PROPOSED AMENDMENTS VIA A HOME RULE PETITION

Chap. 445 of the Acts of 1960. An Act establishing preliminary municipal elections in the City of Salem

Be it enacted, etc., as follows:

Section 1. ~~On the third Tuesday~~ On a Tuesday no less than six weeks but no more than eight weeks preceding every regular or special municipal election in the city of Salem at which any elective municipal office is to be filled, there shall be held, except as otherwise provided in section nine, a preliminary election for the purpose of nominating candidates therefor, At every such election the polls shall be opened during such hours, in accordance with general law, as the members of the municipal council may prescribe and the general laws relative to municipal elections shall apply thereto, except as is otherwise specifically provided for in this act.

Section 2. Except as is otherwise provided in said section nine, there shall not be printed on the official ballot to be used at any regular or special municipal election in said city 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 this act. 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~~they shall have submitted, within the time limited and as provided by section three, the nomination paper therein described.

Section 3. Any person who is qualified to vote at any regular or special municipal election in said city for a candidate for any elective municipal office in said city, and who is a candidate for nomination thereto, shall be entitled to have ~~his~~their name as such candidate printed on the official ballot to be used at a preliminary election for nomination therefor; provided, that if ~~he is~~ they are a candidate to be voted for in a single ward ~~he~~they shall be a registered voter in the ward wherein ~~he is~~ they are a candidate~~,~~ and provided, further, that on or before five o 'clock in the afternoon of the sixth Tuesday preceding such ~~regular or special~~ preliminary municipal election there shall be submitted to the board of registrars of voters a nomination paper prepared and issued by the city clerk, wherein the candidate sets forth in writing ~~his~~their candidacy, and wherein the petition is signed in person by at least twenty-five, or, in case of a candidate for the office of mayor and

other offices, by at least one hundred, voters of the city
qualified to vote for a candidate for the said office, whose
signatures are certified as hereinafter provided.

Said nomination papers shall be in substantially the following
form:—

Commonwealth of Massachusetts.
City of Salem.
Nomination Paper.
Statement of Candidate.
I (   ), on oath declare that I am a
citizen of the
United States of America, that I reside at (number, if any) on
(name of street) and ward   in the city of Salem; that
I am a voter
therein, qualified to vote for a candidate for the office
hereinafter mentioned; 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 name be printed
as such candidate on the official ballot for use at said
preliminary election.
(Signed)
Commonwealth of Massachusetts. Essex, ss.
Subscribed and sworn to on this   day of
~~nineteen~~
~~hundred~~ and   before me,
(Signed)
Justice of the Peace (or Notary Public).
Petition of Accompanying Statement of Candidate.
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 Salem, 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 Tuesday, the   day of
, ~~nineteen hundred~~ and
"We further state that we believe ~~him to~~they are ~~be~~ of good
moral character and qualified to perform the duties of the
office, and that we have not subscribed to more nominations of
candidates for this office than there are persons to be elected
thereto.
Signatures of Nominators.   Ward.
Present Residence

(To be made in person.)
No acceptance by the candidate for the nomination named in the said nomination paper shall be necessary to its validity or its filing. The petition, which may be on one or more papers, need not be sworn to.

Section 4. After any such nomination paper has been submitted to said board of registrars of voters, hereinafter called the board, it shall certify thereon the number of signatures which are the names of registered voters in said city qualified to sign the same. All such papers found not to contain a number of names so certified, equivalent to the number required to make a nomination shall be invalid, and such papers shall be preserved by the board for one year. The board shall complete its certification on or before five o'clock in the afternoon of the fifth Tuesday preceding such ~~regular or special municipal~~ preliminary election, and the board, or some member thereof, shall file with the city clerk on or before five o 'clock in the afternoon of the next day all papers not found to be invalid as aforesaid.

Section 5. On the first day, other than a legal holiday, following the expiration of the time for filing the above described nomination papers with the city clerk, ~~he~~ the city clerk~~y~~ shall post in a conspicuous place in ~~his~~their office the names and residences of the candidates for nomination who have duly qualified as such , as they are to appear on the official ballots to be used at the preliminary election, except as to the order of the names, which shall be drawn by lot by the city clerk within seventy-two hours succeeding five o'clock in the afternoon of the last day fixed for filing the nomination papers with ~~him~~~~them~~the city clerk , and the city clerk~~y~~~~he~~ shall cause the ballots, which shall contain said names in their order as drawn by ~~him~~~~the~~m clerk , and no others, with a designation of residence, and of the office and term of office, to be printed, and the ballots so printed shall be official and no others shall be used at the preliminary election. At any drawing for position on the ballot, each candidate shall have an opportunity to be present in person or by one representative. There shall be left at the end of the list of candidates for nomination for each office blank spaces equal in number to the number of persons to be nominated therefor, in which spaces the voter may insert the name of any person not printed on the ballot for whom ~~he~~they desire~~s~~ to vote for nomination for such office, but the name of such person shall not be printed on the official ballot to be voted for at any regular or special municipal election in said city unless such person is qualified to be nominated under section three. There shall be printed on such ballots such

directions as will aid the voter, as, for example: "vote for one", "vote for two", and the like, and the ballots shall be headed substantially as follows:—
Official Preliminary Ballot.
Candidates for nomination for the offices of (name of offices) in the city of Salem at a preliminary election to be held on the day of
, in the year ~~nineteen hundred~~ and
At the top ~~On the back and outside~~ of each ballot ~~when folded~~ shall be printed the words '' Official Ballot for preliminary Election'' followed by the designation of the ward for which the ballot is prepared, the date of the preliminary election and a facsimile of the signature of the city clerk.
Section 6. No ballot used at any preliminary election in said city 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~~ they were nominated or indicating ~~his~~ their views or opinion.
Section 7. The election officers of said city shall, immediately upon the closing of the polls at preliminary elections, count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon blanks to be furnished, as in regular elections, to the city clerk, who shall canvass said returns and shall forthwith determine the result thereof, insert the same in a newspaper published in said city and post the same in a conspicuous place in ~~his~~ their office.
Section 8. ~~If any person receives at a preliminary election a majority of all the votes cast for the office for nomination to which he was~~they were ~~a candidate, he~~they ~~shall be deemed and declared elected thereto; provided, that at said election at least eighty per cent of the total registered vote of the city, or, in the case of a ward councilor, of the ward, shall be cast; otherwise t~~The two persons receiving at a preliminary election the highest number of votes for nomination for any office, except one to which two or more persons are to be elected at the regular or special municipal election following, and, as to each of such offices, the several persons in number equal to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office, shall, except, as provided in this section and in section nine, be the sole candidates for that office whose names may be printed on the official ballot to be used at the regular or special municipal election at which such office is to be filled.

If the preliminary election results in a tie vote among candidates for nomination to any office receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to have ~~his~~their name printed upon the official ballot for the regular or special municipal election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon the names of candidates to a number exceeding twice the number to be elected.   ;

Section 9. If at the expiration of the time for filing with the city clerk nomination papers for candidates to be voted for at any preliminary election there have not been filed with ~~him~~the city clerk ~~m~~ more than twice as many such nomination papers for an office as there are persons to be elected to such office, the candidates whose nomination papers have thus been filed shall be deemed to have been nominated to said office, and their names shall be printed on the official ballot to be used at the regular or special municipal election following, and the city clerk shall not print said names upon the ballot to be used at said preliminary election, and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of said city, no preliminary election shall be held in any such ward or wards.

Section 10.   So much of chapter five hundred and fifty-nine of the acts of nineteen hundred and twelve and any other special law, and acts in amendment thereof, and in addition thereto, as is inconsistent with this act, is hereby repealed.

Section 11. This act shall be submitted for acceptance to the registered voters of the city of Salem at the state election to be held in the year nineteen hundred and sixty, in the form of the following question, which shall be printed on the official ballot to be used in said city at said election:—"Shall an act passed by the general court in the year nineteen hundred and sixty, entitled 'An Act establishing Preliminary Municipal Elections in the City of Salem', be accepted?" If the majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect in the biennial municipal election to be held in said city in the year nineteen hundred and sixty-one, and for all municipal elections in said city thereafter, but not otherwise.

Approved June 2, 1960.