registered to vote in that city or town in the past and present any form of written identification showing current residence in the city or town (or, at a state primary or state election, residence within the previous six months), unless the registrars affirmatively establish, by evidence other than failure to be included in an annual street listing under M.G.L. c. 51, §§ 4 - 14B or failure to respond to a drop notice under M.G.L. c. 51, § 37, that the person has not in fact continuously resided in that city or town. The registrars may for this purpose require the person to sign an affidavit, in a form which must be available at the polling place if it is to be used, stating: "I am currently a legal resident of (city or town), and have continuously been a legal resident here since (last date of ascertained registration). Signed under the penalties of perjury." For the purpose of ascertaining past registration, the registrars must check all available records for at least the previous three years. Such persons are entitled to vote in the precinct where they currently reside (or, at a state primary or state election, where they have resided within the previous six months), regardless of any change of name or of residence within the city or town.
 - (c) Communications. To carry out the communications required by 950 CMR 53.03 and M.G.L. c. 51, § 59, a properly functioning telephone or other equivalent communications, and a sufficient supply of blank certificate forms, must be immediately available to the presiding officer at every polling place. At the registrars' office, at least one properly functioning telephone line for every 10,000 registered voters or fraction thereof in the city or town (including lines entering a main city or town switchboard and connect to the required number of lines in the registrars' office), or other equivalent communications, and sufficient personnel available to staff them

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continuously, must be available for incoming calls throughout the time when polls are open.

(5A) Escrow ballots. A person claiming the right to vote in a precinct, but who is not allowed to vote for any reason, must be allowed to mark an escrow ballot. Such persons include, but are not limited to, persons who are determined not to be entitled to vote under the certificate procedure of M.G.L. c. 51, § 59 and 950 CMR 53.03(5), voters whose names are already checked on the voting list as having voted, and voters who claim their recorded party enrollment is incorrect, thereby preventing their voting in a party primary. An election officer shall orally inform every such person of his right to mark an escrow ballot, of the procedure for doing so, and of the fact that the escrow ballot will not be counted unless the outcome is sufficiently close and the person is later determined to be entitled to vote; in the case of such persons determined at the polling place not to be entitled to vote under the certificate procedure, the election officer shall also inform such persons of their option to go to the registrars' office and to vote there under the certificate procedure if determined to be entitled to vote, otherwise to mark an escrow ballot there. In all cases, escrow ballots shall be marked according to the following procedure. An election officer shall write the word "escrow" on the back of a ballot, and the person shall add his or her name and address. The election officer shall administer to the person the challenged voter's oath in 950 CMR 53.03(19)(c). The person shall mark the ballot as usual, but it shall not be cast in the ballot box. An election officer shall instead place it in an envelope marked "escrow ballots," and shall note the event in the clerk's election record.

(5B) Identification. If so authorized by the city or town clerk or registrars of voters, an election officer may request any voter to present written identification. Such requests shall not discriminate in any way, but shall be entirely random, consistent, or based on reasonable suspicion. For the purpose of this subsection, of M.G.L. c. 54, § 76B, and of 950 CMR 53.03(5)(b), suitable written identification includes a driver's license, recent utility bill, rent receipt on a landlord's printed letterhead, lease, duplicate copy of a voter registration affidavit, or any other printed identification which contains the voter's name and address. If voters fail to present suitable written identification when so requested, they must still be allowed to vote, but an election officer or any other person may challenge their right to vote under M.G.L. c. 54, § 85 and 950 CMR 53.03(23).

(6) Mark the Voting List. The election officer shall check the voter's name by marking it on the voting list. In a primary, the voter shall vote on the ballot of the party in which he is enrolled. An unenrolled voter may choose to vote on the ballot of any party. The election officers shall ask unenrolled voters in which party they choose to enroll. The officer shall mark a D (Democratic) or R (Republican) next to the names of unenrolled voters when they indicate a party preference. The officer shall explain to voters who inquire that they may change their enrollment after voting by filling out a card available at the polls, which must be transmitted to the city or town clerk.

(7) Voter's Certificate. An election officer shall hand the voter a numbered voting authority certificate.

(8) Direct Voter to Machines. The election officer shall direct the voter to the proper machine. The voter shall give his voting authority certificate to the election officer, who shall deposit it in the container provided. If the machine contains ballot labels for both parties in a primary, the officer shall set the primary lever to the proper party. The officer shall press the entrance button to the machine. The officer shall then allow the voter to enter the machine booth, close the curtain, and vote.

(9) One Person Per Voting Machine. Only one person shall be allowed in a voting machine booth except when assistance is provided to a physically disabled or blind person or to a voter who cannot read or who cannot read English.

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(10) Time Allowed. Voters shall be allowed five minutes to vote if others are in line and ten minutes if there are no voters waiting. If a line of voters forms, this rule should be equally enforced. If there is no line, election officers may be more lenient.

(11) Instruction and Assistance to Voters.

(a) Instruct Voters. An election official may answer questions and instruct the voter on the proper method of voting by machine. Election officers shall use a voting machine or the demonstration model to illustrate voting on the machine and shall direct voters to the specimen ballots.

(b) Instruction is Different From Assistance. Instruction shall consist of informing the voter on the proper method of voting by machine; assistance shall consist of actually voting for the voter. Except as the law permits, a voter must vote himself.

(c) Assistance to Voter. If a voter asks for assistance in voting due to blindness, physical disability, or inability to read or to read English, he shall be assisted by a person of his own choice or if he desires instead by two election officers of different parties.

(d) Do Not Influence Voter. Election officers shall not in any manner request or seek to persuade or influence any voter to vote for or against any person or political party or ballot question.

(12) If a Voter Requests Instruction or Assistance After Entering the Voting Machine Booth.

If a voter requests instruction or assistance after entering the voting machine booth two election officers of different political parties may instruct or assist the voter in the voting booth.

(13) Voting Machine Problems. If a voter reports a problem with the machine, two election officers, one representing each party, shall check the machine and attempt to assist the voter in casting his vote. If he has inadvertently opened a write-in slot and the election officers can determine that no write-in vote has been cast, he may be allowed to use another machine. The event shall be recorded in the Clerk's Election Record.

(14) Voting Machine Failure.

(a) Call Voting Machine Custodian. If the voting machine is not operating properly, it shall immediately be taken out of service, and the warden shall call the voting machine custodian. Election officers shall not try to solve the problem themselves. Two election officers each representing a different party shall be present while the custodian is repairing the machine. These officers must fill out and sign a certificate of voting machine failure.

(b) Certificate of Voting Machine Failure. A certificate shall contain the following information:

1. The reason for the failure (according to the custodian)
2. That a custodian repaired the machine
3. The number of the machine
4. The number of votes which should be subtracted from the public counter due to the failure. (The custodian shall indicate how many.)

This certificate must be preserved with the election records, and the details of the event recorded in the clerk's Election Record.

(c) Election Officers Sign Order When Machine is Placed Out of Service. If the machine cannot be put back into working order, it shall be placed out of service for that election and a statement that the machine is out of order shall be signed by the election officers and filed with the election returns.

(d) Use Absentee Ballots if Machine Fails. If all voting machines at the polling place fail to operate at any given time, the warden must continue to allow voters to vote using the supply of absentee ballots provided. The warden shall write the words "Cast due to machine failure" on each absentee ballot prior to giving it to the voter. These ballots shall be placed in the ballot box and counted along with other absentee ballots.

As soon as the voting machines are returned to service, use of the absentee ballots shall be discontinued. The details of this event must be recorded in the clerk's Election Record.

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- (15) Write-ins. A voter may cast a write-in or sticker vote in the space provided, for a candidate whose name does not appear on the ballot labels for that office.
- (16) Push Handle to Record Vote. The voter shall register his vote by:
- (a) pushing the handle to open the curtains on an AVM machine;
 - (b) pushing the red voting switch to open the curtains on a Shoup machine;
 - (c) pushing the "vote" button on a direct electronic machine.
- (17) Number of Voters Allowed. When all the voting machines are filled, no more voters than twice the number of voting machines provided shall be permitted inside the guard rail.
- (18) Candidates' and Their Workers' Rights and Restrictions.
- (a) Observers. To achieve the legal requirement that the election be held in public view, observers shall be allowed inside the polling place, outside the guard rail, unless they are disorderly or obstruct the access of voters. They may keep notes including marked voting lists. If there are so many observers in the polling place that they obstruct voters, they may be asked to cooperate in collecting information. The warden may exclude from the polling place any person who is disorderly or who obstructs the access of voters.
 - (b) Voting Machines Clear of Campaign Literature. Election officers shall check the voting machines regularly to see that no one has left any literature in the booth. The polling place must be kept clear of any campaign material.
 - (c) Campaign Material. No campaign material intended to influence the vote of a voter in the ongoing election, including campaign literature, buttons, signs, and ballot stickers, may be posted, exhibited, circulated, or distributed in the polling place, in the building where it is located, on the building walls, on the premises where the building stands, or within 150 feet of an entrance door to the building. As used in this paragraph and M.G.L. c. 54, § 65, the "premises" where or on which the building stands means only the grounds in the immediate vicinity of the building, and does not include the entirety of a large parcel of real property. No person shall collect or solicit signatures on nomination papers or petitions of any kind within 150 feet of an entrance door to the building. The police officer shall enforce this rule under the direction of the warden. Access to the polling place must be open and unobstructed and the voters may not be hindered.
- (19) Challenges.
- (a) Challenges of the Right to vote. Any election officer or other person may challenge a person's right to vote. The challenger may challenge an absentee ballot as well. The challenger must state the reason for challenging the right of a person to vote, for example: this person is not old enough to vote; this person is not a citizen; this person should have been removed from the voting list; this person has already voted; this person is not the person he claims to be.
 - (b) Illegal Challenges. Challengers should be aware that any person challenging a voter for the purpose of intimidation or of ascertaining how he voted may be fined up to \$100.
 - (c) Challenge Procedure. Election officers shall not permit the challenger and the voter to engage in any arguments. If a voter is challenged, the warden shall administer the following oath to the challenged person:

"You do solemnly swear (or affirm) that you are the identical person whom you represent yourself to be, that you are registered in this precinct, and that you have not voted in this primary (or election)."

The person who is challenged cannot use the voting machines. Instead the challenged voter shall be given an absentee ballot with the word "challenged" stamped or written on the face. The warden shall require the challenged person to write his name and present residence on the outside of the ballot. (If it is an absentee ballot, the warden shall insert this information.) The

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warden shall add the name and address of the challenger and the stated reason for the challenge, and the voter may cast the ballot in the ballot box. No statement shall be made or information given by any person as to how the person voted. The clerk of the precinct shall record in the clerk's Election Record the name and residence of every person who is challenged and has voted. The election officers in charge of the voting list shall mark the letters "CV" next to the challenged voter's name on the voting list.

(20) Only the Following Personnel shall be Permitted Within Guard Rail.

- (a) Election officials
- (b) Voters in the process of voting
- (c) Police officers with the permission of the warden
- (d) Representatives of the clerk's office
- (e) Children may accompany a voter within the guardrail, unless the warden decides that it would disrupt good order.

(21) Information by Election Officers Prohibited. Before the public declaration of the vote, no election officer shall make any statement regarding the number of votes cast, the number of votes given to any person, the name of any person who has voted or whose name has not been checked, or of any other fact tending to show the state of the polls. But an officer shall, if requested, make a statement of the numbers on the ballot box register, on the last voting authority certificate, or on the public counter.

(22) Processing Absentee Ballots.

- (a) Deliver Absentee Ballots. The absentee ballots shall be delivered during the day, not later than one hour after the polls close.
- (b) Warden Shall Process Absentees. The warden may process absentee ballots whenever there is free time, from the time the polls open in the morning and throughout the day. The warden shall not count any ballots until after the polls close. No ballots may be removed from the ballot box until the polls are closed.
- (c) Absentee Ballots to be Processed. The city or town clerk, and not the election officers, shall determine whether to reject an absentee ballot as defective. If the ballot is transmitted to the polls, election officers shall process it through unless the person's name has been marked on the voting list as having voted in person, or the name is not on the voting list. Election officers shall verify that the name of the person who signed the absentee ballot envelope is on the voting list. Election officers must inform the city or town clerk if the name does not appear on the voting list.
- (d) Mark the Voting List. The letters AV or SAV must have already been written in front of the absent voter's name. A mark shall be made beside the name of the voter to indicate the vote has been cast. An election officer shall announce the name and address, and party in a primary, of each absentee voter.
- (e) Open Ballot Envelope. Election officers shall open the ballot envelope carefully so as not to deface, mark, or tear the ballot or the ballot envelope. Election officers shall place the ballot envelopes in the proper container.
- (f) One Ballot Per Envelope. The ballot envelope must not contain more than one ballot. If more than one ballot is in the envelope, neither ballot shall be counted and those ballots shall be placed back in the ballot envelope which shall be marked "Rejected as Defective" and placed in the proper container.
- (g) Challenging of Absentee Ballots. In the precinct, if an absentee ballot is challenged when cast, the procedure is the same as in 950 CMR 53.03(19)(c) except that the warden shall write the name and address of the absent voter on the ballot. After this, the ballot shall be deposited in the ballot box.
- (h) Remove Ballot and Place in Ballot Box. The warden shall remove each ballot from its envelope without unfolding or examining it. The warden shall present the ballot to the ballot box officer who shall wind it into the ballot box face-up with the name of the community, ward and precinct showing. The envelope shall be kept separate.
- (i) Absentee Ballot Envelopes Shall Be Returned to the Election Authority.

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(23) Absentee Voters Who Seek to Vote in Person. If any person who has been sent an absentee ballot tries to vote in person at the election, election officers should see the letters AV or SAV opposite his name on the voting list. This person must present a certificate obtained from the city or town clerk authorizing him to vote in person. The city or town clerk shall by telephone authorize the presiding officer to issue such certificate if the clerk determines that a voter at the polling place is entitled to it, and the presiding officer shall then sign and issue the certificate. The presiding officer shall securely attach the certificate to the voting list and shall duly note that the voter in fact voted in person. If no certificate is authorized, election officers must refuse to let him vote and they shall refer him to the city or town clerk.

(24) "Specially Qualified Voters" and New Citizens Who Register Late. "Specially qualified voters" and legal residents of the commonwealth who become citizens and register to vote after the regular registration deadline under M.G.L. c. 51, §§ 50-51 shall present their certificates of supplementary registration to the warden at the polling place, and these certificates shall be attached to the voting list. If the specially qualified voters or new citizens are applying for absentee ballots, the certificate shall be attached to the voting list before it goes to the polling place, and the procedure on election day shall be the same as for a regular absentee voter.

(25) Announce the Polls Closed. An election officer shall announce that the polls are closed at the designated time. Each person in line when the polls close must be allowed to vote. If possible, all waiting voters shall be inside the polling place. The police officer shall be directed either to stand at the end of the line and move along toward the inspector until the last person eligible has voted, or to hand out certificates stating that the person was in line when the polls closed.

(26) Lock Machine Against Voting. Immediately after the polls close and all voters in line have voted, the machine shall be locked against voting.

53.04: After The Polls Close

(1) Votes Counted Continuously. The tabulation of the votes shall take place in the polling place. The tabulation shall continue without interruption until all the votes are counted and the results are announced.

(2) Public May Observe Counting. The general public must be allowed inside the polling place after the polls close. The public must observe from outside the guard rail. Only election officers may touch voting machines. All voting machines must be kept in full view of the public while the counting is going on.

(3) Take Count of Voters. The election officer in charge of the voting list shall count audibly and distinctly the number of names checked and shall announce the total number. The clerk shall record the number.

(4) Clerk Shall Record Final Ballot Box Register Number in Election Record.

(5) Read and Record the Number on the Public Counter. Election officers shall read and record the number on the public counter. The number, less any subtraction for machine failure, shall be recorded on the total precinct tally sheet.

(6) Read and Record the Number on the Protective Counter. The election officers shall read off the number on the protective counter. The clerk shall record the final protective counter number on the proper key envelope.

(7) Number of Voters Should Equal the Total of the Votes. The total number of voters checked in on the voting list should equal the sum of the number of votes recorded on the voting machine public counters (less any subtraction for machine failure) and the number of absentee ballots cast. The clerk shall note any discrepancies due to machine failure or other circumstances in the clerk's Election Record.

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- (8) Seal Checked Voting Lists in Envelope. After tallying the voting list, an election officer shall place the tallied voting list in the envelope provided for that purpose. Election officers shall seal the envelope. The warden and clerk shall sign the certificate. This envelope shall be kept separate.
- (9) Open the Voting Machines and Record the Results on Tally Sheets.
- (a) AVM Printomatic Machines.
1. Remove the Printer Pack. The election officers shall remove the printer pack from the machine. They shall tear off the original copy of the printer pack and give it to the clerk. The second copy may be posted for the public to examine.
 2. Read the Results Out Loud. One election officer shall read the counter results out loud from the printer pack copy. The officer shall read the number and letter of each voter counter and the number of votes recorded.
 3. Record Numbers on the Total Tally Sheet. As each number of votes is read aloud, it shall be recorded on the total tally sheet, one machine pack at a time, less any subtraction because of an initial non-zero reading under 950 CMR 52.02(15), by an election officer of a different political party than the reader.
- (b) AVM Non-Printomatic Machines and Shoup Machines.
1. Expose Counters. The election officers shall open the rear of the machine. They shall read all the counters used in that election.
 2. Two Election Officers Read Totals. Two election officers, one from each party, shall read the votes from the machines. As the officers read the votes aloud, the clerk shall record the votes on the total tally sheet, less any subtraction because of an initial non-zero reading under 950 CMR 52.02(15). An election officer of the other party may observe the clerk.
- (c) Direct Electronic Voting Machines.
1. Print Results. The election officers shall cause the vote tabulator to print the election results.
 2. Remove Results Paper Tape. The election officers shall remove the results paper tape from the machine and give it to the clerk.
 3. Read Results Out Loud. One election officer shall read the results paper tape out loud. The officer shall read the name of the candidate, number of each question, the number of votes recorded, and the number of overvotes and undervotes for each office.
 4. Record Numbers on Total Tally Sheet. As each number of votes is read aloud, it shall be recorded on the total tally sheet by an election officer of a different political party from the reader.
- (10) Read and Record Write-Ins. Election officers shall open the door to the write-in roll. If the signature and date from the morning still show, there are no write-ins. If there are write-in votes, election officers shall cut the paper and then read and record the write-in votes on the total tally sheet. A separate block tally sheet may be used for recording write-in votes and then the totals transferred to the total tally sheet.
- (11) Total votes. Election officers shall total the machine and write-in votes on the total tally sheet.
- (12) Candidates Can Check the Votes on the Machines. A candidate for public office whose name appears on the machine or his representative authorized in writing shall be allowed to check the vote count on the machines, or the printer pack or the results paper tape for one hour after the announcement of the vote for that office.
- (12A) Escrow ballot envelope. Two election officers shall count the number of escrow ballots contained in the escrow ballot envelope, and write this number on the outside of the envelope. They shall not count the votes on any escrow ballots. They shall then seal the escrow ballot envelope.
- (13) Remove Absentee and Challenged Ballots From Ballot Box. The warden shall unlock the ballot box with the key received from the police officer. The warden shall remove all ballots in the presence of other election officers.

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(14) Election Officers Shall Separate the Ballots into Blocks of a Convenient Number. In addition, in a primary, election officers shall first divide the ballots by party and then shall separate each party's ballots into a number which is convenient to handle. They shall not open the absentee ballots while separating them.

(15) Count by Teams. Two tellers of different parties shall make a team; both shall review each absentee ballot. One person shall read the vote, and the other shall record the tally. Only the teller actually marking the tally sheet shall have any marking device, which must be a red pencil or pen.

(16) Blocks of Absentee and Challenged Ballots. Each team shall receive a block of absentee ballots, the corresponding block tally sheet, and a long manila envelope. The block tally sheet and the envelope shall have a block number, and D or R on the front if it is a primary.

(17) One Teller Reads Ballots Aloud. Tellers shall count each ballot in its entirety before proceeding to the next ballot. They shall begin with the office at the top of the ballot reading aloud the name of the candidates selected by the voter. They shall continue reading each office aloud in turn. They shall count all offices on one absentee ballot, and then proceed to the next. They shall keep the absentee ballots in the order counted.

(18) Acceptable Method of Recording Votes. Tellers shall use red pencil or red pen. A teller shall read absentee ballot #1 and a marker shall record all votes for selected candidates or blanks in column #1. A teller shall read absentee ballot #2 and a marker shall record vote in first vacant consecutive space on the tally sheet for that candidate. Counting shall continue one ballot at a time working to the right using consecutive boxes as selected candidates are called until the entire stack of ballots is completely tallied.

(19) Alternate Method of Recording Votes. Tellers shall use red pencil or red pen. The teller may record votes in the space corresponding to the order in which the ballot appears in the block. The teller shall read absentee ballot #1 and the marker shall record all votes for selected candidates or blanks in column #1. Teller shall read absentee ballot #2 and marker shall record all votes for selected candidates or blanks in column #2. Counting shall continue one ballot at a time working to the right using the box corresponding to the order of the ballot within the block.

(20) Tally Blank Votes. If a voter does not cast a vote for a candidate, that vote for that office shall be tallied as a blank. If there is more than one position to be filled, there must be a vote tallied for a candidate or for a blank so that the total tally for that office equals the number of positions to be filled. If a vote for an office is spoiled or defective, it too shall be tallied as a blank. Each vote shall be recorded either in a candidate space or in a space for blanks on the tally sheet.

(21) Total the Tally Marks for Each Office. The tellers shall record the total number of tally marks in each line for each candidate for each office. They shall total all candidates' votes and blank votes in each office. For example, if one person is to be elected, the sum of the votes for the candidates plus the blanks should equal 50 when counting a block of fifty absentee ballots. When two persons are to be elected to an office then all the votes plus the blanks should equal 100 in blocks of 50 absentee ballots. The last block counted may be incomplete and so may contain fewer votes.

(22) Tellers Sign Blocks. After completing and agreeing to the totals, both tellers shall sign their block sheet and block envelope. They shall place the ballots and the tally sheet in the manila ballot envelope and return it to the clerk.

(23) Count all Valid Absentee and Challenged Ballots. All ballots shall be counted accurately as marked. A ballot may not be rejected for any technical error if it is possible to determine the voter's choice. All votes shall be counted for the persons for whom they were intended, so far as the intent can be clearly ascertained from the ballots themselves.

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- (24) Invalidating Marks. Election officers shall not count a ballot containing any mark clearly designed to let election officers know that a certain person voted in a certain way. If a voter writes his name or marks his absentee ballot with the letters of his name, these are distinguishing marks which identify a voter. The tellers shall count a blank vote for every office and question on such a ballot.
- (25) Over-Voted Offices. No votes shall be counted for an office when a voter marks more candidates than are to be elected. An over-vote shall be tallied as a blank vote, but the remaining valid votes for other offices on the ballot shall be counted.
- (26) Write-Ins. A write-in or sticker vote shall be counted whenever the intent of the voter can reasonably be determined, whether or not the voter has omitted the address or has made a mistake in the name or address of the candidate. The voter is not required to mark an "X" beside the name.
- (27) Completing the Tallies. The clerk and warden shall enter the results of each block of absentee ballots on the total tally sheet.
- (28) Separate Tallies. The challenged and absentee votes shall be recorded separately from the voting machine totals on the tally sheets.
- (29) Total Results. To get the total results, the clerk shall add the machine totals, which include any write-in votes on the machines, and the absentee and challenged votes. The clerk shall record these totals on the total tally sheet.
- (30) Warden and Clerk Sign Total Tally Sheet. After all votes have been checked and tallied, the clerk shall write the date, ward and precinct, and city or town on the total tally sheet. The warden and clerk shall then sign the total tally sheet. They shall attach the results paper tape, if any, to the total tally sheet.
- (31) Place Total Tally Sheet Into Envelope. The warden and clerk shall place the total tally sheet and the results paper tape, if any, in an envelope, seal it and sign the outside of the envelope. This envelope shall be kept separate.
- (32) The Clerk Shall Complete All Official Records.
- (33) Close the Machines.
- (a) Election officers shall close up, lock, and seal the machine.
 - (b) They shall fill out the form on the proper key envelope entering the machine number, precinct number, if any, poll location, new seal number and the number on the protective counter.
 - (c) Election officers shall place machine keys in the envelope, seal the envelope, and place the sealed envelope in the container with the official election material, or in the custody of the warden.
- (34) Announce Final Returns.
- (34A) Reporting Results to Central Reporting Service. The clerk may report by telephone the results of final precinct tallies for any presidential preference primary, state primary or general election to a central media reporting service in consideration for a contribution, in an amount approved by the state secretary, to the respective state-wide municipal clerks association to be used for continuing education programs for municipal clerks.
- (35) Package all Election Materials. Election officers shall place any election materials in the container supplied by the election authority.
- (36) Election Officers shall not Throw Anything Away.

REGULATORY AUTHORITY

950 CMR 53.00: M.G.L. c. 54, § 37.

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950 CMR 54.00: VOTING AND COUNTING PROCEDURES FOR ELECTRONIC VOTING SYSTEMS

Section

- 54.01: General Duties of Election Officers
- 54.02: Testing
- 54.03: Before the Polls Open
- 54.04: During the Voting Hours
- 54.05: After the Polls Close: Punch-card Ballots
- 54.06: After the Polls Close: Optical Scanner Ballots
- 54.07: Counting Procedures for Punch-card Ballots

54.01: General Duties of Election Officers

(1) Election Officers Assigned to Each Polling Place. Each precinct must have assigned to it a warden, clerk, and at least two inspectors (in cities, four), unless in a town where five or fewer precincts vote in the same building the selectmen decide otherwise under M.G.L. c. 54, § 24. In addition, precincts may have a deputy clerk, deputy warden, additional inspectors as are needed to run the election, and as many tellers as are necessary to process the ballots after the election.

(2) Election Officers Must Represent Political Parties. Within each precinct, the election officers must equally represent the two leading political parties. However, two of the officers in each precinct may be unenrolled.

The warden and deputy warden must be from the same party and different from that of the clerk and deputy clerk. No more than half the inspectors may be from the same party. Party representation requirements apply only if the chairman of the city or town committee of each political party or the chairman of the state committee of such party files with the registrars lists of enrolled members of the party who desire appointment as election officers under M.G.L. c. 54, §§ 11B, 12 and 13.

(3) Warden: General Duties and Authority. The warden shall be the chief election officer at the polling place. The warden shall supervise the other precinct election officers before the polls open, during the election, and while the ballots are processed. The warden is responsible for maintaining order and handling violations of election law by election officers or others. The warden may use police assistance when necessary.

If the warden leaves, his deputy shall be in charge, but if there is no deputy, he shall designate a qualified election officer to be in charge.

(4) Clerk: General Duties. The election clerk shall keep a record of all facts relating to the proceedings of the election required by law to be recorded. The clerk shall note any unusual happenings during the conduct of the election. The clerk is responsible for maintaining the Election Record and filling out forms. The clerk shall read and record the ballot box register before and after the election.

(5) Inspectors: General Duties. Inspectors shall be assigned to duties by the warden. An inspector or other election officer shall be assigned to the demonstration marking unit to instruct voters on its use and to observe voters in order to offer assistance to those having difficulties. Two election officers of different political parties shall be assigned to the check-in area at the entrance to the voting area. Two other election officers of different political parties shall be stationed at the voting area exit. Party representation requirements may not apply under 950 CMR 54.01(2).

54.02: Testing

(1) City or Town Clerk Responsible for Testing. The vendor for each electronic voting system shall conduct a training session before each election which all new city or town clerks shall attend. The city or town clerk shall be fully responsible for all pre-election testing and for counting the ballots after the election. This responsibility shall not be delegated to the vendor.

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(2) Ballot Testing. For punch-cards only, no later than two weeks after the delivery of ballots for state elections, the city or town clerk shall randomly select a sufficient number of punchcard ballots to be inserted into at least one marking unit per precinct to test adequately whether the punchcards fit into the marking units. The city or town clerk shall immediately notify the Director of Elections if the test demonstrates an improper fit.

(3) Vendor Responsibility. Any marking units stored by the vendor must be delivered by the vendor to the city or town clerk no later than one week after the delivery of the ballots for the state primary and general elections for the purpose of permitting the city or town clerk to complete the ballot testing requirement. Any additional cost incurred by the Secretary as a result of the failure of the vendor to deliver the marking units on time pursuant to this section shall be the responsibility of the vendor.

(4) Computer Program Testing. Under the supervision of the city or town clerk a "test deck" shall be prepared of at least 50 punch cards or optical scanner ballots marked in such a way as to:

- (a) adequately test the computer program;
- (b) demonstrate rejection of overvoted punchcards or optical scanner ballots; and
- (c) test any other contents of the program which may have a bearing upon the accuracy of the count.

The test deck must contain at least the elements provided in a model test deck prepared by the Secretary.

For primaries a "test deck" of cards/ballots must be prepared and tested for each political party. If more than one punch card or optical scanner ballot format is used in any election, all such formats shall be tested using the proper program and test deck.

Written notice of the time and place of the computer program test shall be given by the city or town clerk to the chairman of the city or town committee of each political party, and shall be posted in the city or town clerk's office, at least three days before the test.

(5) Time of Computer Program Testing. The computer program must be tested using the test deck no later than four days before each election. A copy of the computer print out of the test results, dated and signed by the city or town clerk, shall be filed at once with the Secretary for state elections. For punch-cards only, another test must be completed immediately before the program is used to count the ballots, and a final test immediately after the ballots are counted.

(6) Computer Program Delivered to Secretary. Each vendor or city or town official that prepares a computer program for a state election shall deliver an exact duplicate of the program to the Secretary, along with a certificate signed by the preparer, naming the election jurisdiction for which the program was prepared, and stating that the program is an exact duplicate of the program sent to that jurisdiction.

(7) Security of Computer Programs. The city or town clerk shall secure all computer programs, test decks, and computer results in a container sealed and stored in a secure location.

(8) Reporting Requirements. The city or town clerk shall report all computer problems, including tabulation errors and mechanical failures, to the Secretary.

54.03: Before the Polls Open

(1) Election Officers Report to Polling Place. All election officers must report to work at the polling place at a time to be determined by the city or town clerk, so as to be able to complete all preliminary work and to allow the polls to open on time. They must be sworn in before beginning to work. Election officers shall open the polling place on time.

(2) Replacement of Election Officers. If an election officer assigned to a polling place fails to appear or leaves, the city or town clerk shall be notified. Replacements shall be sent, or the corresponding deputy election officer shall be designated as the replacement.

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- (3) Arrange the Polling Place. The voting booths, ballot box, fiberboard boxes with punch cards and ballot envelopes, and the metal transportation box must be in full view at all times. A guard rail shall be arranged to prevent unauthorized people from interfering with or observing people who are voting.
- (4) Place Demonstration Marking Units at Entrance. One or more marking units must be outside the guard rail for providing instruction to voters.
- (5) Signs to be Posted. The following items shall be posted in a conspicuous place inside the polls but outside the guard rail:
 - (a) Three specimen ballots (for each party in also, put in required return primaries).
 - (b) three "Instructions to Voters" cards
 - (c) three "Penalties Upon Voter" cards
- (6) Ballots or Booklets Correct. Election officers shall check the punch-card ballots or booklets or the optical scanner ballots against a specimen ballot to see that they are the correct ballots or booklets for the polling place. The name (and number, if any) of each office and candidate shall be checked. If the ballots or booklets are incorrect, the warden shall call the city or town clerk. Incorrect ballots or booklets shall not be used.
- (7) Marking units in Working Order. Where punch-cards are used, a marking unit shall be provided for every 125 voters in the precinct, with an implement attached for punching the punch-card ballots. Election officers shall test punch a demonstrator card in each marking unit to ensure it is in working order. Marking units shall be tested frequently throughout the day. If a marking unit is not working properly or a booklet is defaced, the light shall be turned off and the unit turned upside down until it can be repaired. The city or town clerk shall be notified if additional books are needed.
- (8) Count and Record the Number of Ballots. Election officers shall count and record the actual number of punch cards or optical scanner ballots received in the polling place.
- (9) Set Up Check-In and Check-Out Tables. An election officer shall lay out the voting list and one stack of punch cards or optical scanner ballots, for each party in a primary, and envelopes or ballot sleeves on the check-in table. An election officer shall also set up the voting list on the check-out table near the ballot box. At the biennial state election, copies of the official information for

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voters pamphlet, at least one for every 100 registered voters in the precinct, shall be available to voters at the check-in area.

(10) Ballot Box. The ballot box shall be placed away from the door, inside the rail, next to the check-out table so it is available to the voters as they leave the polling place.

(11) Ballot Clerks. The warden shall appoint two election officers of different political parties to be stationed at the entrance to the voting area. Two other election officers of different parties shall be stationed at the check-out table.

(12) Ballot Box Empty. The warden shall publicly open the ballot box and examine it. It should be shown to be empty and the register set at zero to the satisfaction of all election officers and other persons present. The warden shall close and lock the ballot box.

(13) Check Printer Tape on Optical Scanner Systems. Where optical scanner systems are used:

(a) An election officer shall cause the vote tabulator to print a listing of all candidates and questions in the order they appear on the ballot.

(b) At least two election officers of different political parties shall examine the tape to see that there are no votes already on the vote tabulator for each candidate or question.

(c) An election officer shall pull the tape out of the machine. Two election officers who observed the printing of the tape must sign their initials at the bottom of the tape and record the date. Any person present shall be allowed to view the printing of the tape within one half hour before the polls open.

(d) The tape shall be posted in a conspicuous place inside the polling place.

(e) If any of the vote tabulators is not on zero, the warden shall call a technician to service the machine and this event shall be recorded in the clerk's Election Record and signed by the election officers.

(14) Election Record. The clerk shall record in the election record:

(a) the examination and condition of the ballot box,

(b) the register number on the ballot box before any punch card or optical scanner ballots are cast, and

(c) the actual count of punch-card or optical scanner ballots received.

(15) Ballot Box Key. The warden shall lock the box and give the ballot box key to the police officer. The officer shall keep the key until the polls close.

(16) Ballot Box Locked. The ballot box must remain locked or sealed throughout the day. It may not be opened nor ballots removed until after the close of the polls, unless the ballot is returned to the voter in an optical scanner system. (The ballot will be returned if it cannot be read by the vote tabulator.). If the box becomes too full to operate, see 950 CMR 54.04(26).

(17) Open on Time. The warden shall open the polls on time if necessary materials are available, even if some things usually done beforehand must be done after the polls open.

54.04: During the Voting Hours

(1) Declare Polls Open. The warden shall declare that the polls are open.

(2) Instruct Voter in Use of Equipment. Election officers at the demonstration unit shall ask the voter if he wishes to have instruction or a review of how to use the equipment.

(3) Who May Vote. Anyone whose name appears on the voting list is qualified to vote. The election officer shall check the supplementary voting list.

(4) Voter States Name and Address. The voter must announce his address and name to the election officer in charge of the check-in voting list.

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(5) Look for the Name on the Voting List. The election officer shall find the name and shall repeat it loudly and clearly. If it is a primary, the officer shall announce the party as well.

(6) Name Dropped or Listed Incorrectly.

(a) Procedure. If the name, address, or party enrollment of a person claiming the right to vote does not appear on the voting list or is listed incorrectly, the presiding officer must consult the list of the names of voters in the precinct not entered in at least the current annual register for failure to appear on the current street list, which list the registrars of voters shall make available at the polling place for this purpose, and then, if necessary, communicate with the office of the registrars of voters to ascertain whether the person is entitled to vote. If the presiding officer or the registrars determine that the person is entitled to vote, the presiding officer shall complete the proper certificate, attach it to the voting list, and allow the voter to vote. If the presiding officer or the registrars are unable to make this determination, the presiding officer shall direct the person to the registrars' office. If the registrars then determine that the person is entitled to vote, the person may vote there immediately by absentee ballot, or may return with the certificate to vote at the polling place. The registrars or their agents shall orally inform each such person at their office of the opportunity to vote there. If a voter at a primary proves under 950 CMR 54.04(6) that his or her party enrollment is listed incorrectly, the voter shall be allowed to vote in the correct party's primary. Whenever a person is allowed to vote under 950 CMR 54.04 and M.G.L. c. 51, § 59, the registrars shall add the current name, address and previously established party enrollment of that person to the register of voters, without requiring further action by the person.

(b) Standard. The registrars must determine persons to be entitled to vote under 950 CMR 54.04 and M.G.L. c. 51, § 59 whenever such persons have registered to vote in that city or town in the past and present any form of written identification showing current residence in the city or town (or, at a state primary or state election, residence within the previous six months), unless the registrars affirmatively establish, by evidence other than failure to be included in an annual street listing under M.G.L. c. 51, §§ 4 - 14B or failure to respond to a drop notice under M.G.L. c. 51, § 37, that the person has not in fact continuously resided in that city or town. The registrars may for this purpose require the person to sign an affidavit, in a form which must be available at the polling place if it is to be used, stating: "I am currently a legal resident of (city or town), and have continuously been a legal resident here since (last date of ascertained registration). Signed under the penalties of perjury." For the purpose of ascertaining past registration, the registrars must check all available records for at least the previous three years. Such persons are entitled to vote in the precinct where they currently reside (or, at a state primary or state election, where they have resided within the previous six months), regardless of any change of name or of residence within the city or town.

(c) Communications. To carry out the communications required by 950 CMR 54.04 and M.G.L. c. 51, § 59, a properly functioning telephone or other equivalent communications, and a sufficient supply of blank certificate forms, must be immediately available to the presiding officer at every polling place. At the registrars' office, at least one properly functioning telephone line for every 10,000 registered voters or fraction thereof in the city or town (including lines entering a main city or town switchboard and connecting to the required number of lines in the registrars' office); or other equivalent communications, and sufficient personnel available to staff them continuously, must be available for incoming calls throughout the time when polls are open.

(6A) Escrow ballots. A person claiming the right to vote in a precinct, but who is not allowed to vote for any reason, must be allowed to mark an escrow ballot. Such persons include, but are not limited to, persons who are determined not to be entitled to vote under the certificate procedure of M.G.L. c. 51, § 59 and 950 CMR 54.04(6), voters whose names are already checked on the voting list as having voted, and voters who claim their recorded party enrollment is incorrect, thereby preventing their voting in a party primary. An election officer shall orally inform every such person of his right to mark an escrow ballot, of the procedure for doing so, and of the fact that the escrow ballot will not be counted unless the outcome is sufficiently close and the person is later

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determined to be entitled to vote; in the case of such persons determined at the polling place not to be entitled to vote under the certificate procedure, the election officer shall also inform such persons of their option to go to the registrars' office and to vote there under the certificate procedure if determined to be entitled to vote, otherwise to mark an escrow ballot there. In all cases, escrow ballots shall be marked according to the following procedure. An election officer shall write the word "escrow" on the punch-card envelope or optical scanner ballot, and the person shall add his or her name and address. The election officer shall administer to the person the challenged voter's oath in 950 CMR 54.04(23)(c). The person shall mark the ballot as usual, but it shall not be cast in the ballot box. An election officer shall instead place it in an envelope marked "escrow ballots," and shall note the event in the clerk's election record.

(6B) Identification. If so authorized by the city or town clerk or registrars of voters, an election officer may request any voter to present written identification. Such requests shall not discriminate in any way, but shall be entirely random, consistent, or based on reasonable suspicion. For the purpose of this subsection, of M.G.L. c. 54, § 76B, and of 950 CMR 54.04(6)(b), suitable written identification includes a driver's license, recent utility bill, rent receipt on a landlord's printed letterhead, lease, duplicate copy of a voter registration affidavit, or any other printed identification which contains the voter's name and address. If voters fail to present suitable written identification when so requested, they must still be allowed to vote, but an election officer or any other person may challenge their right to vote under M.G.L. c. 54, § 85 and 950 CMR 54.04(23).

(7) Mark the Voting List. The election officer shall check the voter's name by marking it on the voting list. In a primary, the voter shall be given the ballot of the party in which he is enrolled. An unenrolled voter may choose the ballot of any party. An election officer shall place a D or R next to the voter's name to indicate the choice of party. Election officers shall explain to voters who inquire that they may change their enrollment after voting by filling out a card available at the polls, which then must be transmitted to the city or town clerk.

(8) Hand the Voter a Ballot. As used in 950 CMR 54.00, the term "ballot" means:

- (a) the proper number of one or more punch cards necessary to record votes for all offices and on all questions, and one envelope for enclosing the punch card or cards, or
- (b) the proper number of optical scanner ballots necessary to record votes for all offices and on all questions,

and any separate sheet or sheets of paper on which ballot questions are printed under 950 CMR 50.06. An election officer shall hand the voter a ballot. Where optical scanner ballots are used, the election officer shall also hand the voter a ballot secrecy sleeve. In a primary, an election officer shall hand the voter a ballot for the proper party, and direct the voter to any proper marking unit.

(9) Instruction and Assistance to Voters.

(a) Instruct Voters. An election officer may answer questions and instruct the voter on the proper method of punching or marking the ballot. Election officers shall use the demonstration model provided outside the voting booth.

(b) Instruction is Different from Assistance. Instruction shall consist of informing the voter on the proper method of punching or marking a ballot; assistance shall consist of actually voting for the voter. Except as the law permits, a voter must punch or mark his ballot in secret.

(c) Assistance to Voter. If a voter asks for assistance in casting his ballot due to blindness, physical disability or inability to read or to read English, he may be assisted by a person of his own choice or if he desires instead by two election officers of different parties.

(d) Do Not Influence Voter. Election officers shall not in any manner request or seek to persuade or influence any voter to vote for or against any person or political party or ballot question.

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- (10) Write-Ins. A voter may cast a write-in or sticker vote in the space provided on the optical scanner ballot or on the punch-card ballot envelope for a person not listed on the ballot or in the booklet. The office for which the vote is cast must be included on the punch-card ballot envelope.
- (11) Spoiled Ballots. If a voter spoils a punch card or envelope or an optical scanner ballot, the voter may return it and ask for another. Voters shall be allowed up to a total of three ballots.
- (12) Spoiled Ballot Envelope. The voter shall return each spoiled punch card or envelope or optical scanner ballot to the ballot inspector who shall mark it "spoiled" and place it in the spoiled ballot envelope. A spoiled ballot shall not be placed in the ballot box.
- (13) Voter Goes to Check-Out Table. Election officers in charge of maintaining the check-out voting list shall ask for the voter's name and address.
- (14) Look for the Name on List. The election officer shall find the name on the list and shall repeat it loudly and clearly. If it is a primary, the officer shall announce the party as well.
- (15) Mark Name on Voting List. The election officers shall check the voter's name by marking it on the voting list. In a primary, the officers shall mark a D or R next to the name of unenrolled voters, corresponding to the party ballot chosen by the voter.
- (16) Tearing Off Stubs on Punch Card Ballots. Either an election officer shall instruct the voter how to tear off the stub, or the officer shall tear off the stub. If a ballot is to consist of more than one punch card, the election officer must tear off the stubs, and shall immediately count the number of stubs to ensure that it is correct; if a voter has already torn off the stubs, the officer shall examine the envelope to ensure that it contains the proper number of cards, without ascertaining how the voter has voted. In all cases, election officers shall ensure that the stub is bent down and then torn cleanly from the card.
- (17) Placing Ballots in Ballot Box. If one side of the ballot card is blank, election officers shall ensure that the blank side of the ballot card shows through the envelope window for proper canceling. The voter shall place the ballot envelope with the exposed punch card strip face up into the opening of the ballot box. The ballot box clerk shall wind the ballot into the ballot box. In the case of optical scanner systems, the voter shall place the ballot in a ballot secrecy sleeve so that the tip of the ballot extends past the secrecy sleeve. The voter shall then feed the ballot through the vote tabulator and return the ballot secrecy sleeve to the election officer. Any separate sheet or sheets of paper on which ballot questions are printed under 950 CMR 50.06 shall not be placed in the ballot box, but may be disposed of in any manner.
- (18) No One May Take a Ballot from the Voting Place.
- (19) One Person Per Voting Booth. Only one person shall be allowed in a voting booth except in cases of assistance provided to a physically disabled or blind person or a person who cannot read or who cannot read English.
- (20) Time Allowed. Voters shall be allowed five minutes to vote if others are in line and ten minutes if there are no voters waiting. If a line of voters forms, this rule should be enforced equally. If there is no line, election officers can be more lenient.
- (21) Number of Voters Allowed. When all the voting booths are filled, no more than four waiting voters shall be permitted inside the guard rail.
- (22) Candidates' and Their Workers' Rights and Restrictions.
 - (a) Observers. To achieve the legal requirement that the election be held in public view, observers shall be allowed inside the polling place, outside the

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guard rail, unless they are disorderly or obstruct the access of voters. Observers may keep notes including marked voting lists. If there are so many observers in the polling place that they obstruct voters, they may be asked to cooperate in collecting information. The warden may exclude from the polling place any person who is disorderly or who obstructs the access of voters.

(b) Voting Booths Clear of Campaign Literature. Election officers shall check the voting booths regularly to see that no one has left any literature. The polling place must be kept clear of any campaign material.

(c) Campaign Material. No campaign material intended to influence the vote of a voter in the ongoing election, including campaign literature, buttons, signs, and ballot stickers, may be posted, exhibited, circulated, or distributed in the polling place, in the building where it is located, on the building walls, on the premises where the building stands, or within 150 feet of an entrance door to the building. As used in this paragraph and M.G.L. c. 54, § 65, the "premises" where or on which the building stands means only the grounds in the immediate vicinity of the building, and does not include the entirety of a large parcel of real property. No person shall collect or solicit signatures on nomination papers or petitions of any kind within 150 feet of an entrance door to the building. The police officer shall enforce this rule under the direction of the warden. Access to the polling place must be open and unobstructed and the voters may not be hindered.

(23) Challenges.

(a) Challenges of the Right to Vote. Any election officer or other person may challenge a person's right to vote. The challenger may challenge an absentee ballot as well. The challenger must state the reason for challenging the right of a person to vote, for example: this person is not old enough to vote; this person is not a citizen; this person should have been removed from the voting list; this person has already voted; this person is not the person he claims to be.

(b) Illegal Challenges. Challengers should be aware that any person challenging a voter for the purpose of intimidation or of ascertaining how he voted may be fined up to \$100.

(c) Challenging Procedure. Election officers shall not permit the challenger and the voter to engage in any arguments. If a voter is challenged, the warden shall administer the following oath to the challenged person:

"You do solemnly swear (or affirm) that you are the identical person whom you represent yourself to be, that you are registered in this precinct, and that you have not voted in this primary (or election)."

The warden shall require the challenged person to write his name and present residence on the outside of the punch-card envelope or the optical scanner ballot. (If it is an absentee ballot, the warden shall insert this information.) Where punch-cards are used, the warden shall write the precinct number, the letters "CV," and the number of the challenged voter on the punch-card envelope and ballot card, "CV1" on the first envelope and ballot card, "CV2" on the second, etc. The warden shall add the name and address of the challenger and the stated reason for the challenge, and the voter may cast the ballot in the ballot box or feed the ballot through the vote tabulator. No statement shall be made or information given by any person as to how the person voted. The clerk of the precinct shall record in the clerk's Election Record the name and residence of every person who is challenged and has voted. The election officers in charge of the voting list shall mark the letter "CV" next to the challenged voter's name on the voting list.

(24) Personnel Permitted Within Guard Rail.

- (a) Election officials
- (b) Voters in the process of voting
- (c) Police officers with the permission of the warden
- (d) Representatives of the clerk's office

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(e) Children may accompany a voter within the guardrail, unless the warden decides that it would disrupt good order.

(25) Information by Election Officers Prohibited. Before the public declaration of the vote, no election officer shall make any statement regarding the number of ballots cast, the number of votes given to any person, the name of any person who has voted or whose name has not been checked, or of any other fact tending to show the state of the polls. But the officer shall, when requested, make a statement of the figures on the ballot box register. That statement shall not be considered an official declaration as to the state of the polls or of the number of ballots cast.

(26) Opening of the Ballot Box. The ballot box shall not be opened nor any ballot removed until the polls are closed, unless the ballot is returned to the voter in an optical scanner system. (The ballot will be returned if it cannot be read by the vote tabulator.) However, in order to make room for more ballots, the warden may, in the presence of all election officers, open the box and press down the ballots. If the ballot box is too full to operate, the warden may, in the presence of a police officer, remove the ballots from the ballot box in convenient packages and place them in the fiberboard or other container. The warden shall lock the fiberboard or container securely and shall keep it in public view. The ballots shall not be separated from their envelopes or otherwise processed until polls close; except for automatic counting by an optical scanner system. If the ballot box becomes impossible to use, the warden shall establish a substitute box, which shall be kept in public view under the same security as the original ballot box; the clerk shall record a statement of the event and of the reason in the election record, and shall also include this statement in the envelope with the ballots cast.

(27) Processing Absentee Ballots. Absentee ballots used with punch-card systems shall be punch-card ballots; absentee ballots used with optical scanner systems shall be optical scanner ballots.

(a) Deliver Absentee Ballots. The voted absentee ballots shall be delivered to each polling place during the day, not later than one hour after the polls close.

(b) Warden Shall Process Absentees. The warden may process absentee ballots whenever there is free time, from the time the polls open in the morning and throughout the day.

(c) Absentee Ballots to be Processed. The city or town clerk and not the election officers shall determine whether to reject an absentee ballot as defective. If the ballot is transmitted to the polls, election officers shall process it through unless the person's name has been marked on the voting list as having voted in person, or unless the name is not on the voting list. Election officers shall make certain that the name of the person who signed the absentee ballot envelope is on the voting list. Election officers shall inform the city or town clerk if the name does not appear on the voting list.

(d) Mark the Voting List. The letters AV or SAV shall have already been written in front of the absent voter's name. An election officer shall make a mark beside the name of the voter to indicate the vote has been cast. An election officer shall announce the name and address, and party in a primary, of each absentee voter.

(e) Open Ballot Envelopes. Election officers shall open the absentee ballot envelope carefully so that they do not deface, mark, or tear the ballot or the ballot envelope. Election officers shall place the absentee ballot envelopes in the proper container.

(f) One Ballot Per Envelope. The absentee ballot envelope must not contain more than one ballot. If more than one ballot is in the envelope, neither ballot shall be counted and those ballots shall be placed back in the ballot envelope which shall be marked "Rejected as Defective" and placed in the proper container.

(g) Challenging of Absentee Ballots. In the precinct, if an absentee ballot is challenged when cast, the warden shall write the name and address of the absent voter on the punch-card ballot envelope or optical scanner ballot. The warden shall write the precinct number, letters "CV," and the number

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of the challenged voter on the punch-card envelope and ballot card or on the optical scanner ballot. The challenger's name and address shall also be recorded and the event shall be noted in the clerk's Election Record, and the letters "CV" shall be placed on the voting list next to the name of the challenged voter. After this, the ballot shall be deposited in the ballot box, or fed through the vote tabulator. No statement shall be made or information given by any person as to how the person voted.

(h) Placing Absentee Ballots in Ballot Box. The warden shall remove the punch-card ballot envelope containing the punch card from the absentee ballot envelope. If the plastic foam backing has been included, he shall separate the ballot card from the plastic foam backing and shall place the card in the punch-card ballot envelope. The warden shall make certain that the blank side of the card shows through the punch-card envelope window. He shall present the punch-card ballot envelope window side up to the ballot box officer who shall wind it into the ballot box. The absentee ballot envelope shall be kept separate. In the case of optical scanner systems, the warden shall place the absentee ballot in a ballot secrecy sleeve, so that the tip of the ballot extends past the secrecy sleeve. The warden shall then feed the ballot through the vote tabulator.

(i) Absentee Ballot Envelopes Shall Be Returned to the Election Authority.

(28) Absentee Voters Who Seek to Vote in Person. If any person who has been sent an absentee ballot tries to vote in person at the election, precinct officers should see the letters AV or SAV opposite his name on the voting list. This person must present a certificate obtained from the city or town clerk authorizing him to vote in person. The city or town clerk shall by telephone authorize the presiding officer to issue such certificate if the clerk determines that a voter at the polling place is entitled to it, and the presiding officer shall then sign and issue the certificate. The presiding officer shall securely attach the certificate to the voting list and shall duly note that the voter in fact voted in person. If no certificate is authorized, election officers must refuse to let him vote and they shall refer him to the city or town clerk.

(29) "Specially Qualified Voters" and New Citizens Who Register Late. "Specially qualified voters" and legal residents of the commonwealth who become citizens and register to vote after the regular registration deadline under M.G.L. c. 51, §§ 50 - 51 shall present their certificates of supplementary registration to the warden at the polling place, and these certificates shall be attached to the voting list. If the specially qualified voters or new citizens are applying for absentee ballots, the certificate shall be attached to the voting list before it goes to the polling place, and the procedure on election day shall be the same as for a regular absentee voter.

(30) Announce the Polls Closed. An election officer shall announce that the polls are closed at the designated time. Each person in line when the polls close must be allowed to vote. If possible, all waiting voters shall be inside the polling place. The police officer shall be directed either to stand at the end of the line and move along toward the inspector until the last person eligible has voted, or to hand out certificates stating that the person was in line when the polls closed.

54.05: After the Polls Close: Punch-card Ballots

(1) Public May Observe Counting. The general public must be allowed inside the polling place after the polls close. The public must observe from outside the guard rail. Only election officers may handle ballots. All ballots cast must be kept in full view of the public while the processing of cards and envelopes is going on and until they are sealed in the boxes provided.

(2) The Clerk Shall Record Final Ballot Box Register Number in Election Record.

(3) Take Count of Voters on Both Voting Lists. The election officers in charge of each of the two voting lists shall count audibly and distinctly the number of names checked and shall announce the total numbers. The clerk shall record the numbers.

(4) Seal Checked Voting Lists in Envelopes. After tallying the voting list, an

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election officer shall place the tallied voting list in the envelope provided for that purpose. The election officer shall seal the envelope. This envelope shall be kept separately. The warden and clerk shall sign the certificate.

(4A) Escrow ballot envelope. Two election officers shall count the number of escrow ballots contained in the escrow ballot envelope, and write this number on the outside of the envelope. They shall not count the votes on any escrow ballots. They shall then seal the escrow ballot envelope.

(5) Count the Unused and Spoiled Ballot Cards. An election officer shall announce the total number of unused ballot cards. The total of used and unused and spoiled ballot cards should equal the total number of ballot cards received.

(6) Open Ballot Box and Remove Ballots. The warden shall unlock the ballot box with a key received from the police officer. The warden shall remove all cast ballots in the presence of other election officers.

(7) Separate and Check Punch-card Ballots. Two election officers, of opposite parties, shall examine each ballot card and envelope. If there is no write-in vote on the envelope, they shall separate each card from its envelope. If there is a write-in, they shall keep the card inside the envelope and put it aside. If there has been a challenged ballot, they shall check to see that matching numbers have been written on both the card and envelope before separating them. Ballot cards which appear to be damaged or improperly punched shall be put aside to be hand counted. If any kind of written mark appears on an envelope, whether it be valid or not, election officers shall not remove the card but shall place it back in its envelope and put it in a separate pile for further examination by the warden and precinct clerk.

(8) Invalidating Marks. No ballot shall be counted which contains any mark clearly designed to let election officers know that a certain person voted in a certain way. If a voter writes his name or marks his ballot with the letters of his name, these are distinguishing marks which identify a voter.

(9) Prepare Four Separate Groups of Ballot Materials. There shall be four separate stacks of:

- (a) voted ballot cards
- (b) unused write-in envelopes
- (c) used write-in envelopes with the ballot card still inside.
- (d) damaged and improperly-punched ballot cards.

(10) The Warden and Clerk Shall Examine the Ballot Materials.

(11) Process Write-ins. The warden and clerk shall place an identification number on each ballot card and envelope that contains a write-in, unless no name appears on the ballot for an office and no writing appears on the punchcard. This number shall be the precinct number plus a sequential number. This number should be written in red ink on both the card and the envelope. In a primary, they shall write the party name on the envelope.

(12) Compare Envelope and Ballot Card for Over-Vote. The warden and clerk shall check the write-in envelope ballot card for a possible over-vote by comparing the write-in vote with the vote cast on the ballot card for the same office.

(13) If There is an Over-Vote. If the number of votes for any office exceeds the number allowed, the election officers shall circle the punch on the card and shall write "over-vote for the office of " with a soft point pen on both the card and envelope. Over-voted ballots should then be entered on the sheet provided for that purpose. The card shall be inserted into the write-in envelope and the card and envelope shall be placed in the over-vote ballot tally envelope. The rest of the ballot shall be manually tallied either at the polling place or at the tabulation center.

(14) If There is no Over-Vote. If there is no over-vote and the write-in name is

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valid, the card shall be separated from the envelope and placed in the stack of cards that shall be tallied by the computer. The used write-in envelopes shall be placed in the envelope provided for them. The hand-written number shall remain on both the card and envelope making it possible to reconcile the two at a later date if necessary.

(15) Write-ins. A write-in or sticker vote shall be counted whenever the intent of the voter can reasonably be determined, whether or not the voter has omitted the address or has made a mistake in the name or address of the candidate. The voter is not required to mark an "X" beside the name. At a presidential primary, a vote both for "no preference" and for a write-in or sticker candidate for president shall be counted as a vote for that write-in or sticker candidate. No write-in or sticker vote shall be counted unless the office title is indicated. If an office is to be filled both for a full term and for the remainder of an unexpired term to fill a vacancy at the same election, a write-in or sticker vote shall be counted for the full term unless the "vacancy" or the length of the unexpired term is indicated.

(16) Record Write-In Votes. Election officers shall record write-in votes on a block tally sheet, either at the polling place or at the tabulation center.

(17) Place Materials in the Metal Carrying Case. Unless the polling place has been designated as a tabulation center under M.G.L. c. 54, § 33F, election officers shall place the voted punch-card ballots, damaged and improperly-punched ballot cards, the write-in tally sheets (if write-in votes have been counted at the polling place), the challenged ballot envelopes, the valid write-in envelopes, and the envelope containing the over-voted write-in ballots and envelopes in the metal carrying case for transportation to the central tabulation center.

(18) Place Remaining Materials in the Fiberboard Box. Unless the polling place has been designated as a tabulation center, election officers shall seal checked voting lists including absentee voters lists in their envelope. The warden and clerk shall sign the certificate. They shall return the materials sealed in the fiberboard box, and the sealed voting list envelope, to the city or town clerk's office.

(19) Boxes Are Sealed, Locked and Readied for Transportation. Boxes shall be locked in the presence of the warden and the clerk.

(20) Election Officers Shall Not Throw Anything Away.

(21) Accompany Ballots. The warden and the clerk shall accompany the metal carrying case with the police officer to a central tabulation center, or to the clerk's office if the tabulation center is in another municipality.

54.06: After the Polls Close: Optical Scanner Ballots

(1) Votes Counted Continuously. The tabulation of the votes shall take place in the polling place. The tabulation shall continue without interruption until all the votes are counted and the results are announced.

(2) Public May Observe Counting. The general public must be allowed inside the polling place after the polls close. The public must observe from outside the guard rail. Only election officers may touch ballots. All ballots must be kept in full view of the public while the counting is going on.

(3) Take Count of Voters on Both Voting Lists. The election officer in charge of each of the two voting lists shall announce the total number. The clerk shall record the number.

(4) Clerk Shall Record Final Ballot Box Register Number in Election Record.

(5) Number of Voters Should Equal the Total of the Votes. The total number of voters checked in on the voting list should equal the sum of the number of votes recorded on the final ballot box register.

(6) Seal Checked Voting Lists in Envelope. After tallying the voting lists an election officer shall place the tallied voting lists in the envelope provided for

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that purpose. Election officers shall seal the envelope. The warden and clerk shall sign the certificate. This envelope shall be kept separate.

(7) Print Results and Record them on Tally Sheets.

(a) Print Results. The election officer shall cause the vote tabulator to print the results of the election and shall remove the results paper tape from the vote tabulator and give it to the clerk.

(b) Read Results Out Loud. One election officer shall read the results paper tape out loud. The officer shall read the name of each candidate, the number of each question, the number of votes recorded, and the number of overvotes and undervotes/or blanks for each office.

(c) Record Numbers on Total Tally Sheet. As each number of votes is read aloud, it shall be recorded on the total tally sheet by an election officer of a different political party than the reader.

(8) Examining Ballots. The election officers shall remove all ballots that have been deposited in the ballot box and shall examine each ballot for write-ins or stickers and for any invalidating mark. No ballot shall be counted which contains any mark clearly designed to let election officers know that a certain person voted in a certain way. If a voter writes his name or marks his ballot with the letters of his name, this ballot shall be counted as a blank and the election officer must subtract one vote from all candidates and questions marked on the ballot.

(9) Read and Record Write-Ins and Ballots Segregated by the Vote Tabulator.

(a) The election officers shall hand count all ballots which have been segregated by the vote tabulator into a separate compartment and any other write-in or sticker vote. In the case of a primary, election officers shall first divide the ballots by party before segregating write-in votes.

(b) Two tellers of different parties shall make a team; both shall review each ballot specified above. One person shall read the vote and the other shall record the tally. Only the teller actually marking the tally sheet shall have any marking device, which must be a red pencil or pen.

(c) The election officers shall read and record each write-in vote whenever the intent of the voter can reasonably be determined, whether or not the voter has omitted the address, made a mistake in the name or address, or failed to mark the vote indicator for the write-in, sticker candidate, or ballot candidate.

(d) If there is no vote indicator marked for a write-in or ballot candidate but the name of a candidate has been written-in on the ballot, the election officer shall count the write-in vote and make a notation on the write-in tally sheet to subtract one vote from the blank total for that office.

(e) On a ballot segregated by the vote tabulator, if there are no vote indicators marked for any ballot candidate, but the election officer can reasonably determine the intent of the voter, the election officer shall count the vote for the ballot candidate(s), and subtract one ballot from the "uncounted ballots" total of the results paper tape.

(f) If there are more vote indicators marked than there are candidates to be elected, then a blank has already been registered on the vote tabulator for that office and the name of a write-in candidate, if any, shall not be counted by the election officer. The election officer shall indicate this on the write-in tally sheet.

(g) If (because of write-ins or stickers) the number of votes for an office exceeds the number allowed, but the number of vote indicators marked for an office does not exceed the number allowed, the election officer shall count a blank for that office, make a notation on the write-in tally sheet to subtract a vote from the total of the appropriate ballot candidate(s) and add a vote to the blank total for that office.

(h) A separate block tally sheet shall be used for recording write-in votes and then the totals and necessary subtractions transferred to the total tally sheet.

(10) Total Votes. Election officers shall total the write-in votes and the votes listed on the results paper tape, making all subtractions necessary according to 950 CMR 54.06(8) and (9), on the total tally sheet.

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- (11) Candidates May Check Votes on the Results Paper Tape. Any person present shall be allowed to check the vote count on the results paper tape for one-half hour after the announcement of the vote for the office.
- (12) Escrow Ballot Envelope. Two election officers shall number escrow ballots contained in the escrow ballot envelope, and write this number on the outside of the envelope. They shall not count the votes on any escrow ballots. They shall then seal the escrow ballot envelope.
- (13) Warden and Clerk Sign Total Tally Sheet. After the total tally sheet is correct, the warden and clerk shall write the date, ward and precinct and city or town on the tally sheet. They shall attach the results paper tape to the total tally sheet.
- (14) Clerk Shall Complete Election Record.
- (15) Announce Final Returns. Officials shall wait until tally sheets balance before announcing any vote totals. The warden or the clerk shall announce the final returns.
- (15A) Reporting Results to Central Reporting Service. The clerk may report by telephone the results of final precinct tallies for any presidential preference primary, state primary or general election to a central media reporting service in consideration for a contribution, in an amount approved by the state secretary, to the respective state-wide municipal clerks association to be used for continuing education programs for municipal clerks.
- (16) Count Spoiled Ballots. The number of ballots spoiled by voters and returned during the day shall be noted in the clerk's Election Record.
- (17) Count Unused Ballots. Election officers shall count all unused ballots. The clerk shall note in the Election Record the number and party of unused ballots.
- (18) Spoiled and Unused Ballots. Election officers shall place the spoiled and unused ballots in the container provided under seal.
- (19) Gather All Counted Ballots. Election officers shall put all cast ballots in envelopes. They shall place all envelopes in the containers provided for the cast ballots.
- (20) Seal Container. The warden shall seal the container with the seal provided and shall attach the proper tag for cast ballots only. In addition, an election officer may affix a private seal.
- (21) Sign Cast Ballot Container. The warden and clerk shall sign the container and shall enter the election and the date. They also shall fill out and sign a certificate stating that all ballots cast are contained therein.
- (22) Total Tally Sheets. The warden and clerk shall place the total tally sheet along with the results paper tape and the write-in tally sheet, in an envelope, seal it and sign the outside of the envelope. This envelope shall be kept separate.
- (23) Return All Election Materials. The election officers shall have all election materials returned to the city or town clerk, as follows:
 - (a) the counted ballots and the spoiled and unused ballots sealed in the proper containers;
 - (b) the marked voting lists, the write-in and total tally sheets with the results paper tape attached, and escrow ballots in separate envelopes;
 - (c) all other election supplies.The election officers shall not throw anything away.

54.07: Counting Procedures for Punch-Card Ballots

- (1) Application. This section applies wherever punch-card ballots are used. As used in this section "computer" means any device for counting or tabulating punch-card ballots.
- (2) Establishment of Tabulation Center. The city or town clerk must designate a central tabulation center, or must designate all the polling places as tabulation centers, not later than one week before the date of the election. The center must have a barrier of some sort to enclose the counting area so that no

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unauthorized persons may touch any election materials or be in the counting area at any time.

- (3) Personnel. The center shall be staffed by a warden, a clerk, and as many inspectors as the city or town clerk determines to be necessary. The warden is the presiding officer at the tabulation center, but the city or town clerk is the presiding officer at a central tabulation center. The presiding officer shall assign election officers any duties that will assure compliance with this chapter. The warden and clerk must be from different political parties and the inspectors equally divided among the two leading political parties. All tabulation center personnel must be adequately trained in advance in the use of equipment which they will operate.
- (4) Observers. The chairman of each city or town political committee may appoint in writing a computer expert to observe the proceedings at the tabulation center. The general public must be allowed to observe all proceedings at the tabulation center, but election officers may establish a guard rail or similar device to separate observers from the election officers, ballots, and counting equipment. If there are so many observers that they obstruct the proceedings, election officers may take appropriate steps to ensure cooperation in observing and collecting information.
- (5) Transportation to Central Tabulation Center.
 - (a) If a central tabulation center is within the city or town, the container shall immediately be transported to the tabulation center accompanied by the precinct warden, the precinct clerk, and a police officer, who shall exercise constant control and supervision over the locked metal carrying case.
 - (b) If a central tabulation center is outside the city or town, the locked metal carrying case shall instead first be similarly transported to the office of the city or town clerk and all metal carrying case shall be transported together to the tabulation center in vehicles designated by the city or town clerk and owned by the city or town. Each presiding officer shall transfer possession of the key to his carrying case to the city or town clerk. The carrying cases shall be loaded in full public view and unloaded in the presence of the election officers at the tabulation center. The vehicle transporting the carrying cases outside the city or town shall be accompanied at all times by the city or town clerk or his designee, and the carrying cases shall not be opened at any time before they arrive at the tabulation center.
- (6) Tabulation by Computer.
 - (a) At the tabulation center, each precinct shall be tabulated separately. An inspection team shall examine the punch-card ballots and remove those which cannot be tabulated by the computer and which were not already removed. The inspection team shall also riffle the cards to remove any loose or hanging chads.
 - (b) The cards that are to be tabulated by computer shall be checked by the inspection team to make certain they are in proper condition to be counted.
 - (c) In the case of a primary, the inspection team must make certain that there is one group of cards for each party, and they shall check the cards in each group to make sure all cards in the group are of the same political party.
 - (d) If any ballot cards are rejected by the computer, they shall be counted manually.
 - (e) After the computer completes the printout of the votes, the tabulation center warden and clerk shall sign the computer printout, but in primaries, sign each of the party computer printouts, and take the computer printout to the tally station.
 - (f) Where the ballot cards are fed into a computer one-by-one by hand, the ballot cards shall be separated into convenient blocks, and one election officer shall feed the cards into the computer while the other watches the tape. A stacker tray must be used to receive ballots counted by the computer.
- (7) Counting by Hand.
 - (a) The election officers shall place all rejected cards, whether removed by

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the inspection team or rejected by the computer, in a plainly marked envelope along with the damaged cards and the write-in over-voted cards and envelopes, separated previously. At primaries, these rejected, damaged and write-in over-voted cards should be put in separate envelopes for each party.

(b) The envelope shall then be taken to a tally station which is staffed by election officers equally representing the two leading political parties. The officers must manually count any rejected, damaged, and write-in over-voted cards, except for the over-voted office, that have not been counted at the polling place, and record the results on a block tally sheet headed "Rejected Cards". At a primary, each party must be counted separately.

(c) When the rejected, damaged and write-in over-voted card count is completed and the votes tallied, the totals from the tally sheets shall be entered on the precinct total tally sheet.

(d) The rejected, damaged and write-in over-voted cards shall then be put into an envelope, appropriately marked, and placed in a metal carrying case for delivery to the city or town clerk. At a primary, separate envelopes must be used for each party.

(8) Tallying and Announcing Result.

(a) The sheet showing the result, as printed by the computer, shall be fastened to the precinct total tally sheet for transmission to the city or town clerk. Each precinct total tally sheet shall show:

1. the total number of names checked on the voting lists,
2. the total number of ballots cast,
3. the names of all persons voted for,
4. the number of votes for each person and the title of the office for which he was a candidate,
5. the number of blank ballots for each office, and, including an allocation of blanks corresponding to any punch cards improperly not cast by voters,
6. the number of yes and no votes in answer to any question to voters.

The electronic machine record, the totals of write-in votes, and the totals of rejected, damaged, and write-in over-voted ballots shall then be signed by the warden and clerk. The presiding officer at the tabulation center, or whatever election officer he designates, shall then publicly and in the presence of the other election officers distinctly announce the number of votes cast for each candidate for each office and the number of yes and no votes cast on any question. At a central tabulation center, this announcement shall be made for each precinct as soon as the precinct record has been completed.

(b) The warden and clerk shall then sign the precinct total tally sheet, any block or total tally sheet, and the computer printout. They shall then place these items in a separate marked envelope which is then signed by the warden.

(8A) Reporting Results to Central Reporting Service. The clerk may report by telephone the results of final precinct tallies for any presidential preference primary, state primary or general election to a central media reporting service in consideration for a contribution, in an amount approved by the state secretary, to the respective state-wide municipal clerks association to be used for continuing education programs for municipal clerks.

(9) Sealing and Transmitting Materials.

(a) All official election materials, except tally sheets and voting list envelopes and keys, shall be placed into the precinct's metal container as a part of the election record. The warden shall then lock the metal carrying case.

(b) The warden shall give the metal carrying case, an envelope containing the tally sheets, an envelope containing the voting lists used at the election, and the keys to the city or town clerk.

REGULATORY AUTHORITY

950 CMR 54.00: M.G.L. c. 54, § 37.

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950 CMR 55.00: CERTIFICATION OF NOMINATION PAPERS AND PETITIONS

Section

55.01: Purpose

55.02: Required Actions by Registrars

55.03: Standards

55.04: Return of Certified Nomination Papers and Petitions

55.01: Purpose

950 CMR 55.00 governs the certification, by boards of registrars of voters, of voters' names on all nomination papers and petitions for ballot questions and recounts, under the authority of M.G.L. c. 53, § 7. 950 CMR 55.00 shall be interpreted to achieve and maintain accuracy, uniformity, and security from forgery and fraud in the procedures of local registrars of voters, and to promote the right of eligible voters to sign such papers and petitions.

55.02: Required Actions by Registrars

- (1) When nomination papers and petitions are submitted for certification, registrars shall mark each page with the date and time of submission. They shall provide to the person submitting the nomination papers or petitions a receipt showing the number of pages submitted. They shall certify nomination papers and petitions in the order they were submitted.
- (2) Registrars shall place a check mark (✓) in the left column of the nomination paper or petition next to each name they certify. They shall place the proper capital letter symbol, [N,S,D,R,E,W,T, as indicated in 950 CMR 55.03(1)] next to each name they do not certify.
- (3) For the purpose of checking whether a voter is registered as of the date of certification under 950 CMR 55.03(1)(a), registrars shall consult their records of recent voter registrations since the closing date of the voting list being used for certification.
- (4) It is strongly recommended that registrars keep records of:
 - (a) which nomination papers and petitions each voter signs, such as by a color or initial code;
 - (b) the voters who have signed a state initiative petition for a law, to check against the additional signers in the following summer; and
 - (c) the total number of names that they certify on each candidate's nomination papers and on each petition.
- (5) Registrars shall draw a solid line across all unused signature spaces on each page of nomination papers and petitions. If the papers or petitions are submitted in person, this shall occur at the time of submission and in the presence of the submitting person.
- (6) The registrars shall indicate the number of names certified on each page in words as well as numerals.
- (7) Three or more registrars must sign their certificate on each page. A facsimile stamp may be used for this purpose.
- (8) Registrars need not certify more than two-fifths more (for a city or town primary or preliminary election, one-fifth more) than the total number of names necessary for nomination or qualification of a petition.
- (9) If a candidate for state office resides in his/her city or town and meets the requirements of M.G.L. c. 53, §§ 6 or 48 and of 950 CMR 55.03(5), three or more registrars shall sign the appropriate certificate of voter registration or party enrollment on one or more of the candidate's nomination papers. A facimile stamp may be used for this purpose.

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- (10) All writing by registrars on a nomination paper or petition shall be in ink or colored pencil, preferably red ink.
- (11) The registrars' failure to comply with any requirement of 950 CMR 55.02, except 950 CMR 55.02(7), shall not invalidate their certification.
- (12) The registrars may authorize the office employees of the city or town clerk's office, including the city or town clerk, to perform all the actions required by 950 CMR 55.02 and by M.G.L. c. 53, § 7. This authorization may be accomplished by, among other things, a vote of the board of registrars.

55.03: Standards

- (1) The registrars shall certify a voter's name signed on a nomination paper or petition unless:
 - (a) The name is not that of a registered voter as of the date of certification (N).
 - (b) The name is not signed substantially as registered (S).
 - (c) The name is illegible (S).
 - (d) The voter is enrolled in the wrong party (for primary nomination papers or recount petitions) (D or R). For primary nomination papers, the voter must be either enrolled in the proper party or unenrolled (independent) at the time of certification. For primary recount petitions, the voter must be enrolled in the proper party as of the last day to register before the primary (use E if the voter, although not enrolled in the other party, does not meet this requirement).
 - (e) The voter is registered in the wrong voting district or a different city or town (W); or
 - (f) The voter's name was already certified on the same candidate's nomination paper, or the same petition (including the earlier stage of a state initiative petition) (T).
- (2) Registrars must certify a name even if:
 - (a) the voter's ward or precinct number has not been provided, or
 - (b) it is alleged that a voter's signature was forged or obtained by fraud. (In cases of alleged forgery or fraud, an objection may be filed, and a hearing will be held before the State Ballot Law Commission for state nominations and petitions, and before the local registrars for local nominations and petitions. The registrars may also bring alleged forgery or fraud to the attention of the State Secretary, for referral to an appropriate law enforcement agency.)
- (3) In general, a name is "signed substantially as registered" if it can reasonably be determined to be that of a registered voter. For example, registrars shall certify names in which:
 - (a) A middle initial is inserted or omitted.
 - (b) A common or known nickname is used.
 - (c) Two initials are used with a surname.
 - (d) One initial is used with a surname, if no other registered voter with that initial lives at the indicated address.
 - (e) "Jr." or "Sr." is inserted or omitted.
 - (f) Ditto marks are used to indicate a correct address.
 - (g) The name is printed.
- (4) For example, a name is not "signed substantially as registered", and registrars shall not certify it, if:
 - (a) The first name is different from the first name as registered, and no common or known nickname is used.
 - (b) The address is different, even if only the house number is different, or if a post office box number rather than a street address appears.
 - (c) The name is not that of a registered voter at the indicated address.

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(5) The registrars shall sign certificates under M.G.L. c. 53, §§ 6 and 48 and 950 CMR 55.02(9) for candidates for state office who reside and are registered voters as of the time of certification in their city or town, as follows:

(a) An independent or minor party candidate for state office shall receive a certificate of voter registration unless the candidate has been enrolled in a political party on the records of the registrars of the certifying city or town during the time prior to the last day for filing nomination papers and on or after the day by which a primary candidate is required by M.G.L. c. 53, § 48 to establish enrollment in a political party.

(b) A state primary candidate shall receive a certificate of party enrollment if, according to the records of the registrars of the certifying city or town:

1. the candidate has not been enrolled in a political party other than the one whose nomination the candidate seeks during the one year preceding the last day for filing nomination papers with the state secretary, and

2. either:

a. the candidate has been enrolled in the political party whose nomination the candidate seeks throughout the 90 days before the last day for filing nomination papers with the state secretary; or

b. the candidate is a newly registered voter of the registrars' city or town. For the purpose of issuing this certificate, a candidate who was not a registered voter of the city or town as of the 90th day before the last day for filing nomination papers with the state secretary, but who later registers and enrolls in the proper party in that city or town before the time of certification, is a newly registered voter.

55.04: Return of Certified Nomination Papers and Petitions

Registrars shall return certified nomination papers for state office and petitions for state ballot questions and statewide or district-wide recounts only to persons who present acceptable identification and who sign their names and addresses on the registrars' records. Acceptable identification includes:

(1) the receipt issued by the registrars at the time of submission under 950 CMR 55.02(1).

(2) written authorization signed by, or on the printed letterhead of, the candidate, or the organization sponsoring the petition.

(3) telephone authorization by the candidate's or organization's headquarters.

(4) personal recognition by the registrars.

REGULATORY AUTHORITY

950 CMR 55.00: M.G.L. c. 53, § 7.

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950 CMR 56.00: ADMINISTRATIVE PROCEEDINGS CONCERNING PRACTICES OF LOCAL ELECTION OFFICIALS

Section

- 56.01: General Provisions
- 56.02: Complaint
- 56.03: Investigation; consultation; report
- 56.04: Decision
- 56.05: Enforcement

56.01: General Provisions

(1) Purpose. 950 CMR 56.00 provides procedures for the Secretary to decide whether a pattern of conduct or a standard, practice or procedure of a local official is contrary to the election laws, under M.G.L. c. 56, § 60. These provisions shall be construed to promote the fundamental right to vote and the uniform application of the election laws throughout the Commonwealth.

(2) Definitions. As used in 950 CMR 56.00:

- (a) "Election laws" (as used in 950 CMR 56.00) and "general or special law concerning administration of elections" (as used in M.G.L. c. 56, § 60) include any provision of M.G.L. chs. 50-54, or of any other general or special statute, constitutional provision, or home rule charter concerning administration of elections, or of any regulation adopted under authority of any of the preceding provisions, or of any judicial or administrative decision interpreting any of the preceding provisions.
- (b) "Local official" includes one or more of a city or town clerk, election commission, board of registrars of voters, or any other municipal or district officer upon whom a duty is imposed by the election laws.
- (c) "Secretary" means the state secretary, or the state secretary's chief legal counsel or another attorney designated to act on the state secretary's behalf.
- (d) "Urgent circumstances" shall be determined by the Secretary and include, but are not limited to, the time period on or near the day of a primary, caucus, or election, or of a deadline for voter registration or for filing or submitting any relevant document under the election laws.

(3) Amendment. 950 CMR 56.00 may be amended at any time in the manner provided by law. Any interested person may petition the Secretary requesting the adoption, amendment, or repeal of any regulation, under M.G.L. c. 30A, § 4. This petition shall be considered by the Secretary within 30 days after filing.

56.02: Complaint

Any person may complain to the Secretary that a pattern of conduct, or a standard, practice or procedure, of a local official is contrary to the election laws. The Secretary's office may initiate a complaint. A complaint need not use the language of or refer to the relevant provision of the election laws, nor M.G.L. c. 56, § 60, nor 950 CMR 56.00. The complaint shall be in writing except in urgent circumstances, and shall be made to Elections Division, Office of the Secretary of State, One Ashburton Place, Room 1705, Boston, MA 02108, telephone (617) 727-2828 or (800) 462-VOTE.

56.03: Investigation; consultation; report

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of the complaint, requesting a response, and inquiring whether informal resolution is possible. The consultation shall be in writing, except in urgent circumstances. The investigator shall then prepare a report, including the results of this consultation, and shall present this report to the Secretary after review by the Director of Elections. The report may recommend the text of an order. Except in urgent circumstances, the report shall be in writing and shall be sent to the local official and to the complainant, who may file their written comments on it with the Secretary within ten days after the report was sent.

56.04: Decision

(1) After reviewing the report and any written comments, the Secretary may render a decision which may incorporate the report in whole or in part. The Secretary may hold an informal conference before rendering a decision.

(2) After reviewing the report and any written comments, and before rendering a decision, the Secretary may initiate an adjudicatory proceeding by issuing an order to show cause to the local official under 801 CMR 1.01(6)(d). The decision whether or not to hold an adjudicatory hearing shall be in the Secretary's unreviewable discretion. An adjudicatory hearing shall be before the Secretary and shall be governed by 801 CMR 1.01, except as the Secretary may modify these rules because of time constraints. The parties shall include the local official, the Secretary's investigator, and any complainant who wishes to participate. After the adjudicatory hearing, the Secretary shall render a decision.

(3) The Secretary's decision shall be in writing, shall state the reasons for the decision, and may include an order to the local official to comply with the relevant provisions of the election laws. It shall be mailed to the local official and to the complainant. In urgent circumstances, it shall also be delivered by hand to the local official or communicated by telephone to the local official.

(4) Before issuing any order to comply with law, the Secretary shall notify the Attorney General or an assistant attorney general designated by the Attorney General for this purpose.

(5) The Secretary's order may require that the local official sign an affidavit giving assurances that the local official will obey the order.

56.05: Enforcement

The Secretary may notify the Attorney General of any local official's failure to obey an order. The Attorney General may enforce the order by civil action.

REGULATORY AUTHORITY

950 CMR 56.00: M.G.L. c. 56, § 60.

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950 CMR 59.00: STATE BALLOT LAW COMMISSION: ADJUDICATORY PROCEEDINGS

Section

59.01: General Provisions

59.02: Jurisdiction and Timing

59.03: Formal Standard Rules: Modifications

59.01: General Provisions

- (1) Scope and Authority. 950 CMR 59.00 governs adjudicatory proceedings before the State Ballot Law Commission. It is promulgated under authority of M.G.L. c. 55B, s. 4.
- (2) Definitions. Terms used in 950 CMR 59.00 shall have the meanings provided in the M.G.L. c. 30A, s. 1, and c. 50, s. 1. In addition:
 - (a) "Commission" means the State Ballot Law Commission established by M.G.L. c. 55B, s. 1-4.
 - (b) "Commissioner" means a member of the Commission.
 - (c) "Objector" means a person who files an objection.
 - (d) "Party" means the objector, the respondent, all other candidates for the office (but at a primary for the nomination), and the state committee of any affected political party.
 - (e) "Respondent" means:
 1. a candidate whose nomination is objected to, or
 2. the first ten signers of a state initiative or referendum petition which is objected to, or
 3. any other person against whom an objection is filed.
 - (f) "Secretary" means the Elections Division of the Department of the State Secretary.
- (3) Computation of Time.
 - (a) As provided in M.G.L. c. 50, s. 4, in computing time periods, Saturdays, Sundays, and holidays shall generally be included, unless the term "weekday" is used; but when the last day for performing an act is a Saturday, Sunday, or holiday, the next weekday shall be considered the last day instead.
 - (b) Notice is given by the Commission and service is made by mail whenever the paper is deposited in the United States mail, properly addressed and postage paid.
 - (c) A paper is filed with the Commission whenever it is received in the office of the Secretary.
- (4) Amendment. 950 CMR 59.00 may be amended at any time, but unless provided otherwise, the amendment shall not affect any pending proceeding. Any interested person may petition the Commission requesting the adoption, amendment, or repeal of any regulation, under M.G.L. c. 30A, s. 4. This petition shall be filed with the Secretary and shall be considered by the Commission at its next meeting.
- (5) Effective Date. 950 CMR 59.00 is effective as soon as it is published in the Massachusetts Register, under M.G.L. c. 30A, s. 6.
- (6) Secretary. The Secretary shall serve as secretary to the Commission. The Secretary shall transmit all required notices, maintain the files of the Commission, and perform whatever other duties the Commission requests.
- (7) Records. The Secretary shall keep records of all decisions. All records of the Commission shall be open to the public. For this purpose, "records" does not include material excluded from the definition of "public records" under M.G.L. c. 4, s. 7(26).
- (8) Notice. Except in an emergency, notice of all meetings of the Commission, including hearings, shall be given to the public, as required by M.G.L. c. 30A, s. 11A, by filing with the state secretary's regulations division and by posting in

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the executive office of administration and finance, at least fortyeight hours before the meeting. The notice shall contain the date, time, and place of the meeting and, if possible, an outline of its agenda.

(9) Open Meetings. All meetings of the Commission including hearings shall be open to the public, except that any deliberation regarding a decision in adjudicatory proceeding shall not be required to be open to the public.

59.02: Jurisdiction and Timing

(1) Jurisdiction. The Commission has jurisdiction of the following objections:

- (a) Objections to state nominations, under M.G.L. c. 55B, s. 4;
- (b) Objections to signatures on state initiative and referendum petitions under M.G.L. c. 55B, s. 4; and
- (c) Any other objections of which it has jurisdiction by law.

But the Commission has no jurisdiction of matters concerning state ballot questions other than initiative and referendum petitions, concerning city or town nominations or ballot questions or concerning the content of state ballots, including ballot statements and ordering of candidates' names. The Commission also has no jurisdiction of nominations or petitions which are not in apparent conformity with law, have accordingly been invalidated by the Secretary, and thus now are seeking access to the ballot.

(2) Standing. Any registered voter in the appropriate district may file an objection with the Secretary and the objection must include the objector's voting address as indicated on the current annual register of voters. The objection must be accompanied by a \$25 filing fee, which shall be refunded only if the Commission declines jurisdiction of the objection. The objection must also be accompanied by a certificate of voter registration in substantially the form prescribed by M.G.L. c. 55B, s. 5.

(3) Time of Filing Objection. An objection must be filed at or before 5:00 p.m. of:

- (a) the third day after the last day to file nomination papers or certificates of nomination with the state secretary;
- (b) the thirtieth day after the last day to file state initiative or referendum petitions with the state secretary;
- (c) the seventh day after the last day to file supplemental signatures necessary to place a state initiative question on the ballot after rejection by the general court;
- (d) the sixth day after a state primary;
- (e) the second day after the city clerk's certification of a city initiative petition under M.G.L. c. 43, s. 38.

(4) Notice.

- (a) Not later than the day after an objection is filed, the objector shall mail a copy of the objection to the respondent by registered or certified mail, return receipt requested.
- (b) The Secretary shall give written notice to all parties by registered or certified mail, return receipt requested. The notice shall contain a copy of the objection, the date, time, and place of the hearing, and a summary of commission procedures. In addition, the Secretary shall make a reasonable effort to notify all parties by telephone at once. The written notice must be given no later than 5:00 p.m. of:
 - 1. The Wednesday after the last day to file objections to nomination papers or certificates of nomination for regular elections, or state initiative or referendum petitions;
 - 2. The Friday after the last day to file objections to supplemental signatures necessary to place a state initiative question on the ballot after rejection by the general court;

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3. The Tuesday after the last day to file objections to nominations made by regular state primaries.
- (c) Any party which does not file an appearance at or before the first hearing in the proceeding shall cease to be a party until it files an appearance.
- (d) The date of the hearing contained in the Secretary's notice may be the date of an assignment session, at which the Commission may dispose of preliminary matters and continue the hearing to a later date.
- (5) Withdrawal of Objection. The objector may withdraw an objection at any time by filing a notice in writing with the Secretary. The filing fee shall not be refunded.
- (6) Hearing. The hearing on an objection shall not be held before:
- (a) The second Monday after the last day to file objections to certificates of nomination, nomination papers, or state initiative or referendum petitions, except for nomination for special state primaries and elections;
- (b) The Wednesday after the last day to file objections to supplemental signatures necessary to place a state initiative question on the ballot after rejection by the general court;
- (c) The Monday after the last day to file objections to nominations made by state primaries, except for special state primaries.
- (7) Decision. The decision of the Commission may:
- (a) dismiss the objection, for lack of timeliness, jurisdiction, or standing, failure to state a claim upon which relief can be granted, or any other legal reason;
- (b) enter a decision by default against any party for failure to appear, unnecessary delay, or any failure to comply with any provision of 950 CMR 59.00 if that failure affects substantial rights;
- (c) sustain the objection on the merits, and order the Secretary not to print on the ballot the name of the respondent candidate or the question supported by the respondent petitioners;
- (d) overrule the objection on the merits;
- (e) make informal disposition of the proceeding by stipulation, agreed settlement, or consent order; or
- (f) grant whatever other relief justice requires and is within the scope of its authority.
- The decision must be made not later than 5.00 p.m. of:
1. the twenty-first day after the last day to file objections to nomination papers or certificates of nomination for presidential primaries and regular state primaries and elections, or to state initiative and referendum petitions;
 2. the fourteenth day after the last day to file objections to nominations made by state primaries, or to supplemental signatures necessary to place a state initiative question on the ballot after rejection by the general court;
 3. the fourth day after the last day to file objections to nomination papers or certificates of nomination for special state primaries or elections.

59.03: Formal Standard Rules: Modifications

Although M.G.L. c. 30A, s. 9 does not require application of the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.00, because the Commission is not an agency "within the executive offices," nevertheless the Formal Rules, 801 CMR 1.01, shall apply to all Commission adjudicatory proceedings, modified as follows: In general, the Standard rules shall apply only to the extent that they are consistent with law, particularly with regard to time.

- (1) 801 CMR 1.01(2)(c)2: substitute: "Agency" means the Commission.
- (2) 801 CMR 1.01(2)(c)7: substitute: "Petitioner" means the objector.
- (3) 801 CMR 1.01(2)(c)8: substitute: "Presiding Officer" means the chairman of

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the Commission, but in the absence of the chairman, another commissioner designated by the Commission.

(4) 801 CMR 1.01(4)(a): in lines 3-4, strike the words "or such other place as the Agency shall designate," and insert instead the words, "which is the office of the Secretary".

(5) 801 CMR 1.01(4)(a)3: strike the words "on the date so postmarked", and insert instead the words "when received by the Secretary".

(6) 801 CMR 1.01(4)(c): strike the last sentence.

(7) 801 CMR 1.01(5)(b): in line 6, insert the word "and" before "knows", and strike the words "and that such statements are true."

(8) 801 CMR 1.01(5)(f): insert after the first sentence the following sentences: "If the party is represented by an authorized representative, service on the authorized representative constitutes service on the party. Under M.G.L. c. 55B, s. 5, and 950 CMR 59.02(4)(a), an objection need not be mailed until the day after filing, and the certificate of service may so specify."

(9) 801 CMR 1.01(6)(a): insert at the end of the first sentence the words", which is an objection".

(10) 801 CMR 1.01(6)(b): insert after the first sentence the sentence: "It shall contain in detail each ground of objection".

(11) 801 CMR 1.01(6)(e): in the first sentence, strike the words "within twenty-one (21) days of filing the Notice of Claim of Adjudicatory Hearing or An Order to Show Cause", and insert instead the words "at any time before the hearing".

(12) 801 CMR 1.01(6)(e): substitute for the second-last sentence: All allegations contained in the Notice or Order which are not denied in the Answer shall be deemed admitted.

(13) 801 CMR 1.01(7)(a)2: in the first sentence, strike all after the comma, and insert instead the words "hear the motion at the same time as the hearing on the merits, or at another time to be specified by the Commission."

(14) 801 CMR 1.01(8)(a)1: in the last sentence, strike all after the word "respond" and insert instead the words "at least 24 hours before the hearing".

(15) 801 CMR 1.01(8)(b)1: strike the first sentence.

(16) 801 CMR 1.01(8)(b)2: in the last sentence, strike the words "at least five (5) days" and insert instead the word "reasonable".

(17) 801 CMR 1.01(8)(c)1: in the last sentence, strike the words "thirty (30) days or" and "other".

(18) 801 CMR 1.01(8): add at the end the following paragraph:

(f) List of signatures. Not later than the third weekday before the date of the hearing contained in the Secretary's notice, the objector shall file and cause to be delivered to the respondent a list of all signatures on the respondent's nomination paper or petition which are drawn in question by the objection, showing the page and line where each is located, and the reason why each is alleged to be improper. In the case of an objection to a nomination for a special primary or election, however, this list need not be filed and delivered until the last day to file objections.

(19) 801 CMR 1.01(9)(f): strike in its entirety.

(20) 801 CMR 1.01(10)(d): add at the end the following sub-paragraph:

4. Participation. One or more commissioners may conduct a hearing.

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(20A) 801 CMR 1.01(10)(g)2: add at the end the following sentence: Based on its experience that in general it is not the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, the Commission will not admit in evidence affidavits bearing directly on an ultimate fact in dispute, such as a voter's affidavit that the voter did or did not actually sign a nomination paper or petition, except upon motion for good cause shown.

(21) 801 CMR 1.01(10)(k)1: in the first sentence, strike the words "either" and "electronically or".

(22) 801 CMR 1.01(10)(1): substitute: Briefs. Any Briefs must be filed before the close of the hearing, unless the Commission orders otherwise.

(23) 801 CMR 1.01(10)(n): substitute: Decisions. Every decision shall contain a statement of the reasons therefor, including a determination of every issue of fact or law necessary to the decision. Every decision must be signed by at least three commissioners, each of whom must have either attended all hearings or have read or heard the entire record.

(24) 801 CMR 1.01(10)(p): add at the end the following sentence: "But no motion for reconsideration may be filed or acted upon after the statutory deadline for the Commission to render a decision."

(25) 801 CMR 1.03(7): strike in its entirety.

(26) 801 CMR 1.03(8)(a): strike in its entirety.

(27) 801 CMR 1.03(12) and (13): strike in their entirety.

REGULATORY AUTHORITY

950 CMR 59.00: M.G.L. c. 55B, s. 4.

801 CMR: EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

801 CMR 1.00: STANDARD ADJUDICATORY RULES OF PRACTICE AND PROCEDURE

Section

- 1.01: Formal Rules
- 1.02: intentionally omitted
- 1.03: Miscellaneous Provisions Applicable To All Adjudicatory Proceedings

These rules are promulgated pursuant to St. 1978, c. 60, which amended M.G.L. c. 30A. Issues not addressed in these rules or for which a party seeks clarity are to be considered in light of the entire M.G.L. c. 30A. These rules are applicable to those state administrative agencies bound by the mandate of M.G.L. c. 30A and shall become effective ninety (90) days after publication by the State Secretary and will govern only adjudicatory proceedings commenced after the effective date. Existing agency rules will thus remain in effect for an indefinite period in the future, applicable to preexisting matters.

1.01: Formal Rules

(1) Preamble. 801 CMR 1.01 of the Standard Adjudicatory Rules of Practice and Procedure is a self-contained segregable body of regulations of general applicability for proceedings in which formal rules are desired. An Agency must determine for any class of hearing whether or not to hold hearings under 801 CMR 1.01 or 801 CMR 1.02 Informal/ Fair Hearing Rules.

All notices sent by an Agency shall state whether 801 CMR 1.01 or 801 CMR 1.02 of the regulations shall be applicable. 801 CMR 1.03 is applicable to all hearings held pursuant to these rules.

(2) Scope, Construction and Definitions.

(a) Scope

1. General. These rules govern the conduct of Adjudicatory Proceedings of all Commonwealth agencies within the executive offices except as otherwise provided hereafter.

2. Applicability. These rules are not applicable to those agencies and/or proceedings which are not governed by M.G.L. c. 30A including: the legislative and judicial departments, the governor and council; military or naval boards; commissions or officials; the Department of Corrections; the Department of Youth Services; the Parole Board; the Division of Industrial Accidents of the Department of Labor and Industries; the Division of Personnel Administration; the Civil Service Commission; the Appellate Tax Board; the Labor Relations Commission; the Board of Arbitration Conciliation; and the Office of Employee Relations.

(b) Construction. These rules shall be construed to secure a just and speedy determination of every proceeding.

(c) Definitions. The following words when used in the rules, except as otherwise required by the context shall have the following meaning:

1. "Adjudicatory Proceeding". A proceeding before an agency in which the legal rights, duties or privileges of specifically named persons are required by constitutional right, by provision of M.G.L. c. 30A, or by any other provision of the General Laws to be determined, after opportunity for an agency hearing, but does not include: [a] proceedings solely to determine whether the agency shall institute or recommend institution of proceedings in a court; or [b] proceedings for the arbitration of labor disputes; or [c] proceedings for the disposition of grievances of employees of the Commonwealth; or [d] proceedings to classify or reclassify, or to allocate or reallocate, appointive offices and positions in the government of the Commonwealth; or [e] proceedings to determine the equalized valuations of the several cities and towns; or [f] proceedings for the determination of wages under M.G.L. c. 121, s. 26T.

2. "Agency". Any department, board, commission, division or authority within the executive branch of state government, the subdivision of any of the foregoing, or an official of the executive branch of state government.

3. "Authorized Representative". An attorney, legal guardian or other person authorized by a Party, to represent him in an Adjudicatory Proceeding.

1.01: continued

4. "Papers". All written communications filed in an Adjudicatory Proceeding, including motions, pleadings, and other documents.
5. "Party". The specifically named Person(s) whose legal rights, duties or privileges are being determined in an Adjudicatory Proceeding; and other Person(s) who as a matter of constitutional right or by any provision of the General Laws is entitled to participate fully in the proceeding; or any Person allowed by an adjudicating Agency to intervene.
6. "Person". An individual or legal entity(ies).
7. "Petitioner". The Party who initiates an Adjudicatory Proceeding.
8. "Presiding Officer". The individual(s) authorized by law or duly designated by the Agency to conduct Adjudicatory Proceedings.
9. "Respondent". Party or the Agency who must make an answer in an Adjudicatory Proceeding.

(3) Representation.

(a) Appearance. An individual may appear in his own behalf. A duly authorized officer or employee may represent a corporation, an authorized member may represent a partnership or joint venture, and an authorized trustee may represent a trust. Any Party in an Adjudicatory Proceeding shall have the right to be accompanied, represented and advised by an Authorized Representative.

(b) Notice of Appearance. An appearance shall be made in every Adjudicatory Proceeding by filing a written notice with the Agency or Presiding Officer. Such notice shall contain the name, address and telephone number of the Authorized Representative.

(4) Time.

(a) Timely Filing. Papers required or permitted to be filed under these regulations, or any provision of the applicable law must be filed at the Agency office or such other place as the Agency shall designate within the time limits for such filing as are set by Agency regulation or other provision of law.

Papers filed in the following manner shall be deemed to be filed as set forth herein:

1. Hand-delivery during business hours. By hand-delivery during regular business hours shall be deemed filed on the day delivered.
2. Hand-delivery during non-business hours. By hand-delivery at times other than during regular business hours shall be deemed filed on the next regular business day.
3. Mailing. By placing in U.S. mail shall be deemed filed on the date so postmarked.

All Papers shall show the date received by the Agency, and the Agency shall cooperate in giving date receipts to Persons filing Papers by hand-delivery.

(b) Notice of Agency Actions. Notice of actions and other communications from the adjudicating Agency shall be presumably deemed received upon the day of hand-delivery or if mailed three (3) days after deposit in the U.S. mail.

(c) Computation of Time. Unless otherwise specifically provided by law or these rules, computation of any time period referred to in these rules shall begin with the first day following the act which initiates the running of the time period. The last day of the time period so computed is to be included unless it is a Saturday, Sunday, or legal holiday or any other day on which the office of the Agency is closed, in which event the period shall run until the end of the next following business day. When the time period is less than seven (7) days, intervening days when the Agency is closed shall be excluded in the computation.

(d) Extension of Time. It shall be within the discretion of the Agency or Presiding Officer, for good cause shown, to extend any time limit contained in these rules. All requests for extensions of time shall be made by motion before the expiration of the original or previously extended time period. The filing of such motion shall toll the time period sought to be extended until the Agency or Presiding Officer acts on the motion. This division shall not apply to any limitation of time prescribed by the General Laws of the Commonwealth.

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(5) Filings Generally.

(a) Title. Papers filed with an Agency shall state the docket number, if any, the title of the proceeding, the name of the Person in whose behalf the filing is made and the name of the Agency or Person whose action is complained of.

(b) Signatures. Papers filed with an Agency shall be signed and dated by the Party on whose behalf the filing is made or by Party's Authorized Representative and shall state the address and telephone number of such Party or Authorized Representative. This signature constitutes a certification by the signer that he has read the document, knows the content thereof, and that such statements are true, that it is not interposed for delay and that if the document has been signed by an Authorized Representative that he has full power and authority to do so.

(c) Designation of Agency. An Agency designated as a Party to Adjudicatory Proceedings shall be designated by its name and not by the name(s) of particular individual(s) holding office, and if while the Adjudicatory Proceeding is pending, a change occurs in an individual(s) holding office, the Adjudicatory Proceeding shall not abate, and no substitution of Parties shall be necessary.

(d) Form.

1. Size and Printing Requirements. All Papers, except those submittals and documents which are kept in a larger format during the ordinary course of a Party's business, shall be hand-printed or typewritten on paper 8 to 8 1/2 inches wide, by 10 to 11 inches long, with left-hand margins not less than 1 1/2 inches wide and other margins not less than 1 inch. The impression shall be on only one side of the page, unless there are more than four pages, and shall be doubled spaced except that quotations in excess of three lines shall be single-spaced and indented. Mimeographed, multigraphed, photoduplicated Papers will be accepted as hand-printed or typewritten. All Papers shall be clear and legible.

2. Agency Format. An Agency may provide forms to be used by the Parties.

(e) Copies. The original of all Papers shall be filed together with such number of additional copies as the Agency or statute may require.

(f) Service. Simultaneously with the filing of any and all Papers with the Agency, the Party filing such Papers shall send a copy thereof to all other Parties to the proceedings, by delivery in hand, or by United States mail, postage prepaid, properly addressed. All Papers filed with the Agency shall be accompanied by a statement signed under the pains and penalty of perjury that copies have been sent, specifying the mode of service, date, the Party to whom sent, the Party's address, and address of service. Failure to comply with this rule shall be grounds for refusal by the Agency to accept Papers for filing.

(6) Initiation of Formal Adjudicatory Proceedings.

(a) Claim for Adjudicatory Hearing. Any Person having a right to initiate an Adjudicatory Proceeding shall commence such action by filing in writing a Notice of Claim for an Adjudicatory Proceeding. Such Notice shall be filed with the Agency within the time prescribed by any applicable provision of law or regulation, or in the absence of a prescribed time period within twenty-one (21) days from the date that Agency Notice of Action is sent to a Party.

(b) Form and Content. The Notice of Claim for Adjudicatory Proceeding shall state clearly and concisely the facts which are grounds for the proceeding, the relief sought, and any additional information required by applicable statutes and regulations. The Agency may provide forms to be used for Notice of Claim for Adjudicatory Proceeding which forms shall contain requirements as set forth in these regulations.

(c) Agency Notice of Action. Whenever a proceeding may be initiated as a result of the action taken or intended to be taken by an Agency, a Notice of Action must be sent which shall specify any facts, relied upon as the basis for the action, cite the statute(s) and/or regulation(s) which enables the Agency to take the designated action, and inform the Person of his right, if any, to request an Adjudicatory Proceeding.

(d) Orders to Show Cause. Whenever an Agency desires to initiate an

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Adjudicatory Proceeding against any Person, the Agency may commence such action by an order to show cause setting forth the grounds for such action. An order to show cause contains a statement of the basis for the Agency commencing the Adjudicatory Proceeding, the nature of the relief sought, and the legal basis thought to authorize the Agency to conduct the proceeding and grant the relief requested.

(e) Answer. Except as law or regulation prescribe, within twenty-one (21) days of filing the Notice of Claim of Adjudicatory Hearing or An Order to Show Cause, the Respondent shall file an answer to it. The Answer shall contain full, direct and specific answers to each claim set forth in the Notice or Order admitting, denying, or explaining material facts. If there is insufficient knowledge to answer with specificity, it shall so be stated and, thus, shall be treated as a general denial. The Answer shall contain all affirmative defenses which are relied upon and may cite the statute(s) and/or regulation(s) which form the basis of each defense. All allegations contained in the Notice or Order which are not specifically admitted in the Answer shall be deemed denied. All new matters contained in the Answer shall be treated as if denied.

(f) Agency Answer. An Agency shall not be required to file an Answer if, at the time the Agency took the action being appealed, the Agency disclosed to the Petitioner the material facts on which the Agency relied in taking such action, and the statutes and/or regulations which authorized or required the Agency to take such action.

(g) Amendments and Withdrawal of Pleadings. The Agency or Presiding Officer upon his own initiative or upon the motion of any Party may, in his discretion, order any Party to file an Answer or other pleading, or to reply to any pleading and further permit either Party to amend its pleadings upon condition just to all Parties.

(7) Motions.

(a) General Requirements.

1. Presentation/Objection to Motion. A Party may request of the Agency or Presiding Officer any order or action not inconsistent with law or these regulations. Such a request shall be called a motion. Motions may be made in writing at any time after the commencement of an Adjudicatory Proceeding, or they may be made orally during a hearing. Each motion shall set forth the grounds for the desired order or action and state whether a hearing is desired. Any time within seven (7) days after a written motion is filed with the Agency or Presiding Officer, any Party may file written objections to the allowance of the motion and shall, if desired, request a hearing.

2. Action on Motions. The Agency or Presiding Officer shall, if it determines a hearing on the motion is warranted, give at least three (3) days' notice of the time and place for hearing. The Agency or Presiding Officer may grant requests for continuances for good cause shown or may in the event of unexcused absence of a Party permit the hearing to proceed, and the unexcused Party's motion or objections will be regarded as submitted. The Agency or Presiding Officer may rule on a motion without holding a hearing if delay would seriously injure a Party, or if the motion involves a matter as to which the presentation or testimony or oral argument would not advance the Agency's or Presiding Officer's understanding of the issues involved or if disposition without a hearing would best serve the public interest. The Agency or Presiding Officer may act on a motion when all Parties have responded thereto, or the deadline for response has passed, whichever comes first. If the Agency or Presiding Officer acts on the motion before then, such ruling may be subject to modification or rescission should there be timely filed objections to the motion.

3. Factual Basis. The Parties may offer at a hearing on the motions only such evidence as is relevant to the particular motion. This evidence may consist of facts which are presented orally by sworn testimony, supported by affidavit, or which appear in records, files, depositions, or answers to interrogatories.

(b) Motion for More Definite Statement. If a pleading to which a responsive

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pleading is required is so vague or ambiguous that a Party cannot reasonably frame a responsive pleading, the responding Party may within the time permitted for such responsive pleading, move for a more definite statement before filing its responsive pleading. The motion shall set forth the defects complained of and the details desired. If the motion is granted, the more definite statement shall be filed within ten (10) days of the notice of the order being sent or within such other time as may be ordered. If the more definite statement is not filed within the prescribed deadline, the Agency or Presiding Officer may either dismiss the Adjudicatory Proceeding, grant the relief sought, or make such other just orders as may be deemed appropriate.

(c) Motion to Strike. A Party may move to strike, or the Agency or the Presiding Officer on its own motion may strike from any pleading any insufficient allegation or defense or any redundant, immaterial, impertinent or scandalous matter.

(d) Motion to Dismiss.

1. General Grounds. Any Party may move to dismiss for failure of the other Party to prosecute or to comply with these rules or with any order of the Agency or Presiding Officer. Upon completion by the initiating Party of the presentation of evidence, the responding Party may move to dismiss on the grounds that, upon the facts and/or the law, the initiating Party has not sustained its case. The Presiding Officer or Agency may act upon the motion then, or may wait until the close of all the evidence. The granting of such motion shall be considered a Decision and a written Decision shall be made as provided in 801 CMR 1.01(10)(m)2 (Final Decisions).

2. Failure to Prosecute. When the record discloses the failure of the Petitioner to file documents required by these rules, respond to notices or correspondence, comply with orders, or otherwise indicates an intention not to continue with the prosecution of an appeal, the Agency, or Presiding Officer, may issue an order requiring that the Petitioner show cause why the appeal should not be dismissed for lack of prosecution. If the Petitioner shall fail to show such cause, the appeal may be dismissed with prejudice.

(e) Motion for Decision on the Pleadings. After the pleadings are closed, and within such time as not to delay the proceedings, any Party may move for judgment on the pleadings. If matters outside the pleadings are presented, the motion shall be treated as one for summary decision.

(f) Motion for Summary Decision. Any Party may with or without supporting affidavits move for summary decision in his favor, as to all or part of a matter. If the motion is granted as to part of the matter and further proceedings are necessary to decide the remaining issues, a hearing shall so be held.

(g) Substitution of Parties. The Agency or Presiding Officer may, on motion, at any time in the course of an Adjudicatory Proceeding, permit such substitution of Parties as justice or convenience may require.

(h) Consolidation of Proceedings. In such cases as there are multiple Adjudicatory Proceedings and where these Adjudicatory Proceedings involve common issues, a Party shall notify the Agency of this fact, stating with particularity the common issues, and the Presiding Officer or Agency may in its discretion consolidate the Proceedings.

(8) Discovery.

(a) Requests for Documents. Any Party to an Adjudicatory Proceeding may request any other Party to produce or make available for inspection, copying or photocopying any documents or tangible things, not privileged, not previously supplied, and which are in the possession, custody, or control of the Party upon whom the request is made.

1. Procedure. The request may be served upon the Party after commencement of the action and shall set forth the items to be inspected by individual item or category with reasonable particularity. Such inspection shall be made at the office of the Agency or such other place as the Agency shall designate. The Party upon whom the request is served shall respond within a period of thirty (30) days unless the Agency or Presiding Officer has established a shorter time period.

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2. **Agency Costs.** An Agency upon whom the request for production is served shall be entitled to the fee per page for copies as determined from time to time by the Executive Office for Administration and Finance.

(b) **Depositions.** The testimony of any witness may be taken by deposition, upon motion made by a Party, upon approval by the Agency or Presiding Officer.

1. **Form and Content.** There shall be at least ten (10) days' notice to the Parties of the motion to take a deposition. A motion requesting a deposition shall state the name and address of the witness to be deposed, the subject matter concerning which the witness is expected to testify, the time and place of taking the deposition, the name and address of the person before whom the deposition is desired, and the reason why such deposition should be taken.

2. **Authorization to Take.** The Agency or Presiding Officer shall allow the motion only upon a showing that the Parties have agreed to submit the deposition in lieu of testimony by the witness or the witness to be deposed cannot appear before the Agency or Presiding Officer without substantial hardship, and that testimony being sought is significant, not privileged and not discoverable by an alternative means. If the motion is allowed, the Agency or Presiding Officer shall give at least five (5) days' notice of the taking of the deposition to all Parties.

3. **Officer Before Whom Deposition is Taken.** Depositions shall be taken orally before a Person having power to administer oaths.

4. **Scope and Conduct of Deposition.** Every witness testifying upon deposition shall be duly sworn, and the adverse Party(ies) shall have the right to cross-examine. Objections to questions shall be in short form, stating the ground of objection relied upon. The testimony shall be reduced to writing and shall unless waived be signed by the witness, and certified by the officer before whom the deposition is taken. After the deposition has been subscribed and certified, it shall be forwarded to the Agency or Presiding Officer. Subject to appropriate rulings on objections, and the Parties' agreement regarding its use, the deposition shall be received in evidence as if the testimony contained therein had been given by the witness in the proceeding.

5. **Recording by Other Than Stenographic Means.** The Agency or Presiding Officer may order that the testimony at a deposition be recorded by other than stenographic means, in which event the order shall designate the manner of recording, preserving, and filing the deposition, and may include other provisions to assure that the recorded testimony will be accurate and trustworthy.

(c) **Interrogatories.** A Party to the Adjudicatory Proceeding may move for leave to serve written interrogatories upon any other Party for the purpose of discovering relevant, not privileged, information not previously supplied through voluntary discovery.

Interrogatories may be served after commencement of the proceeding. No Party, without approval of the Agency or Presiding Officer, shall serve more than thirty (30) interrogatories including subsidiary or incidental questions.

1. **Answers to Interrogatories.** Each interrogatory shall be separately and fully answered under the penalties of perjury unless it is objected to, in which event, the reasons for the objection should be stated in lieu of an answer. Such answers shall be filed within thirty (30) days or such other time as the Adjudicating Agency or Presiding Officer specifies.

2. **Stipulations.** In the discretion of the Agency or Presiding Officer, the Parties may, by written stipulation filed with the Agency or Presiding Officer at any stage of the proceeding, or by oral stipulation made at the hearing, agree upon any pertinent facts in the proceeding. In making its findings, the Agency or Presiding Officer need not be bound by any stipulation which is found to be in contravention of law or erroneous on its face.

(d) **Objection/Protective Orders.** The Party upon whom the request for discovery is served may within ten (10) days of service of the request, file with the Agency or Presiding Officer objections to the request or move for protective order. A prompt hearing shall be scheduled upon the motion.

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Protective orders may be issued to protect a Party from annoyance, embarrassment, oppression or undue burden or expense. Orders of the Agency or Presiding Officer may include limitations on the scope, method, time and place for discovery or provisions for protecting confidential information or documents.

(e) Motion for Order Compelling Discovery. Upon reasonable notice to other Parties, a Party may file with the Agency or Presiding Officer a motion to compel discovery in the event that a request is not honored, or only partially honored, or interrogatories or questions at depositions are not completed/answered.

(9) Intervention and Participation.

(a) Initiation. Any Person not initially a Party, who with good cause wishes to intervene in, or participate in, an Adjudicatory Proceeding shall file a written request (petition) for leave to intervene or participate in the proceeding. Except as otherwise provided in this rule, the petition shall be subject to 801 CMR 1.01(7)(a), (General Requirements - Motions) and the Agency or Presiding Officer shall act pursuant thereto.

(b) Form and Content. The petition shall state the name and address of the Person making the petition. It shall describe the manner in which the Person making the motion is affected by the proceeding. It shall state the contention of the Person making the petition as to why intervention or participation should be allowed, the relief sought and the statutory or other law in support thereof.

(c) Filing the Petition. Unless an applicable statute requires otherwise, the petition may be filed at any time following the commencement of the Adjudicatory Proceeding, but in no event, later than the date fixed by the Agency. Petitions filed may be allowed at the discretion of the Agency or the Presiding Officer, provided that the Parties are given notice and opportunity to object.

(d) Rights of Intervenor. Intervenor shall be Persons substantially and specifically affected by the proceeding. Any Person permitted to intervene shall have all the rights of, and be subject to, all limitations imposed upon a Party, however, the Agency or Presiding Officer may exclude repetitive or irrelevant material. Every petition to intervene shall be treated as a petition in the alternative to participate.

(e) Rights of Participants. Any Person specifically affected by a proceeding shall be permitted to participate. Permission to participate shall be limited to the right to argue orally at the close of hearing and shall have the right to file a brief. Permission to participate, unless otherwise stated, shall not be deemed to constitute an expression that the Person allowed to participate is a Party in interest who may be aggrieved by any final decision. A Person who petitioned to intervene and who was allowed only to participate, may participate without waiving its rights to administrative or judicial review of the denial of said motion to intervene.

(f) Intervention to Protect the Environment. Pursuant to M.G.L. c. 30A, s. 10A, any group of ten (10) or more Persons may intervene collectively as a Party in any Adjudicatory Proceeding in which damage to the environment as defined in M.G.L. c. 214, s. 2A, is or might be at issue; provided, however, that such intervention shall be limited to the issue of damage to the environment and the elimination or reduction thereof in order that any decision in such Adjudicatory Proceeding shall include the deposition of such issue. Such intervention shall be by motion filed in accordance with 801 CMR 1.01(7)(a). The motion shall state the name and address of each of the ten (10) or more Persons in the group. The motion shall also separately state the name and address of that member of the group, or the group's attorney, or the group's other agent, who will be the group's representative before the Agency. Said representative shall have the sole authority to sign Papers for the group and to accept service for the group. Any Paper served on the representative of the group shall be deemed served on the entire group. If no representative is specifically stated in the motion, the first Person mentioned in the motion as a member of the group shall be deemed the representative of the group. A group that intervenes as a Party shall be collectively deemed a Party as defined in these rules, and shall have all of the rights, privileges,

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duties and responsibilities of a Party as set forth in these rules, except as limited by this rule.

(10) Hearings and Conferences.

(a) Pre-hearing Conference. The Agency or Presiding Officer may upon his own initiative or upon the application of any Party, call upon the Parties to appear for a conference to consider:

1. the simplification or clarification of the issues;
2. the possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreement which will avoid unnecessary proof;
3. the limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;
4. the possibility of agreement disposing of all or any of the issues in dispute; and
5. such other matters as may aid in the disposition of the Adjudicatory Proceeding.

Those matters agreed upon by the Parties shall be electronically recorded in the presence of the Parties and/or reduced to writing and shall be signed by the Parties, and shall thereafter constitute part of the record.

The scheduling of a Pre-hearing Conference shall be solely within the discretion of the Agency or Presiding Officer.

(b) Submission Without a Hearing. Any Party may elect to waive a hearing and to submit its case upon the record. Submission of a case without a hearing does not relieve the Parties from the necessity of proving the facts supporting their allegations or defenses.

(c) Hearings, When and Where Held. Hearings will be held at a location designated by the Agency. Any Party may, by motion, request that a hearing be held at some place other than that designated, due to disability or infirmity of any Party or witness, or where justice and equity would best be served.

Upon motion of any Party and upon good cause shown, the Agency or Presiding Officer may in its discretion advance a case for hearing.

(d) Conduct of Hearings.

1. General. Hearings shall be as informal as may be reasonable and appropriate under the circumstances.
2. Decorum. All Parties, Authorized Representatives, witnesses and other Persons present at a hearing shall conduct themselves in a manner consistent with the standards of decorum commonly observed in any court. Where such decorum is not observed, the Agency or Presiding Officer may take appropriate action.
3. Duties of Presiding Officer. The Presiding Officer shall conduct the hearing, make all decisions regarding admission or exclusion of evidence or any other procedural matters, and administer an oath or affirmation to all witnesses.

(e) Order of Proceedings.

1. Opening. Except as otherwise required by law, it shall be the usual practice that in proceedings initiated by the Notice of Claim of Adjudicatory Proceedings, the Petitioner shall open. In hearings resulting from investigations or Orders to Show Cause, the Party or Agency conducting the investigation or the Agency issuing the Order to Show Cause shall open.
2. Discretion of Agency/Presiding Officer. Where evidence is peculiarly within the knowledge of one Party, or in cases in which Adjudicatory Proceedings have been consolidated, or where there are multiple Parties, the Presiding Officer or Agency may direct who shall open and shall designate the order of presentation.

(f) Presentation.

1. Rights of Parties. All Parties shall have the right to present evidence, cross-examine, make objections, bring motions and make oral arguments. Cross-examination shall occur immediately after any witness' testimony has been received. Whenever appropriate, the Presiding Officer or Agency shall permit redirect and recross.

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2. First Presentation. The Party opening the hearing shall have the right to present his position through evidence and testimony first.
3. Second Presentation. The Party taking the position contrary to that of the Party opening shall have the right to present his position upon completion of the opening Party's case.

(g) Witnesses and Evidence.

1. Oath. A witness' testimony shall be under oath or affirmation.
2. Evidence. Unless otherwise provided by any law, Agencies need not observe the rules of evidence observed by courts but shall observe the rules of privilege recognized by law. Evidence may be admitted and given probative effect only if it is the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. Weight to be given evidence presented will be within the discretion of the Agency or Presiding Officer.
3. Offer of Proof. An offer of proof made in connection with an objection taken to a ruling of the Presiding Officer rejecting or excluding proffered testimony shall consist of a statement of the substance of the evidence which the Party contends would be adduced by such testimony; and if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

(h) Evidence Included. All evidence, including any records, investigative reports, documents, and stipulations which is to be relied upon in making a Decision must be offered and made a part of the record. Documentary evidence may be received in evidence in the form of copies or excerpts, or by incorporation by reference.

(i) Administrative Notice. An Agency or Presiding Officer may take notice of any fact which may be judicially noticed by the courts of this Commonwealth or of general technical or scientific facts within the Agency's or Presiding Officer's specialized knowledge only if the Parties are notified of the material so noticed and are given an opportunity to contest the facts so noticed.

(j) Subpoenas. In conducting Adjudicatory Proceedings, the Agency or Presiding Officers may issue, vacate, modify and enforce subpoenas requiring the attendance and testimony of witnesses and/or the production of documents or other evidence in accordance with the following provisions:

1. Issuance. A Party may have a subpoena issued by a Notary Public or Justice of the Peace in the name of the Agency; or he may make written application to the Agency or Presiding Officer, which may issue the subpoena requested in the name of the Agency. However issued, every subpoena shall show on its face the name and address of the requesting Party. Notice shall not be required for issuance of a subpoena. Each Agency may prescribe the form of subpoena but, insofar as practicable, such form shall adhere to the form used in civil cases before the courts.
2. Motion to Vacate or Modify. Any Person to whom a subpoena is directed may, within a reasonable period, file in writing a motion that the subpoena be vacated or modified. The Agency or Presiding Officer shall give prompt notice to the Party who requested issuance of the subpoena. The Agency or Presiding Officer may grant such petition in whole, or in part, upon a finding that the testimony, or the evidence, whose production is requested, does not relate with reasonable directness to any matter in question or upon a finding that a subpoena for the attendance of a witness or the production of evidence is unreasonable or oppressive, or has not been issued a reasonable period in advance of the time when the evidence is requested.
3. Costs. Witnesses summoned by the Agency or Presiding Officer shall be paid the same fees for attendance and travel as in civil cases before the courts. The requesting Party shall pay all costs involved with the subpoena, including fees for attendance and travel.

(k) Transcript of Proceedings.

1. Recording and Transcripts. Testimony and argument at the hearing shall be either recorded electronically or stenographically. Transcripts of the proceedings shall be supplied to any Party, upon request, at his own

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expense. Any Party, upon motion, may order a stenographer to transcribe the proceedings, at his own expense. In such event, a stenographic record shall be provided to the Agency or Presiding Officer at no expense to the Agency, and upon such other terms as the Agency or Presiding Officer shall order.

2. **Correction of Transcript.** Corrections in the official transcript may be made only to make it conform to the evidence presented at the hearing. Transcript corrections, agreed to by opposing Parties, may be incorporated into the record, if and when approved by the Presiding Officer, at any time during the hearing, or after the close of evidence, but not more than ten (10) days or such other time as shall be allowed by the Presiding Officer from the date of receipt of the transcript. The Agency or Presiding Officer may call for the submission of proposed corrections and may make disposition thereof at appropriate times during the course of the proceeding.

(l) **Briefs.** At the close of the taking of testimony, the Agency or Presiding Officer shall fix the terms for the filing of briefs.

(m) **Settling the Record.**

1. **Contents of Record.** The record of the proceeding may consist of the following items: pleadings, pre-hearing conference memoranda, magnetic tapes, orders, briefs, and memoranda, answers to interrogatories and depositions, transcripts, exhibits, and other papers or documents which the Agency or Presiding Officer has specifically designated be made a part of the record. The record shall at all reasonable times be available for inspection by the Parties.

2. **Evidence After Completion.** No evidence shall be admitted after completion of a hearing or after a case submitted on the record, unless otherwise ordered by the Presiding Officer.

3. **Weight of Evidence.** The weight to be attached to any evidence in the record will rest within the sound discretion of the Agency or Presiding Officer. The Agency or Presiding Officer may in any case require either Party, with appropriate notice to the other Party, to submit additional evidence on any matter relevant to the Adjudicatory Proceeding.

4. **Exceptions.** Formal exceptions to rulings on evidence and procedure are unnecessary. It is sufficient that a Party, at the time that a ruling is made or sought, makes known his objection to such action and his grounds, therefore, provided that, if a Party has no opportunity to object to a ruling at the time it is made, or to request a particular ruling at an appropriate time, such Party, within three (3) days of notification of action taken or refused, shall state his objection and his grounds therefor.

(n) **Decisions.**

1. **Tentative Decisions.** If a majority of the officials of the Agency who are to render the final Decision have neither heard nor read the evidence, such Decision if adverse to any Party other than the Agency, shall be made only after a tentative or proposed Decision is mailed to the Parties. Every tentative Decision shall be in writing and shall contain a statement of the reasons therefor, including a determination of every issue of fact or law necessary to the Decision. Whenever a tentative Decision is rendered, the Parties shall have the opportunity to file objections to the Decision and may argue in support thereof, orally or in writing, as the Agency or Presiding Officer may order. The Parties shall have seven (7) days from receipt of the tentative Decision to make such filing. The Presiding Officer or Agency shall have the discretion to allow or order the Parties to argue orally. Unless a Party makes a written request in advance for a tentative or proposed Decision, the Agency need not comply with the provisions of this division.

2. **Final Decisions.** Every final Decision shall be in writing and shall be signed by the Presiding Officer or by those officials of the Agency who are required by law to sign such Decisions. Every final Decision shall contain a statement of the reasons therefor, including a determination of every issue of fact or law necessary to the Decision, provided that if a final Decision was preceded by a tentative Decision, the final decision may incorporate by reference those determinations set forth in the tentative Decision, subject to such modifications and discussion as the

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Presiding Officer or Agency may deem appropriate to respond to timely filed opposing and concurring views with the tentative Decision.

3. Presiding Officer Unavailable. When a Presiding Officer becomes incapacitated or unavailable to render a Decision, a tentative Decision shall be rendered by a substitute Presiding Officer upon the record as herein defined.

(o) Reopening of Hearings. On its own motion or on motion of any Party, the Agency or Presiding Officer may at any time before a tentative or final Decision is issued request that the hearing be reopened for the purpose of receiving new evidence.

(p) Motion for Reconsideration. Any Party may file a Motion for Reconsideration, setting forth specifically the grounds or statutory provision relied upon to sustain the Motion, within ten (10) days from the date a copy of the Decision is mailed to the Parties by the Agency or Presiding Officer.

(q) Further Appeal. After the issuance of a final Decision, any Party who has the right to seek administrative or judicial review of the Decision may file with the appropriate administrative agency or court.

(r) Withdrawal of Exhibits. After a Decision has become final and all appeal periods have lapsed the Agency or Presiding Officer may in its discretion, upon motion, permit the withdrawal of original exhibits or any part thereof by the Party or Person entitled thereto.

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1.03: Miscellaneous Provisions Applicable To All Adjudicatory Proceedings

- (1) Preamble. 801 CMR 1.03 of the Adjudicatory Rules of Practice and Procedure is applicable to all proceedings held under 801 CMR 1.01 and 1.02 of these rules.
- (2) Effective Date. These rules shall take effect ninety (90) days from the date of publication thereof by the Secretary of the Commonwealth and shall govern Adjudicatory Proceedings commenced after said ninety (90) days for all Agencies within the jurisdiction of these rules.
- (3) Citation. Rules of Practice and Procedure will be cited as "Standard Rules of Practice and Procedure" followed by the particular rule and section numbers.
- (4) Availability of Rules. Copies of all rules shall be available upon request to any person from the Office of the Secretary of the Commonwealth and the Agency. Fees for copies shall be the cost of public records as determined by the Executive Office for Administration and Finance.
- (5) Amendments to Rules.
 - (a) Commissioner of Administration. The Commissioner of Administration and Finance may adopt in accordance with M.G.L. c. 30A any amendments and additions to these rules as may be appropriate.
 - (b) Agency Request. Any Agency may make application for amendments and additions in these rules.
 - (c) Amendment Effective Date. All amendments shall be effective as of the date of publication thereof unless otherwise specifically provided.
- (6) Severability. If any rule contained herein is found to be unconstitutional or invalid by a Court of competent jurisdiction, the validity of the remaining rules will not be so affected.
- (7) Exemptions. These regulations shall not apply to any Agency within the executive offices for which M.G.L. c. 30A is not applicable. Any other Agency within each of the executive offices shall submit in whole or in part its rules for the conduct of Adjudicatory Proceedings to the Commissioner of Administration who shall approve or disapprove the filing of these proposed substitute rules. Such substitute rules shall be promulgated pursuant to the rule-making procedures of M.G.L. c. 30A and shall be filed with the Secretary of the Commonwealth within sixty (60) days of the publication of these rules and shall take effect at the same time as the standard rules. Thereafter, substitute rules shall be filed subject to the approval of the Commissioner of Administration and in accordance with section six.

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Any substitute rules shall follow the headings and to the extent possible the sub-headings as set forth in these regulations.

(8) Non-English Speaking Parties.

(a) Communications. All communications which may result in the commencement of an Adjudicatory Proceeding shall contain a notice printed in English, Spanish, Portugese, Italian, Greek, French and Chinese that informs the reader that the document is important and should be translated immediately.

(b) Interpreters. If any Party to a proceeding cannot communicate effectively in English, the Agency, or Presiding Officer shall stay the proceeding until someone can be found who can communicate effectively in both English and the language of the non-English speaking Party.

(9) Conflicts. No Presiding Officer who has a direct or indirect interest, personal involvement or bias, in an Adjudicatory Proceeding, shall conduct a hearing in said matter, nor shall he participate in the Decision-making process of such matter.

(10) Ex Parte Communications. No Party or other Person directly or indirectly involved in an Adjudicatory Proceeding shall submit to the Presiding Officer or any Agency employee involved in the Decision-making process, any evidence, argument, analysis or advice, whether written or oral, regarding any matter at issue in an Adjudicatory Proceeding, unless such submission is part of the record or made in the presence of all Parties. This provision does not apply to consultation among Agency members concerning the Agency's internal administrative functions or procedures.

(11) Docket/Decision Index.

(a) Docket. Unless otherwise proscribed by law, each Agency shall maintain on a current basis, a docket of all proceedings which shall list separately in chronological order all Papers filed and actions taken in each Adjudicatory Proceeding.

(b) Decision Index. Unless otherwise proscribed by law, each Agency shall maintain on a current basis, a decision index and compilation of decisions. Said index shall contain an alphabetical listing by name and subject matter of all adjudicatory decisions rendered and shall contain a further cross-reference as to the page number in the compilation where the subject Decision may be found. All names and addresses of Parties shall when appropriate be deleted from the Decisions in the compilation in order to protect confidentiality.

(c) Public Inspection. Unless proscribed by law, the docket, Decision index, and compilation of Decisions shall be available for inspection and copying by the public during the office hours of the Agency. The rate for copying shall be rates as set by the Executive Office for Administration and Finance.

(12) Special Provisions. The following special rules are to be applied in appeals under M.G.L. c. 6A, s. 36, pertaining to adjudicatory appeals resulting from the action or failure to act on the part of the Rate Setting Commission:

(a) In such case as there is a conflict between a special rule and a standard rule elsewhere contained herein, the standard rules shall govern.

(b) All references to the "Division" shall mean the Division of Hearings Officers as established pursuant to M.G.L. c. 7, s. 4H, as amended.

(c) In addition to the requirements of 801 CMR 1.01(6)(b), the Notice of Claim for Adjudicatory Proceeding shall certify that the proceeding is not interposed for delay, and shall further state the date on which the rate appealed was filed with the Secretary of the Commonwealth and the date written notice thereof was received by the Petitioner.

(d) In such case as there is an Adjudicatory Proceeding from an interim rate and prior to a hearing being held thereon, a final rate is established which is appealed, the Petitioner shall so notify the Division, and the Division shall dismiss the Adjudicatory Proceeding on the interim rate as moot.

(e) No case shall be heard unless and until the Division receives from either Party a Notice of Adjudicatory Proceeding Ready for

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Trial. Upon the receipt of such Notice, the Division shall place the appeal on the trial list and schedule the appeal for hearing in the regular order of business. If the nonnoticing Party is not ready for trial, he shall within seven (7) days after the Notice is filed with the Division, file an Objection to Placing Appeal on Trial List, stating the grounds thereof. In such case as an Objection is so received by the Division, the Division shall treat the matter as a motion as provided for in 801 CMR 1.01(7)(a).

(f) Upon motion of either Party, and upon good cause shown, the Division may, in its discretion, advance a case on the trial list.

(g) If at any time the Petitioner has formally requested the Respondent to settle any issues in dispute through administrative proceedings before the Respondent, the Petitioner shall request that its Adjudicatory Proceeding before the Division be stayed pending the results of the administrative proceedings before the Respondent. However, no stay will be granted for a period of more than six (6) months upon motion duly made and for good cause shown.

(h) In any Adjudicatory Proceeding where a Notice of Adjudicatory Proceeding Ready for Hearing is received from a Petitioner, and the Adjudicatory Proceeding is assigned for a hearing, and the Petitioner is not prepared to go forward, the Division may, in its discretion, dismiss the proceeding with prejudice.

(i) In such case as a Notice of Adjudicatory Proceeding Ready for Hearing has not been filed by the Petitioner within one (1) year, or such further time as the Division may allow from the date of filing of its complaint, the Division may, in its discretion, dismiss the Adjudicatory Proceeding with prejudice.

(13) Lists of Exempted Agencies. The Commissioner of Administration shall file from time to time with the Secretary of the Commonwealth, a list of those Agencies which are excluded from these rules or have in accordance with these rules been granted an exemption from their applicability.

REGULATORY AUTHORITY

801 CMR 1.00: M.G.L. c. 30A, ss. 9 and 10.



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