



# **BOARD OF REGISTRARS AND ELECTION COMMISSIONS**

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## TABLE OF CONTENTS

- I. Introduction
- II. Appointment and Structure of Boards of Registrars and Election Commissions
  - A. Appointment
    - 1. Board of Registrars with the City/Town Clerk as a Member
    - 2. Board of Registrars Without the City Clerk as a Member
    - 3. Election Commission
    - 4. Important Note
  - B. Qualifications
  - C. Vacancies
    - 1. By Appointment
    - 2. By Temporary Appointment
  - D. Assistant Registrars and Absent Registration Officers
- III. Registration Functions and Sessions
  - A. Registration Functions
    - 1. Functions Required by Registrars
    - 2. Registration Sessions
  - B. Special Registration Provisions
    - 1. Physically Disabled Persons
    - 2. High School Registration Sessions
    - 3. Registering Out-of-Town Residents
    - 4. Supplementary Registration
    - 5. Registration at Schools Outside the Community, but in the Commonwealth
    - 6. Registration at Public Schools
- IV. Local Lists
  - A. Street List
  - B. Annual Register
  - C. Voting List
    - 1. Voting List Preparation
    - 2. Voting List Distribution
    - 3. Care of Checked Voting List
- V. Certification of Signatures
  - A. Receipt of Papers and Petitions
  - B. Candidate Information
  - C. Candidate's Statement of Public Office and the Written Acceptance
  - D. Enrollment Certificate or the Candidate's Certificate of Voter Registration
  - E. Certification of Names
  - F. Review of Non-Certified Signatures
  - G. Return of Certified Papers or Petitions
  - H. Absent Voting Duties
    - 1. Permanently Disabled Voters
    - 2. Absentee Voting for Voters Admitted to a Healthcare Facility
    - 3. Supervised Absentee Voting
- VI. Appointment of Election Officers
  - A. In Cities
  - B. In Towns
- VII. Objections and Challenges to Local Nomination Papers
- VIII. Recounts

## I. INTRODUCTION

Every city and town must have a Board of Registrars or Election Commission whose responsibilities include registering voters, making local listings of residents, certifying nomination papers and petitions, processing absent voter applications and administering election recounts. This booklet describes how such boards and commissions are appointed, how they are structured and how they function.

## II. APPOINTMENT AND STRUCTURE OF BOARDS OF REGISTRARS AND ELECTION COMMISSIONS

This section deals with the procedures for:

- appointment,
- qualifications required,
- how vacancies are filled, and
- assistant registrars and absent registration officers.

### A. Appointment

The Massachusetts General Laws describe three types of boards a city or town may have to fulfill the functions of registrars. Every city and town must have a Board of Registrars or an Election Commission. A brief description of each type of board follows. M.G.L. c. 51, § 15.

#### 1. Board of Registrars With the City/Town Clerk as a Member

The Board of Registrars in all cities and towns, except those which accept either section 16A or 17 of chapter 51 or which are under a special act (for example, Boston and Cambridge), is a four member board of which one member is the city or town clerk. The other three members are appointed in cities by the mayor with the approval of the city council or board of aldermen, and in towns by the selectmen from lists submitted by town committees of the two leading political parties.

If no list is submitted within 45 days after the party chairman is notified by the selectmen or appointing authority by certified mail, the appointments are made by the selectmen or appointing authority without reference to the list.

When a board of registrars is first appointed, its members are selected in February or March for one, two and three year terms respectively with their terms to begin the following April 1<sup>st</sup>. After that, one member is appointed each February or March for a three year term.

The clerk automatically becomes a member of the board when sworn in as city or town clerk.

The board must always contain, as nearly as possible, representatives of the two leading political parties as defined in chapter 50, section 1 (Democrats and Republicans) and can contain no more than two members of each of those parties. M.G.L. c. 51, § 18.

The party enrollment of the clerk affects the membership of the board, but the city or town clerk need not be enrolled in a political party. If the election or appointment of a clerk would cause more than two members to be from the same party, the appointed member of the registrars with the shortest term left to serve and enrolled in the same party as the clerk would be removed by the mayor or selectmen (after written complaint, notice and hearing) and a new member would be appointed from a different party than that of the clerk. M.G.L. c. 51, § 19.

For purposes of membership on the board, changes in party enrollment take effect two years later. M.G.L. c. 4, § 12.

## **2. Board of Registrars Without the City Clerk as a Member**

In cities that accept section 17 of chapter 51, the Board of Registrars consists of four members appointed by the mayor with the approval of the city council to equally represent the two leading political parties. However, when these cities change from a board that includes the clerk as a member as in section 15, the city clerk ceases to be a member of the board as soon as the first two registrars are appointed. M.G.L. c. 51, § 17.

When a board is established pursuant to section 17, the first two registrars are appointed in February or March, one for a three year term and the other for a four year term to begin on April 1<sup>st</sup>. These two registrars fill the vacancies created by the removal of the city clerk from the board as well as the annual expiration of one of the registrar's appointed term. The remaining two registrars from the previous board continue in office until their original terms expire. After that, as registrars' terms expire, each new appointment is for a four year term to begin on April 1<sup>st</sup>.

## **3. Election Commission**

In any city (except Cambridge) or town that accepts the provisions of section 16A of chapter 51, there shall be a board of election commissioners who shall have all the powers, duties and responsibilities of the registrars of voters.

If a city or town accepts the provisions of section 16A, the three members of the Board of Registrars already in existence when the Election Commission is established become the Election

Commissioners. The town clerk ceases to be a member and therefore, a new member is appointed for a four year term to begin April 1<sup>st</sup>.

The commission itself shall consist of four members equally representing the two leading political parties. Appointments are made by the mayor with the approval of the board of alderman, the city manager or the selectmen.

In towns, such appointments are made from a list containing the names of three voters from that town submitted by the town committee of the political party from which the position is to be filled. If no list is submitted within 45 days after the selectmen or appointing authority have notified the party chairman by mail, the appointments are made by the selectmen or appointing authority without reference to any list.

#### **4. Important Note**

A registrar's or election commissioner's party enrollment status is determined by reviewing their enrollment status two years prior to appointment. Any party enrollment status required for appointment must have been maintained continuously for two years. M.G.L. c. 4, § 12.

#### **B. Qualifications**

The General Laws specify qualifications for registrars and enumerate other offices they may or may not hold. Additionally, there are other positions registrars should avoid due to possible conflict of interest.

Registrars and assistant registrars must meet the following qualifications:

- must be a registered voter in the city or town where appointed unless regularly employed by the registrars; M.G.L. c. 51, § 25;
- must hold no other office in the city or town where he/she is a registrar either by election or by direct appointment by the mayor, selectmen, or city/town manager or hold an office by election or appointment under the government of the United States or of the Commonwealth, except for towns with less than 2000 residents; M.G.L. c. 51, § 25; and
- must subscribe an oath to faithfully perform the duties of registrar. M.G.L. c. 51, § 23.

If a registrar accepts any such appointed or elected office, he may no longer serve as a registrar and the office is deemed vacated. A registrar may run for and hold office as a member of a home rule charter commission or town meeting member. M.G.L. c. 51, § 25. This law does

not prohibit a registrar or assistant registrar from being a candidate for a public office, but if a registrar or assistant registrar becomes a candidate for public office, there may be other implications such as those with the state ethics laws.

Registrars should not serve as election workers. However, if a registrar has served as an election worker he should disqualify himself should a recount occur. It should be kept in mind that in such a case, the appointing authority should temporarily fill any vacancy in the board so as to maintain the representation of the political parties for the recount. It is sound practice to avoid conflicts of interest such as those which might occur if a person were both an election officer and a registrar.

Registrars and assistant registrars may be a justice of the peace, notary public or officer of the state militia. M.G.L. c. 51, § 25.

Pursuant section 5 of chapter 55 of the General Laws, registrars cannot serve as the chairman, treasurer, or other principal officer of any political committee.

### **C. Vacancies**

Board vacancies which occur between the regularly appointed terms may be filled in two ways—either by appointment or temporary appointment.

#### **1. By Appointment (M.G.L. c. 51, § 15)**

An appointment may be made in the same manner as the original appointment, but only for the remainder of the vacated original term.

In a city, vacancies are filled by the mayor with the approval of the city council or board of aldermen.

In a town, vacancies are filled by the selectmen from a list of three voters from that town submitted by the town committee of the political party from which the position is to be filled.

#### **2. By Temporary Appointment (M.G.L. c. 51, § 20)**

A temporary appointment to fill a position for a limited time may be made by the mayor or selectmen upon written request of a majority of the board. This type of appointment may be made in cases where the vacancy occurs because of a registrar's absence from the city or town, retirement, death, or inability to perform his or her duties.

### **D. Assistant Registrars and Absent Registration Officers**

Registrars may appoint assistant registrars for one year terms, which begin on April 1<sup>st</sup>, to assist the registrars as they deem best. The assistant registrars must equally represent the two leading political parties.

Unenrolled voters may be appointed assistant registrars as long as there is an equal number of Democrats and Republicans. M.G.L. c. 51, § 22.

Registrars may also appoint temporary assistant registrars from time to time to assist in street listing and in the registration of voters. They must equally represent the two leading political parties. If they are regularly employed by the registrars they need not be registered voters of the city or town.

Assistant registrars are subject to the same obligations and penalties as registrars.

Registrars may appoint absent registration officers to assist them in registering physically disabled voters. They must equally represent the two leading political parties. M.G.L. c. 51, § 22A.

Assistant registrars may perform the duties of registrars under the direction of the registrars. M.G.L. c. 51, § 24.

All acts of a single registrar, assistant registrar or absent registration officer are subject to acceptance of the full Board of Registrars. M.G.L. c. 51, § 33.

### **III. REGISTRATION FUNCTIONS AND SESSIONS**

Registrars are responsible for the entire registration process, for maintaining registration records, and for sending certain records to the Secretary of the Commonwealth.

#### **A. Registration Functions**

At voter registration sessions, registrars are required to receive affidavits of voter registration from registrants who reside in their city or town and from those who reside in any other city or town in the Commonwealth. For applications for other municipalities, the registrars must submit such completed affidavits to the registrars in the registrant's city or town. M.G.L. c. 51, § 42F.

Upon receipt of a completed affidavit of voter registration, the registrars shall add the name of the voter to the annual register. M.G.L. c. 51, § 46. The affirmation by the registrant of the facts contained on the affidavit of registration, signed under the penalties of perjury, is sufficient for registration purposes and the registrars should not request additional evidence of a voter's domicile during the initial registration process. If the registrars are not satisfied with the facts set forth in the affidavit, they may require further evidence of domicile at a post-registration hearing.

after issuing a formal complaint and summons. M.G.L. c. 51, §§ 44, 47, 47B, 48, 49.

### 1. Functions Required by Registrars

Registrars must post a copy of Massachusetts General Laws chapter 56, sections 7 (Aiding or abetting false oath, etc.), 8 (Illegal registration), and 9 (Misconduct at registration) at every registration site. M.G.L. c. 51, § 12.

The registrars must accept all completed voter registration affidavits received from registration agencies, from individuals and organizations conducting voter registration, through the mail and by hand delivery. All registration forms are supplied by the Secretary of the Commonwealth. There are forms for voter registration agency use (two-part forms) and mail-in forms. M.G.L. c. 51, §§ 36, 42, 42F.

When registering individuals at the Board of Registrar's Office or Office of the City or Town Clerk, registrars must use the agency two-part forms and give the registrant a copy of the voter registration affidavit. M.G.L. c. 51, § 36.

Registrars must register those individuals who will be 18 on or before the date of the next election. M.G.L. c. 51, §§ 1, 44, 47A.

Registrars may receive voter registration affidavits during the hours designated for voter registration. M.G.L. c. 51, §§ 26, 33.

If after reviewing an affidavit of voter registration, it appears to the registrars that the applicant is not qualified to be a registered voter or the affidavit is incomplete, the registrars must notify the applicant that they have not been registered to vote and give them an opportunity to remedy the defects in the affidavit. M.G.L. c. 51, § 47.

The registrars must send duplicate copies of affidavits of registration to the registrars in the city or town where the voter was last registered if in Massachusetts or to the secretary of state where the voter was last registered if the previous residence was in another state. M.G.L. c. 51, §§ 38, 46A.

If a voter is seeking to register in a different community, the registrars must allow the voter to register using the agency form and the registrars thereafter must transmit the original affidavit to the voter's home community within 5 calendar days. **The registrars must be sure to write their city or town in the red box in the lower right hand corner.** M.G.L. c. 51, §§ 36, 42F.



The registrars must preserve original affidavits of registration or microfilm copies indefinitely, as public records, except for large print affidavits of registration. Also, they must preserve for two years all other written applications, complaints, certificates, voting lists, and affidavits received by them and all other documents relative to listing and voter registration. M.G.L. c. 51, § 41.

Registrars must ensure that candidates for public office or persons acting on their behalf do not solicit votes or distribute campaign literature in any office where voter registration is being conducted. M.G.L. c. 51, § 52A.

Registrars must change a person's party enrollment upon a request signed under the pains and penalties of perjury and thereafter, notify the voter that the change has been made. M.G.L. c. 53, § 38.

If at any time after 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 of their beliefs and summon the voter to appear before them for a hearing. M.G.L. c. 51, § 47B.

The registrars must also summon a person to a hearing before them upon receipt by the Board of a signed and sworn complaint alleging that person is illegally or incorrectly registered to vote. The complaint must be made in writing and received at least 14 days before an election in a city and four days before an election in a town. M.G.L. c. 51, § 48.

The registrars must examine under oath anyone summoned before the board to answer a complaint about their voter registration. If after examination, the registrars are satisfied that the person is not a qualified voter or the person fails to appear before them, they shall strike his name from the register. Any member of the board of registrars may administer oaths to witnesses who appear before the board. M.G.L. c. 51, § 49; M.G.L. c. 233, § 8.

The registrars must submit the number of voters enrolled in each party, political designation and the number of those unenrolled, by precinct, to the Secretary of the Commonwealth within 10 days after the last day to register to vote for every state and presidential primary, general election and on or before February 1<sup>st</sup> of each even numbered year. M.G.L. c. 53, § 38A.

The registrars must record the number of affidavits of registration received:

- by agency designation,
- from the Registry of Motor Vehicles,
- federal affidavits (national mail-in voter registration forms),
- mail in affidavits,
- all other affidavits,
- confirmation notices mailed,
- responses to confirmation notices, and
- those voters removed from the voters' list.

This information must be provided to the Secretary of the Commonwealth.

## **2. Registration Sessions**

Registrars must hold sessions for voter registration as provided in town by-laws, city ordinances and Massachusetts General Laws. The registrars may also hold other voter registration sessions at locations they deem necessary, including mobile registration units, to allow voters to register. M.G.L. c. 51, § 26. In addition, they may hold sessions in any regional high school, college or university within the Commonwealth for persons entitled to be registered in their city or town who are regularly gathered there for education or employment. M.G.L. c. 51, § 42D. They must post or publish sessions of voter registration. M.G.L. c. 51, § 32.

Voter registration closes 20 days before an election. (A voter may register during this 20 day period, but they will not be able to vote at that election.) The last day to register for a state primary, state election, presidential preference primary, annual town meeting, city or town preliminary, special preliminary or special election is 20 days before the date of the election or meeting. The last day to register for a special town meeting is 10 days before that meeting. M.G.L. c. 51, § 26.

On the last day for voter registration as discussed above, the Board of Registrars must hold a continuous voter registration session from 9 a.m. to 8 p.m., except in towns of fewer than 1500 voters where the hours must be at least 2 p.m. to 4 p.m. and 7 p.m. to 8 p.m. M.G.L. c. 51, § 28.

## **B. Special Registration Provisions**

### **1. Physically Disabled Persons**

Persons who are physically disabled and unable to register in person may apply to register out of the office. This application must be received by the registrars no later than three days before the last day

of registration. After receipt of such an application, two registrars or assistant registrars, equally representing the two leading political parties, shall visit and register the person if satisfied of the disability. M.G.L. c. 51, § 42A.

## **2. High School Registration Sessions**

If the city or town accepts the provisions of section 42C of chapter 51 of the General Laws, the registrars must hold a voter education and registration session at each high school or vocational school in their city or town, as part of an educational assembly for all seniors, one day each year between April 1<sup>st</sup> and May 15<sup>th</sup>. This section applies only upon its acceptance by city council or town meeting. M.G.L. c. 51, § 42C.

## **3. Registering Out-of-Town Residents**

If a voter is seeking to register in a different community in Massachusetts, the registrars must allow the voter to register using the agency (two-part) form and the registrars thereafter must transmit the original affidavit to the voter's home community within 5 days after completion. **The registrars must be sure to write their city or town name in the red box in the lower right hand corner.** M.G.L. c. 51, §§ 36, 42F.

## **4. Supplementary Registration**

Any legal resident of the Commonwealth who was included in the definition of "specially qualified voter" throughout the 7 days immediately preceding the final time for registration, or who becomes a U.S. citizen after the final time for registration, may appear before a registrar or assistant registrar of the city or town where they reside, during regular business hours of any day following the final day for registration before a primary or election, and register as a voter up until 4:00 p.m. on the day before a primary, preliminary, or election. M.G.L. c. 51, § 50.

As defined in chapter 50, section 1, a specially qualified voter includes any person (a) who is otherwise eligible to register as a voter; and (b) (1) whose present domicile is outside the United States and whose last domicile in the United States was Massachusetts; or (2) whose present domicile is Massachusetts and who is:

- absent from the city or town of residence and in the active service of the armed forces or in the merchant marine of the United States, or a spouse or dependent of such person;
- absent from the commonwealth; or
- confined in a correctional facility or a jail, except if by reason of a felony conviction.

A voter registered under these circumstances must be issued a certificate of “Supplementary Registration” that they must present to election officers at the polls in order to vote.

**5. Registration at Schools Outside the Community, but in the Commonwealth**

Registrars may hold sessions in any regional high school, college or university within the Commonwealth where there are persons entitled to be registered in their city or town who are regularly gathered there by reason of education or employment. M.G.L. c. 51, § 42D.

**6. Registration at Public Schools**

All public and independent colleges, universities, high schools and vocational schools shall make affidavits of voter registration available at locations where students register for classes. These locations must be published along with the annual course listing or in some other school-wide publication. M.G.L. c. 51, § 42E.

**IV. LOCAL LISTS**

There are three annual lists which must be prepared by registrars:

- the street list;
- the annual register of voters; and
- the voting list.

Additional details can be found in the booklet “*From Street List to Voter List*” available from the Elections Division.

**A. Street List**

In January or February of each year, the registrars must visit or communicate with all persons living in their community and gather information for a street list for all residents three years and older which will include:

- name,
- address,
- date of birth,
- occupation,
- veteran status, and
- nationality if not a United States citizen.

M.G.L. c. 51, §§ 4; 10A, 14.

Also, the street list will include the person's address on the previous January 1<sup>st</sup> and indicate whether or not the resident is a registered voter. If the communication is made by mail, it must state, in bold, the following warning: **“Warning—failure to respond to this mailing shall result in removal from the active voting list and may result in removal from the voter registration rolls.”** Registrars communicating by mail may require a response under the penalties of perjury.

On or before April 15<sup>th</sup> of each year, the registrars shall prepare lists containing the names and addresses of all persons 17 years of age or older. M.G.L. c. 51, § 6. This is the list known as the “street list”.

On or before June 15<sup>th</sup> of each year, the registrars must print a sufficient number of street lists, so as to furnish such lists, free of charge, 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 non-political committees and organizations at a fee to be determined by the registrars. 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, listing their names and addresses. M.G.L. c. 51, § 6. If a candidate is seeking an electronic version of the list, the registrars may charge a reasonable fee for the cost of reproduction.

The registrars must also provide a list of all residents age 3 to 21 to the school committee by April 1<sup>st</sup> of each year. The names of the individuals age 3 to 16 on the list can only be disclosed to the school committee or board of trustees of a county agricultural school or to the police department. M.G.L. c. 51, § 4.

Registrars, except in the City of Boston, may be assisted by the police department, assessors, supervisors of school attendance or other suitable officers or employees of the city or town, or other qualified persons in the listing of residents. They must have the approval of the relevant authority for such assistance – the mayor, selectmen, or school committee. In the City of Boston, only the police department, with the mayor's approval, may assist. M.G.L. c. 51, § 14A.

Printed lists may be amended when new evidence is submitted by a resident. If a resident has been omitted, he may present a sworn statement to the registrars that he was on said day a resident of such city or town before the close of registration in order to get a certificate and have his name returned to the street list. The printed street list is only required to contain residents' names and addresses. Most of the remaining information is a public record, but does not need to be published. However, the information collected regarding a person's status as a veteran shall not be a

public record and shall only be disclosed to the adjutant general and the local veteran's agent. (See *"From Street List to Voter's List"* booklet for more information.) M.G.L. c. 51, §§ 4, 6, 8, 11.

Any person that presents the registrars with a copy of a court order granting protection, evidence of residence in a protective shelter, or an affidavit signed by the chief of police or his designee that the person is entitled to have certain information withheld from the public, shall not appear on the street list and those names shall not be disclosed to any person. M.G.L. c. 51, § 4.

Also, the name and address of any law enforcement or public safety personnel who so requests shall not appear on the street list and those names shall not be disclosed to any person. M.G.L. c. 51, § 4.

### **B. Annual Register**

The street list information is used to prepare the annual register of voters, which contains the names of all the qualified voters in their city or town. The names on the register shall be in alphabetical order and list the voter's place of residence as of January 1st or the subsequent day when they first moved to the city or town. The register should include names of all persons who were on the previous year's voter list with their current address and any newly registered voters. M.G.L. c. 51 §§ 37, 38, 58.

Registrars should go through the following steps for preparing and maintaining the annual register.

1. Enter the names contained on the current year's street list which they can identify as the same people who were on the voting list at the last election or town meeting. They shall make all inquiries and investigations necessary to identify each person. M.G.L. c. 51, § 37.
2. Only enter the names of individuals residing at a licensed inn or lodging house that were reported to them as part of the street list process. M.G.L. c. 51, § 37.
3. They shall not include the names of any person who provides the registrars with a copy of a court order granting protection, or evidence of residence in a protective shelter or affidavit signed by a chief of police or his designee that the person is entitled to have certain information withheld from the public. M.G.L. c. 51, § 37.
4. Unless they have registered elsewhere, the registrars must include people in out-of-town hospitals, nursing homes, rest or

convalescent homes, and sanatoriums at their address of registration in the city or town. M.G.L. c. 51, § 38.

5. The registrars must update the annual register by adding voters who register in the current year. M.G.L. c. 51, § 37.
6. The registrars must update the register by changing the address of a voter who moves within their community if and when the voter notifies the registrars in writing of the change of address. Registrars may require that this notification be signed under the penalties of perjury. They must notify the voter in writing that the change has been received and that he or she may vote in the new precinct. M.G.L. c. 51, § 3.
7. The registrars must update the annual register by recording party enrollment changes of voters. A voter may change their party enrollment by submitting a certificate to the registrars signed by such voter under the penalties of perjury, requesting to have their enrollment changed to another party or political designation, or cancelled, or by appearing in person before a member of the board and requesting, in writing, that such enrollment be so established, changed or cancelled. M.G.L. c. 53, § 38.
8. A registered voter who chooses to adopt a new name shall continue to be registered in their former name until June 1<sup>st</sup> of the following year. At that time, the registrars must update the register with the new name. However, if the 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 or her new name. M.G.L. c. 51, § 2.
9. The registrars must strike the names of voters when they are:
  - notified of their death;
  - notified of registration in another city/town;
  - in receipt of a written request of the voter;
  - in receipt of a written confirmation from the voter that he or she has moved to another city/town;
  - the voter failed to respond to the street list and was made “inactive” and sent a confirmation mailing and has failed to vote in two consecutive biennial state elections.M.G.L. c. 51, §§ 14, 38.
10. The registrars must compare the newly compiled annual register with the prior register. If a name omitted from the new register is

that of a person whom the registrars believe to be entitled to vote, that name should be added. M.G.L. c. 51, § 35.

11. By the first Monday in June, the registrars must send a confirmation notice to all persons who appeared in the annual register of voters last year, but not on the current list. It must inform them that their name may be removed from the voting list if the voter fails to respond to the notice and does not vote in the next two biennial state elections following the mailing of such notice. Such notice shall (1) be postage prepaid; (2) contain a pre-addressed and postage prepaid return card; (3) be sent by forwardable mail; (4) instruct the voter to return the card before the last day to register if the voter did not change residence from the city or town; and (5) contain additional information about remaining eligible to vote. M.G.L. c. 51, § 37.
12. The registrars must prepare a list of those voters who were made inactive and do not appear on the annual register and post it in the registrars' office and in each ward of a city and precinct of a town at least 20 days before town and city elections and at least 60 days before the state election, except in Boston where the posting requirement is 24 days. M.G.L. c. 51, §§ 37, 57; *Boston City Charter*: 2: 5 § 36.
13. The registrars must make copies of the list of voters whose names were transferred to the inactive voter list and make it available to the public at a reasonable cost. M.G.L. c. 51, § 37.
14. The registrars must revise and correct the annual register upon personal application of a person listed or after investigation of an error noted by someone else. Registrars may require that this application be signed under the penalties of perjury. M.G.L. c. 51, § 38.

### **C. Voting List**

By July 1<sup>st</sup> in state election years, registrars must prepare a voting list for use at elections. This list must be prepared from the annual register and the inactive voter list and kept current with amendments and corrections. The voting list is comprised of active and inactive voters. It may be printed as one list with differing designations for active voters and inactive voters or as two lists. The list must contain the name, residence and party enrollment for all voters. M.G.L. c. 51, §§ 55, 58.

#### **1. Voting List Preparation**

In cities and towns of 5000 or more inhabitants, the voting list must be arranged alphabetically by street and the names of the voters on



each street shall be arranged in the numerical order of the street number of their residences. In towns with precincts, the list must be broken down into precincts. In cities, the list must be broken down into wards and precincts. M.G.L. c. 51, § 55.

Cities must prepare their voting lists by wards and if a ward or town is divided into voting precincts, they shall prepare the list by precinct. M.G.L. c. 51, § 55.

In any election prior to July 1<sup>st</sup> the voting list from the preceding year should be used. It should be amended with new registrations and those removed because of death, registration elsewhere or request. M.G.L. c. 51, § 55.

The name and address of a voter who was not entered in the annual register pursuant to Massachusetts General Laws, chapter 51, section 37, must be maintained on an inactive voter list until such voter has failed to vote in two consecutive biennial state elections and has thereafter been notified by mail, of such removal from the inactive voters list. M.G.L. c. 51, § 37A.

## **2. Voting List Distribution**

Voting lists must be printed and available by July 1<sup>st</sup> in state election years for free distribution to all duly organized political committees (including state committees of political parties) and to all political candidates for public office in various districts in which the city or town is located. Also, for a reasonable fee, not to exceed the cost of printing the list, it shall be available to any person upon request. M.G.L. c. 51, § 55. The list may be provided electronically for a reasonable fee for the cost of reproduction.

Supplemental lists with new names added and others deleted must be printed and made available in duplicate if necessary. M.G.L. c. 51, § 55.

In municipalities having caucuses, the voting list shall be furnished, upon request, to the chairman of the ward or town committee of the party whose caucus is to be held or to the person designated to call the caucus to order. M.G.L. c. 51, § 62.

Upon request, the registrars must furnish voting lists to the aldermen in cities for the purpose of dividing or re-dividing a city into wards or precincts and to the selectmen for dividing a town into voting precincts. M.G.L. c. 51, § 63.

The registrars must post copies of the voting lists in the main office and at least one other public place and in every ward in a city and precinct in a town at least 60 days before a state election, (except in the City of Boston which requires at least 24 days), and at least 20 days before a city or town election. M.G.L. c. 51, § 57; *Boston City Charter 2 : 5 § 236*.

The registrars must post in the main office any names added to the voting list or publish the names added in a newspaper if the city or town so authorizes. M.G.L. c 51, § 58.

### **3. Care of Checked Voting Lists**

The registrars must preserve the voting lists used at elections (checked voting lists) for two years. M.G.L. c. 51, § 41.

At any time after an election, upon written request, the registrars must supply a copy of the voting list, as checked, to any person for a reasonable fee. Alternatively, the clerk may allow a person to examine and copy the lists without charge under such supervision as the clerk may require. M.G.L. c. 54, § 108.

## **V. CERTIFICATION OF SIGNATURES AND OTHER RESPONSIBILITIES**

Registrars are responsible for certifying signatures on nomination papers and petitions, issuing party enrollment certificates and certificates of voter registration, investigating objections and challenges to local nomination papers, and certifying absent voter applications. Signatures on nomination papers, initiative petitions, referendum petitions, recount petitions, public policy petitions and local ballot question petitions must be certified as names of registered voters in the city or town where they are filed. In many cities and towns, the town clerk or other office employees perform most certification functions. M.G.L. c. 53, §§ 7, 22A; c. 54, § 135; 950 CMR §§ 55.02, 55.04.

### **A. Receipt of Papers and Petitions**

1. The date and time the papers are received in the office of the registrars should be noted in the appropriate space on each paper or petition.
2. The registrars must mark a line, in red ink, through any unused signature lines at the time the petitions or papers are being submitted to insure that signatures are not added after papers are certified.
3. The registrars must issue a written receipt when they receive any nomination papers or initiative or referendum petitions.

- a) The receipt should include the date and time received, the number of pages submitted, and the name and contact information of the person submitting the papers or petitions.
  - b) The registrars must provide a copy of the receipt to the filer and retain a copy for their records.
4. The papers should be certified in the order in which they were submitted to the registrars office. M.G.L. c. 53 §§ 7, 46; 950 CMR § 55.02(1).

#### **B. Candidate Information**

1. Name of Candidate, Residence (street name, street number and city or town), Office, Party and District:
  - a) This information must be completed on the papers before they are circulated for signatures.<sup>1</sup> For state primary and state election nomination papers, the registrars must mark a red line through any missing candidate information.
2. District Designation: Registrars must review nomination papers for the district name when they are being submitted for certification. If the district designation is incorrect, the registrars must allow the candidate to correct it before the signatures are certified. The candidate and registrar must initial the change and explain the reason for the change in writing. Three copies must be made with one going to the registrars, one to the candidate and the third attached to the nomination papers. No other information on the papers may be changed. M.G.L. c. 53, §§ 7, 8, 45, 46.

#### **C. Candidate's Statement of Public Office and the Written Acceptance**

A candidate may state, on one or more nomination papers, in not more than 8 words, the public offices that he holds or has held.<sup>2</sup> The word "veteran" may be included in the 8 word statement. A candidate must sign the written acceptance on at least one nomination paper. The statement of public office and written acceptance must be completed when filed with the Secretary's Office. M.G.L. c. 53, §§ 8, 45. This information does not need to be completed on the nomination papers when they are being submitted for certification.

#### **D. Enrollment Certificate or the Candidate's Certificate of Voter Registration**

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<sup>1</sup> Nomination papers for city and town offices do not need to include a designation of the party which the candidate represents.

<sup>2</sup> Not every public employee holds a "public office." Holders of public offices must have entrusted to them in some degree the exercise of power and authority of government. The duties must not be merely clerical, but must involve the exercise of some significant discretion or judgment. The position must not be merely advisory. Political party positions are not public offices.

Registrars must complete enrollment certificates for candidates for party primaries and certificates of voter registration for non-party candidates if the candidate is a registered voter in their city or town.

1. Party candidates must fulfill certain enrollment requirements. For primaries, candidates must be enrolled members of the party whose nomination they seek, except newly registered voters, throughout the 90 days preceding the filing deadline with the Secretary of the Commonwealth's Office. The candidate cannot have been enrolled in any other party during the one-year period before the filing deadline for that election. If these requirements are met, the registrars can fill out the certificate for a voter in their community. The enrollment certificate must be signed or stamped by at least 3 of the registrars or election commissioners. The registrars should fill out all the information required in the certificate printed on the nomination paper:
  - name and address of candidate as registered;
  - date;
  - name of party; and
  - name of city or town.M.G.L. c. 53, § 48; 950 CMR § 55.03(5).

2. Non-party candidates must have been "unenrolled" during the 90 days preceding the deadline for filing nomination papers with the Secretary of the Commonwealth. Non-party candidates must file a certificate of voter registration signed by the registrars in the city or town where they are registered to vote. The certificate must be signed by at least 3 registrars or voters or election commissioners and filed no later than the last day for filing nomination papers with the Secretary's Office. M.G.L. c. 53, § 9; 950 CMR § 55.03(5).

### **E. Certification of Names**

A voter signing nomination papers must sign in person as registered or "substantially as registered." The regulations provide that a name is "signed substantially as registered" if it can reasonably be determined to be that of a registered voter. M.G.L. c. 53, § 7; 950 CMR § 55.03 (1), (2), (3) and (4).<sup>3</sup>

#### **Signatures should be certified if:**

- a middle initial is inserted or omitted;
- a common or known nickname is used;
- two initials are used with a surname;

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<sup>3</sup> See 4, 568 *Registered Voters v. City Clerk*, 392 Mass 424, 425 n. 5, 465 N.E. 2d 1209, 1210 n. (1984); *McCarthy v. Secretary of the Commonwealth*, 371 Mass. 667, 682-85, 359 N.E. 2d 291, 301-03 (1977) and *Hilsinger v. State Ballot Law Commission*, Nos. 39934 & 39958 (Mass. Super., Suffolk Apr. 28, 1980).

- one initial is used with a surname if no other registered voter with that initial lives at that address;
- “Jr.” or “Sr.” is inserted or omitted;
- ditto marks are used to indicate a correct address;
- the name is printed.

**Signatures should not be certified if:**

- the first name is different from the first name on the voting list;
  - the address is different, even if only by one house number, or if a post office box rather than a street address appears;
  - the name is not that of a registered voter at that address;
  - the name is illegible;
  - the signer is enrolled in the wrong party (for primary nomination papers or recount petitions); (For primary nomination papers the voter must be 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)
  - the signer is registered in a different voting district or community;
  - the signer already signed a nomination paper for the same candidate or petition (including the earlier stage of a state initiative petition). (Only the first signature submitted for that candidate should be certified.)
- M.G.L. c. 53, § 7.

The registrars must place a check next to the names of qualified voters and use the proper symbols designated by the Secretary indicating the reason for disqualifying any signatures. M.G.L. c. 53, § 7. The symbols are printed on the back of each sheet.

The ward and/or precinct numbers need not be filled in by voters or circulators. The column is included for the registrars’ convenience in certifying signatures. M.G.L. c. 53, §§ 7, 46; 950 CMR § 55.02(4).

Registrars must certify a name even if it is alleged that it was forged or obtained by fraud. In cases alleging 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 boards of registrars for local nominations and petitions. The registrars may also bring it to the attention of the Secretary’s Office for referral to the appropriate law enforcement agency. 950 CMR § 55.03(2)(b).

They must indicate the number of names certified on each page in words as well as numerals. 950 CMR § 55.02(5), (6).

**Registrars Information:** On each nomination paper and petition, there is a box for the registrars to complete their certification. The registrars must include the following information:

1. The number of names certified on the sheet should be written in words and numerals on the back of the sheet.
2. The registrars must mark the date on which they completed certification.
3. Three or more registrars' names must be signed or stamped on every paper certified.
4. The registrars must complete the name of the municipality and county name in the certification box. The registrars do NOT have to add the name of the municipality into other boxes on the papers or petitions. The petitions and papers have boxes for the candidate or organization to write the name of the municipality to assist them in the signature gathering process.

M.G.L. c. 53, §§ 7, 46; 950 CMR § 55.02(7).

Registrars may limit the number of signatures they certify to 2/5 more than the number necessary for nomination. For a local primary or preliminary election the registrars need only certify 1/5 more than the number of signatures necessary for nomination.) M.G.L. c. 53, § 7; 950 CMR § 55.02(8).

#### **F. Review of Non-Certified Signatures**

If a candidate for an office on the state primary or state election ballot does not have enough certified signatures or has less than 10% in excess of the number of signatures required for nomination, he or she may apply in writing to the registrars for a review of the noncertified signatures.

1. In order to request a review, the candidate must leave the nomination papers in the custody of the appropriate city or town clerk.
2. A candidate requesting such review must do so in writing and must include a list of all signatures not previously certified which they want reviewed. A request for a review must be made no later than 48 hours after the last day for registrars to certify nomination papers.
3. Upon receipt of such request, the registrars must review the signatures appealed and correct any errors or mistakes in certification.
4. After the review, if the registrars find signatures that should have been certified and were not initially certified, the registrars must make the correction in the check box beside the signature and initial the correction. Next, the registrars must change the number certified to the correct number in the certification area on the rear of the paper and initial it. Then the registrars must attach a letter to each paper that a change was made on indicating the change in number

(Example: Review has resulted in the number of certified signatures changing from 8 to 9.) This letter must be signed by a majority of the Board of Registrars or a facsimile stamp.

5. Review and corrections must be completed no later than 24 hours before the final hour for filing certified nomination papers with the Elections Division of the Office of the Secretary of the Commonwealth. M.G.L. c. 55B, § 6.

### **G. Return of Certified Papers or Petitions**

Registrars shall return certified nomination papers and petitions only to persons who present acceptable identification and who sign their names and addresses on the registrars' records. Acceptable identification includes:

- the receipts issued by the registrars at the time of submission;
- written authorization signed by the candidate or organization sponsoring the petition;
- telephone authorization by the candidate's or organization's headquarters; or
- personal recognition by the registrars.

950 CMR § 55.04.

### **H. Absent Voting Duties**

The clerk must transmit applications for absentee ballots to the registrars for certification that the signatures on the absentee ballot applications and applications by a family member appear to be genuine and affirm that the application is for a qualified voter and return the application to the city or town clerk. However, if someone applies for an absentee ballot in the presence of the registrars, assistant registrars or clerk, and seeks to vote in their presence, they must examine the application and execute the certificate and allow the registered voter to mark their ballot at the office during the same visit. If the registrars find that the applicant is not a qualified registered voter they must send the person a written notice of that finding. M.G.L. c. 54, § 91.

Registrars may investigate anyone applying for an absentee ballot as a "specially qualified voter" (SQV).

An SQV includes any person (a) who is otherwise eligible to register as a voter; and (b) (1) whose present domicile is outside the United States and whose last domicile in the United States was Massachusetts; or (2) whose present domicile is Massachusetts and who is:

- absent from the city or town of residence and in the active service of the armed forces or in the merchant marine of the United States, or a spouse or dependent of such person;
- absent from the commonwealth; or

- confined in a correctional facility or a jail, except if by reason of a felony conviction.  
M.G.L. c. 50 § 1; c. 54 § 91A.

### **1. Permanently Disabled Voters**

Registrars must send absentee ballot applications to certified permanently disabled voters at least 28 days before the primary, preliminary or election. Certified permanently disabled voters are persons who have filed a certificate issued by a physician certifying to the person's disability with the city or town clerk. M.G.L. c. 54 § 86.

### **2. Absentee Voting for Voters Admitted to Healthcare Facility**

If a voter was admitted to a healthcare facility after noon of the fifth day before the election, the voter can request a ballot up until the time the polls close and request that a registrar bring the absentee ballot to them. If the registrars are unable to deliver a ballot to such voter, the voter can designate someone to bring them the ballot. M.G.L. c. 54, § 91B. They must still be in the healthcare facility on the day of the election and they must specify in writing who they want to deliver the ballot to them—it CANNOT be a candidate.

### **3. Supervised Absentee Voting**

At least 28 days before any election, the registrars may designate in writing health care facilities for supervised absentee voting. When a location has been designated for supervised absentee voting, the registrars must arrange a time before each election for such voting. The registrars must bring all necessary materials to the facility for supervised absentee voting including absentee ballot applications, the ballots themselves, absentee ballot envelopes and any other accompanying paperwork. After the voter completes the absentee voting process at the designated health care facility, the registrars return the voted ballots and any other materials back to the city or town clerk.

## **VI. APPOINTMENT OF ELECTION OFFICERS**

### **A. In Cities**

By April 15<sup>th</sup> of each year, the registrars must notify in writing the chairmen of the city and ward political party committees that they may submit lists of party members by June 1<sup>st</sup> for appointment as election officers.

On or before June 30<sup>th</sup> the registrars must submit the names of those persons on the lists who in the opinion of the registrars are qualified, to the mayor or other appointing authority in the city. M.G.L. c. 54, § 11B.

If no list is submitted, the mayor appoints any qualified registered voters of the city.



## **B. In Towns**

The selectmen are required to notify the chairmen of the town party committees by April 15<sup>th</sup> that they may submit lists of party members by June 1<sup>st</sup> for appointment as election officers.

No earlier than July 15<sup>th</sup> nor later than August 15<sup>th</sup>, the registrars shall appoint election officers from lists of party members submitted by town party committees if the selectmen fail to appoint them. If no list is submitted, the selectmen appoint any qualified registered voters of the town by August 15<sup>th</sup>; otherwise the registrars may appoint any qualified registered voters. M.G.L. c. 54, § 12.

For more information see the booklet *Election Officers*.

## **VII. OBJECTIONS AND CHALLENGES TO LOCAL NOMINATION PAPERS**

Objections to certification of nomination, nomination papers, or withdrawals for city or town offices or objections to petitions for local ballot questions shall be filed with the city or town clerk and transmitted to the Board of Registrars. The Board must render a decision on any matter referred to them. M.G.L. c. 55B, § 7.

Persons dissatisfied with the registrars' decisions may have these decisions reviewed by filing a complaint with the Superior Court. M.G.L. c. 55B, § 6.

## **VIII. RECOUNTS**

The Board of Registrars is charged with the responsibility for presiding over recounts. The basic steps in the conduct of a recount are printed below. A full description of recount procedures is found in the booklet "Election Recounts" available from the Elections Division.

1. Examine the petition and statement attached to the petition and certify the names of qualified voters on the recount petitions. M.G.L. c. 54, § 135.
2. Arrange for the recount without unnecessary delay, but not before the deadline for filing recount petitions has passed. For any office or question on the state primary or state election ballot, except a state-wide office, the registrars must set the date for not more than 6 days after the last day for filing a recount petition for a primary and not more than 10 days after the last day for filing a recount petition for an election. M.G.L. c. 54, § 135.
3. Give each candidate for the office to be recounted at least 3 days written notice of the time and place of the recount. M.G.L. c. 54, § 135.

4. Appoint recount workers. M.G.L. c. 54, § 135.
5. Administer all recounts and supervise the actual recount in person. M.G.L. c. 54, § 135.
6. Make rulings on whether protested ballots should be counted. M.G.L. c. 54, § 135.
7. Certify the result of the recount. Decisions of the Board of Registrars are subject to court review if a complaint is filed in Superior Court. M.G.L. c. 54, § 135.

## **IX. REFERENCED GENERAL LAWS**

Please note that the references are to the 2008 edition of the General Laws. The General Laws can be viewed on [www.mass.gov/legis](http://www.mass.gov/legis).

### **Chapter 4: Section 12. Bi-partisan boards; political affiliations of members**

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

### **Chapter 50: Section 1. Definitions (only listing “political party” and “specially qualified voter” and not entire definitional section)**

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

“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.

“Specially qualified voter”, a person (a) who is otherwise eligible to register as a voter; and (b) (1) whose present domicile is outside the United States and whose last domicile in the United States was Massachusetts; or (2) whose present domicile is Massachusetts and who is:

- (i) absent from the city or town of residence and in the active service of the armed forces or in the merchant marine of the United States, or a spouse or dependent of such person;
- (ii) absent from the commonwealth; or
- (iii) confined in a correctional facility or a jail, except if by reason of a felony conviction.

## **Chapter 51: Section 1. Qualifications of voters**

Section 1. Every citizen eighteen years of age or older, not being a person under guardianship or incarcerated in a correctional facility due to a felony conviction, 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. A person otherwise qualified to vote for national or state officers shall not, by reason of a change of residence within the commonwealth, be disqualified from voting for such national or state officers in the city or town from which he has removed his residence until the expiration of 6 months from such removal.

## **Chapter 51: Section 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, that 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.

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.

## **Chapter 51: Section 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.

#### **Chapter 51: Section 4. Making of lists by registrars or boards**

Section 4. (a) Registrars, assistant registrars, or boards having similar duties under any general or special law, except in the city of Boston, shall annually in January or February visit or communicate with the residents of each 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, veteran status, nationality, if not a citizen of the United States, and residence on January 1 of the preceding year and the current year, of each person three years of age or older residing in their respective cities and towns. The police department of a city or town shall, upon request, have access to the lists. A list of all persons 3 to 21 years of age, inclusive, shall be transmitted by the board of registrars to the respective school committee not later than April 1 of each year. The list shall contain the name, residence and age or date of birth of each such person; but the names of persons 3 to 16 years of age, inclusive, shall not be disclosed to any person other than the respective school committee or board of trustees of a county agricultural school or a police department. That proportion of any expenses incurred by the registrars under this section, equal to the proportion that the number of persons under 17 years of age bears to the total number of persons listed thereunder, shall be carried as an item in the school committee budget.

(b) In the city of Boston, the registrars, assistant registrars or boards having similar duties under any general or special law, shall annually in January or February visit or communicate with the residents of each building in said city and, after diligent inquiry, shall make true lists containing, as nearly as they can ascertain, the name, date of birth, occupation, veteran status, nationality if not a citizen of the United States, and residence on January 1 of the preceding year and the current year, of each person 17 years of age or older residing in said city. The Boston police department shall, upon request, have access to the lists.

(c) 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 shall result in removal from the active voting list and may result in removal from the voter registration rolls.". 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.

(d) The name and address of any person who provides the registrars with a copy of a court order granting protection, or evidence of residence in a protective shelter, or an affidavit signed by a chief of police or his designee that said person is entitled to have certain information withheld from the public under section 24C of chapter 265, shall not appear on the street list and such names shall not be disclosed to any person. The information collected under this section regarding a person's status as a veteran shall not be a public record and shall only be disclosed to the adjutant general.

(e) The name and address of any law enforcement or public safety personnel who so requests shall not appear on the street list and such names shall not be disclosed to any person.

#### **Chapter 51: Section 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.

#### **Chapter 51: Section 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.

#### **Chapter 51: Section 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 purposes of this section, "lodging house" shall include fraternity houses and dormitories of educational institutions. For the purposes of this section, "multi-dwelling unit" shall mean condominiums of any size and any residential apartment complex consisting of more than eight rental dwelling units. In the case of a fraternity house or dormitory, the statement required to be delivered by this section shall be the responsibility of the person in charge of each said fraternity house or dormitory. In the case of the multi-dwelling unit, the owner or his designated representative at such place, or in the case of condominiums only, the president or principal officer of the condominium association, shall provide the required information.

#### **Chapter 51: Section 11. Records kept**

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

#### **Chapter 51: Section 12. Posting of penalty sections**

Section 12. In all registration agencies and other government offices where voter registration is conducted, there shall be posted in a conspicuous place a legible copy of sections seven, eight and nine of chapter fifty-six. The provisions of this section shall not apply in the case of registrations under section forty-two A.

#### **Chapter 51: Section 14. Death of resident; notice**

Section 14. The city or town clerk or other officer having charge of the registration of deaths in each city or town shall, on the first day of every month, and also two days before every election, transmit to the registrars of voters a list

of the names of all residents thereof eighteen years of age or older who died in the preceding month or since the date of the list previously transmitted, with a statement of the ward, street and number therein, if any, where such person resided at his death.

#### **Chapter 51: Section 14A. Assistance in making lists**

Section 14A. In the making of lists under sections four to fourteen, inclusive, the registrars, except in the city of Boston, may, with the approval of the mayor or selectmen or the school committee, as the case may be, have the assistance of the police department, assessors, supervisors of school attendance, or other suitable officers or employees of the city or town or other qualified persons employed by them for the purpose, in visiting buildings and residences and performing the duties of assistant registrars in securing the information required by said sections.

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

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

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

As the terms of the several registrars expire, and in case a vacancy occurs in the board of registrars of voters, the selectmen or the appointing authority shall so appoint their successors that as nearly as possible the members of the board shall represent the two leading political parties, as defined in section one of chapter fifty; provided, that a city or town clerk need not be enrolled in a political party; and provided further, that in no case shall an appointment be made as to cause a board to have more than two members, including the city or town clerk, of the same political party. Every such appointment shall be made in a town by the selectmen or the appointing authority from a list to be submitted to them by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party



resident in the town, selected by a majority vote at a duly called meeting, at which a quorum is present, of such committee; and every member of a board of registrars of voters shall serve until the expiration of his term and until his successor has qualified; provided, however, if the chairman of the town committee has not submitted such list to the selectmen or the appointing authority within forty-five days after a notification to said chairman by certified mail, the selectmen or the appointing authority shall make said appointment without reference to such a list.

#### **Chapter 51: Section 16A. Board of election commissioners; powers and duties; members; appointment; term of office**

Section 16A. In every city except Cambridge and every town which accepts this section in the manner hereinafter provided, there shall be a board of election commissioners, hereinafter called the board, which, except as otherwise provided, shall have all the powers, rights, duties and liabilities of boards of registrars of voters, and, with respect to elections, of city and town clerks, either under general or special law, and which shall be the lawful successor of said registrars, and, with respect to elections, said clerk. Immediately upon such acceptance, the said registrars of voters and, in so far as they relate to, or are required for use in, the conduct of elections, the said clerk shall deliver to the board all books, papers, records and all other property in their possession. The board shall consist of four persons, of whom two shall always represent each one of the two leading political parties, as defined in section one of chapter fifty. They shall receive such compensation as the city manager, or mayor, and city council, or the town, may determine. The members of the board of registrars of voters in office at the time of such acceptance shall be members of said board of election commissioners, and shall serve until the expiration of their respective terms and until their successors are appointed and qualified; provided, that, if the city or town clerk is then a member of said board of registrars, the mayor, subject to approval by the board of aldermen, the city manager, or the selectmen shall appoint one member of said board of election commissioners for a term of four years beginning April first next following. As the terms of the several election commissioners expire, and in case a vacancy occurs in said board, the mayor, subject to approval by the board of aldermen, the city manager or the selectmen, shall so appoint their successors that the members of the board shall equally represent the two leading political parties as defined as aforesaid. In a town which accepts this section, every such appointment shall be made from a list to be submitted by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the town, selected by a majority vote at a duly called meeting, at which a quorum is present, of such committee; and every member of said board shall serve until the expiration of his term and until his successor has qualified; provided, however, if the chairman of the town committee has not submitted such list to the selectmen or the appointing authority within forty-five days after a notification to said chairman by certified mail, the selectmen or the

appointing authority shall make said appointment without reference to such a list. Such appointments shall be for terms of four years beginning April first, except that any appointment to fill a vacancy shall be for the unexpired term. The board shall organize annually in the month of April by the choice of a chairman and a secretary. In case the members are unable to agree upon a chairman and a secretary, such officers shall be designated by the mayor, the city manager or the selectmen, as the case may be. The secretary shall keep a full and accurate record of the proceedings of the board and shall perform such other duties as the board may require. All the powers, rights, privileges, liabilities and duties relating to caucuses, primaries and elections by law vested in and imposed upon mayors, city managers, boards of aldermen, selectmen, city or town clerks and board of registrars of voters, except the power and duty of giving notice of elections and fixing the days and hours of holding the same, shall be vested in and performed by the board of election commissioners. The board may appoint such assistant commissioners and such assistants as it deems necessary, **who shall at all times equally represent the two leading political parties** as defined as aforesaid. Said assistant commissioners shall have such powers and perform such duties as are prescribed by this chapter for assistant registrars of voters, and shall perform such other duties as the board may require. Except in Boston, persons appointed to serve temporarily as assistant commissioners, or as temporary assistant commissioners, shall not be subject to chapter thirty-one. This section shall become effective in a city having a Plan E charter by the affirmative vote of a majority of all the members of the city council, and, in the case of other cities, by vote of the city council, subject to the provisions of the charter, and in a town by a majority vote at an annual town meeting.

#### **Chapter 51: Section 17. Board of registrars in certain cities; appointment; term of office**

Section 17. In every city, other than one having a board of election commissioners or an election commission, which, by vote of the city council, approved by the mayor, accepts the provisions of this section, or has accepted corresponding provisions of earlier laws, or which is now subject to similar provisions of law, **there shall be a board of registrars of voters, consisting of four persons**, who shall be appointed by the mayor with the approval of the board of aldermen. When a board of registrars is first appointed after the acceptance of the provisions aforesaid, two registrars shall be appointed in February or March following such acceptance for terms respectively of three and four years, beginning with April first next ensuing. The city clerk of such city shall cease to be a member of the board of registrars on April first, but the remaining two members of the existing board of registrars whose terms do not then expire shall continue to hold office for their respective terms of one and two years. In February or March of every year after such first appointments, there shall in like manner be appointed one registrar of voters for the term of four years, beginning with April first following. The board so constituted shall annually in April organize

by electing one of its members as clerk, who shall perform all the duties of a city clerk when acting as clerk of the board of registrars.

#### **Chapter 51: Section 18. Political representation by board of registrars**

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

#### **Chapter 51: Section 19. Unequal political representation; notice and hearing**

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

#### **Chapter 51: Section 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.

#### **Chapter 51: Section 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.

#### **Chapter 51: Section 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 appointed from the enrolled voters of their respective cities and towns and shall, as nearly as may be, equally represent the two leading political parties.

Absent registration officers appointed under this section shall, in the performance of their duties, have all the powers, and be subject to all the obligations and penalties, of registrars of voters, but their doings shall be under the direction, and subject to the revision and acceptance, of the registrars of voters.

#### **Chapter 51: Section 23. Registrars, assistant registrars and absent registration officers; oath of office; compensation**

Section 23. The registrars, assistant registrars and absent registration officers shall, before entering upon their official duties, each take and subscribe an oath faithfully to perform the same. They shall receive such compensation as the city council or selectmen may determine; but such compensation shall not be regulated by the number of names listed or registered by them, as the case may be, and a reduction of compensation shall apply only to registrars, assistant registrars and absent registration officers appointed thereafter. The city council or selectmen shall provide them suitable rooms, necessary assistance and, when required, transportation. The city or town clerk, when a member of the board of registrars, shall act as clerk thereof, and shall keep a full and accurate record of its proceedings and shall cause such notices as the registrars may require to be properly given.

#### **Chapter 51: Section 24. Powers and duties**

Section 24. The registrars may cause the duties devolving upon a single registrar to be performed by one or two assistant registrars, and, if two are designated for such duties, they shall be of different political parties. The registrars shall make

suitable regulations governing the assistant registrars, whose doings shall be subject to their revision and acceptance.

#### **Chapter 51: Section 25. Registrars; assistant registrars; compatibility of offices**

Section 25. Every person appointed as a registrar or assistant registrar who is not regularly employed by the registrars shall be a voter of the city or town where he is appointed. No person appointed as a registrar or assistant registrar shall hold an office in the city or town for which he is appointed either by election or by direct appointment of the mayor or of the board of selectmen or of a city manager or town manager or hold an office by election or appointment under the government of the United States or of the commonwealth or of the city or town, except as a justice of the peace, notary public or officer of the state militia; provided, however, that in a town with a 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.

#### **Chapter 51: Section 26. Registration sessions**

Section 26. As used in this section and section forty-two H, "election" shall include every state, city or town primary, preliminary election, election, or town meeting. The registrars, for the purpose of registering voters, 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 as they deem necessary to allow voters to register and they may for such purposes, use mobile registration units; provided, however, that except as provided in sections thirty-four and fifty, registration for the next election shall take place no later than eight o'clock in the evening on the twentieth day preceding such election and no later than eight o'clock in the evening on the tenth day preceding a special town meeting. Mailed affidavits of registration postmarked before midnight on the final day to register for an election shall be effective for such election, as provided in section forty-two G. If a postmark is unclear or illegible, a mailed affidavit shall be accepted until the fifth day after the final day to register. 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.

#### **Chapter 51: Section 28. Last day for registration**

Section 28. They shall hold a continuous session from nine o'clock ante meridian until eight o'clock in the evening on the last day for registration prescribed under section twenty-six; provided, however, that in towns having less than fifteen hundred voters, such session shall be sufficient if it includes the time from two to four o'clock in the afternoon and from seven to eight o'clock in the evening.

#### **Chapter 51: Section 32. Places and hours of sessions; notices**

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.

#### **Chapter 51: Section 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 subject to review and acceptance by the board.

In cities, and in towns having six hundred or more registered voters, any person shall be registered, as aforesaid, during regular business hours.

#### **Chapter 51: Section 35. Omitted listings compared with annual register of voters; exceptions**

Section 35. Except in any city or town as to which it is otherwise provided by special law, registrars shall compare all omitted listings with the annual register of voters for the preceding year, and if it appears to their satisfaction that any of said omitted listings is that of a person entitled to vote in such preceding year they shall at any time up to and including the day of the next primary or election enter such name on the current annual register. In every case they shall require the vote by virtue of which such entry or correction is made to be attested by their clerk. Notwithstanding any inconsistent provision of this section or of any other general or special law, this section shall apply to the city of Boston and the election commissioners thereof.

#### **Chapter 51: Section 36. Affidavit of voter registration; distribution; expenses**



Section 36. The state secretary shall prepare in sufficient quantity blank forms for affidavits of voter registration and shall supply those forms to all registration agencies. The forms shall include the contents required by federal law, including section 6 of the National Voter Registration Act of 1973, 42 U.S.C. section 1973gg-4, and section 303(b)(4)(A) of the Help America Vote Act of 2002, 42 U.S.C. section 15483(b)(4)(A). Such form shall be designed to provide the registrant with a copy thereof at the time of registration at a registration agency.

The state secretary shall provide English and Spanish affidavits of voter registration to all registration agencies. Said secretary shall provide forms in such additional languages as he deems necessary or as required by law.

The state secretary shall provide nongovernmental and private entities with sufficient quantities of such affidavit forms free of charge. Said secretary shall make such forms widely available for distribution through governmental, nongovernmental and private entities, with particular emphasis on making them available for organized voter registration programs.

A completed affidavit of voter registration shall be mailed, transmitted or otherwise delivered forthwith, within five calendar days, to the board of registrars of the city or town wherein which registrant resides.

All expenses incurred in the mailing of affidavits by registration agencies, except by the offices of city or town clerks or by individual registrants, shall be paid by the state secretary, subject to appropriation.

#### **Chapter 51: Section 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, except the name of any person who provides the registrars with a copy of a court order granting protection, or evidence of residence in a protective shelter, or an affidavit signed by a chief of police or his designee that said person is entitled to have certain information withheld from the public under section 24C of chapter 265. 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 may be removed from the voting list if the voter fails to respond to the notice and does not vote in the next two biennial state elections following the mailing of such notice. Such notice shall (1) be postage prepaid; (2) contain a preaddressed and postage prepaid return card; (3) be sent by forwardable mail; (4) instruct the voter to return the card before the last day to register if the voter did not change residence from the city or town; and (5) contain additional information about remaining eligible to vote, as prescribed by the state secretary. 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.

#### **Chapter 51: Section 37A. Inactive voters list**

Section 37A. The name and address of a voter that is not entered in the annual register pursuant to section thirty-seven shall be maintained on an inactive voters list until such voter has failed to vote in two consecutive biennial state elections and has thereafter been notified, by mail, of such removal from the inactive voters list.

#### **Chapter 51: Section 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 such person to the list of voters at his address of last registration, provided that he has not acquired the qualifications for registration as a voter in the town where he then resides. When informed of the omission of the name of a person who is averred to have resided in the city or town on January first in the then current year and to have been listed there in the preceding year, they shall make due investigation, and, upon proof thereof, add the name to their books. They shall revise and correct the current annual register in accordance with any facts they may have



presented to them. They may, for this purpose, require that such facts be presented to them in writing, signed under the penalties of perjury. They shall strike therefrom the name of every deceased voter which has been transmitted to them under section fourteen or which has been electronically transmitted to them. After the name of a voter has been placed upon the current annual register or upon the inactive voters list, they shall not strike such name therefrom unless: (a) the voter has died; (b) they have received a duplicate copy of an affidavit of registration from the registrars of another city or town; (c) they have received a change of address notification from the registry of motor vehicles; (d) they have received a written request from the voter or the voter has confirmed in writing that he has moved to another city or town; or (e) the voter has not responded to the notice described in section thirty-seven and has not voted in the next two biennial state elections following the mailing of such notice.

#### **Chapter 51: Section 41. Preservation of documents**

Section 41. The registrars shall preserve all written applications, complaints, certificates and affidavits received by them, and all other documents in their custody relative to listing and registration, for two years after the dates thereof; provided, however, that original affidavits of registration, or microfilm copies thereof, shall be preserved and shall be deemed to be public records, except large print affidavits of registration.

#### **Chapter 51: Section 42. Affidavit of registration; 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, make an affidavit of registration as provided in this chapter and in the National Voter Registration Act of 1993.

#### **Chapter 51: Section 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, however, if the applicant is in the military or naval service of the United States, he may so register up until four o'clock post meridian on the day preceding a primary election, preliminary election or election.

#### **Chapter 51: Section 42C. Registration sessions in high schools and vocational schools**

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.

#### **Chapter 51: Section 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 entitled to be registered in their city or town who are regularly gathered there by reason of education or employment.

#### **Chapter 51: Section 42E. Voter registration affidavit forms for college, high school and vocational school students**

Section 42E. All public and independent colleges, universities, high schools and vocational schools shall make available affidavit of voter registration forms at all locations where students may register for classes. Such locations shall be published along with the annual course listing for students or in some other

schoolwide publication. Every such school shall publicize the availability of such voter registration affidavit forms within the school.

**Chapter 51: Section 42F. Affidavits of registration from registrants residing in other cities or towns**

Section 42F. At every registration session held pursuant to this chapter, a registrar or assistant registrar shall 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 such registrant claims to reside, and said registrars shall receive such affidavits as provided in sections forty-six to forty-seven B, inclusive. All registration agencies shall use the registration affidavit form prescribed by the state secretary under section thirty-six.

**Chapter 51: Section 44. Completion of affidavit of voter registration form**

Section 44. A person seeking to register shall complete an affidavit of voter registration form as prescribed in section thirty-six, and shall sign the affidavit under the penalty of perjury. A person registering as a voter may, at the same time, 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 so enrolled on the affidavit of voter registration. The affidavit of any person who provides the registrars with a copy of a court order granting protection, or evidence of residence in a protective shelter, or an affidavit signed by a chief of police or his designee that said person is entitled to have certain information withheld from the public under section 24C of chapter 265 shall not be a public record.

**Chapter 51: Section 46. Affidavit of registration; filing; 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.

**Chapter 51: Section 46A. Transmittal of duplicate certificate of registration to place of voter's last registration**

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 registered to vote, if within the commonwealth, or to the state secretary of the state where the person last registered to vote, if the person had indicated that his previous residence was in that state.

#### **Chapter 51: Section 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.

#### **Chapter 51: Section 47A. Registration of persons attaining full age by election or town meeting**

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.

#### **Chapter 51: Section 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.

#### **Chapter 51: Section 48. Complaint; time for filing; summons and service of process**

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 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.

#### **Chapter 51: Section 49. Examination of persons summoned; status for annual register; failure to appear**

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.

#### **Chapter 51: Section 50. Supplementary registration**

Section 50. Any legal resident of the commonwealth who was included in the definition of "Specially qualified voter" in section one of chapter fifty 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 prior to four o'clock post meridian on the day preceding a primary, preliminary election or election.

**Chapter 51: Section 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 on behalf of a candidate, shall solicit votes or distribute campaign literature in any office where registration of voters is being conducted. Whoever violates this section shall be punished by imprisonment for not more than one year in a house of correction or by a fine of not more than one hundred dollars.

**Chapter 51: Section 55. Preparation of voting lists; contents and arrangement; distribution; revisions**

Section 55. Registrars shall, from the names entered in the annual register and from the names maintained on the inactive voters list, prepare voting lists for use at elections; provided, however, that such registrars shall not enter the names of women voters in separate columns or lists. In such voting lists, such registrars shall place the names of all voters entered on the annual register and those maintained on the inactive voters list and opposite to the name of each his residence and party enrollment. The registrars shall maintain separate voting lists for active and inactive voters or one voting list if inactive voters are designated as such on the voting list. 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.

**Chapter 51: Section 57. Posting of lists; copies for state political 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.

**Chapter 51: Section 58. New names added to lists; distribution of copies; posting or publication**

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.

**Chapter 51: Section 62. Certified copies for use at caucus; party enrollment designations**

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 voters whose names appear thereon established as provided in sections thirty-seven and thirty-eight of chapter fifty-three.

**Chapter 51: Section 63. Lists furnished for new wards and voting precincts**

Section 63. After the biennial state election in nineteen hundred and forty-four, and in every tenth year thereafter for the purpose of furnishing the information necessary for a new division of a city into wards and voting precincts and of a town of twelve thousand inhabitants or over, which has been divided into voting precincts, into new voting precincts, the registrars shall deliver to the clerk of each city and of each such town, on or before the first Tuesday after the said

election, a list of all voters therein who were registered for such election, which shall be so arranged as to show the number of voters residing in each ward or in each precinct, as the case may be, by streets. The registrars shall likewise in any other year, upon the request of the aldermen in cities or of the selectmen in such towns, furnish, for the purpose of dividing a ward into voting precincts or, unless otherwise prohibited by law, of dividing any such town into new voting precincts, a list of the voters of any ward in a city or of any precinct in such town, arranged as aforesaid.

**Chapter 53: Section 7. Nomination papers; signatures; addresses; submission; deadlines; correction procedures; certification and checking; special elections**

Section 7. Every voter signing a nomination paper shall sign in person as registered or substantially as registered, and shall state the address where he or she is currently registered, but any voter who is prevented by physical disability from writing may authorize some person to write his or her name and residence in his or her presence.

Every nomination paper of a candidate for a city or town 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 fourteenth day preceding the day on which it must be filed with 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, except that, for special elections for senator or representative in congress, every nomination paper shall be submitted to the registrars of the city or town where the signers appear to be voters at or before 5:00 p.m. of the fourteenth 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 72 weekday hours before the final hour for filing those 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 secretary indicating the reason that name was disqualified. The registrars shall certify a number of names that are required to make a nomination, increased by two fifths thereof, if they are submitted in a timely manner for a certification.

The state secretary need not receive nomination papers for a candidate after receiving such papers containing a sufficient number of certified names to make a nomination, increased by two fifths thereof.

For the purposes of this section a registered voter who in signing his name to a nomination paper inserts a middle name or initial in, or omits a middle name or initial from, his name as registered shall be deemed to have signed his name substantially as registered. If the registrars can reasonably determine from the form of the signature the identity of the duly registered voter, the name shall be deemed to have been signed substantially as registered. The provisions of this section shall apply in all cases where any statute, special act, or home rule charter requires the certification of the signature of a voter by boards of registrars of voters. Signatures shall not be certified on nomination papers or initiative and referendum petitions from more than one city or town per sheet.

The state secretary shall promulgate regulations designed to achieve and maintain accuracy, uniformity, and security from forgery and fraud in the

procedures for certifying nomination papers and petitions for ballot questions and names thereon pursuant to this section, and to ensure proper delivery of certified nomination papers and petitions by registrars to the person or organization who submitted such papers or petitions.

#### **Chapter 53: Section 8. Certificates of nomination and nomination papers; contents; party designation**

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".

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 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.

**Chapter 53: Section 9. Certificate of nomination and nomination papers; certification of candidate as registered voter; acceptance procedure**

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, including a candidate for presidential elector, 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. No nomination paper for statewide elective office, as defined in section one of chapter fifty-five A, shall be received or be valid unless accompanied by a receipt from the director of campaign and political finance verifying the fact that the candidate has filed with said director the statement required by subsection (a) of section one A of said chapter fifty-five A. The name of a candidate who fails to file any statement within the time required by said section one A shall not appear on the state primary or state election ballot.

**Chapter 53: Section 22A. Signing 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 for such initiative or referendum petitions 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 petitions, nor shall any such copies be rejected for certification or submittal to the secretary of state.

**Chapter 53: Section 38. Party designation of voters and eligibility to vote under party enrollments; certificate to establish, change or cancel enrollment**

Section 38. No voter enrolled under this section or section thirty-seven shall be allowed to receive the ballot of any political party except that in which he is so enrolled; provided, however, that, except as otherwise provided in said section thirty-seven, a voter may, except within a period beginning at eight o'clock in the evening of the twentieth day prior to any primary and ending with the day of such primary, establish, change or cancel his enrollment by forwarding to the board of registrars of voters a certificate signed by such voter under the pains and penalties of perjury, requesting to have his enrollment established with a party or political designation, changed to another party or political designation, or cancelled, or by appearing in person before a member of said board and requesting, in writing, that such enrollment be so established, changed or cancelled. Except as otherwise provided in section twelve of chapter four, sections one and two of chapter fifty-two, and sections forty A and forty-eight of this chapter, such enrollment, change or cancellation shall take effect upon the receipt by said board of such certificate or appearance, as the case may be; provided, however, that no such enrollment, change or cancellation shall take effect for a primary during the twenty days prior to such primary. No voter enrolled as a member of one political party or political designation shall be allowed to receive the ballot of any other political party, upon a claim by him of erroneous enrolment, except upon a certificate of such error from the registrars, which shall be presented to the presiding officer of the primary and shall be attached to, and considered a part of the voting list and returned and preserved therewith; but the political party or political designation enrolment of a voter shall not preclude him from receiving at a city or town primary the ballot of any

municipal party, though in no one primary shall he receive more than one party ballot.

#### **Chapter 53: Section 38A. Enrolled and unenrolled voters; precinct count**

Section 38A. The board of registrars of voters of every city or town shall submit to the state secretary a count for each precinct of 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.

#### **Chapter 53: Section 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.

### **Chapter 53: Section 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, except that, for special elections for senator or representative in congress, every nomination paper shall be submitted to the registrars of the city or town where the signers appear to be voters at or before 5:00 p.m. of the fourteenth 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 72 weekday hours before the final hour for filing those papers 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.

**Chapter 53: Section 48. Nomination papers; certificates of nomination; filing; political party membership; term limits**

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 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.

There shall not be printed on the ballot at the state primary or state election the name of any person as a candidate for nomination or election 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 or representative in the general court, if said person: (a) is a candidate for the office of Governor, Lieutenant Governor, Secretary, Treasurer, Auditor or Attorney General who, by the end of the then current term of office will have served, or but for resignation would have served, for two consecutive terms in that office within the eleven year period immediately preceding the end of the then current term of office; (b) is a candidate for the office of governor's councillor, senator in the general court, representative in the general court, or representative in congress from Massachusetts who, by the end of the then current term of office will have served, or but for resignation would have served, four consecutive terms in that office within the nine year period immediately preceding the end of the then current term of office; or (c) is a candidate for the office of United States Senator from Massachusetts who, by the end of the then current term of office will have served, or but for resignation would have served, two consecutive terms in that office within the seventeen year period immediately preceding the end of the then current term of office. For the purpose of this section, (i) any person elected or appointed to the office of governor, lieutenant governor, secretary, treasurer, auditor, attorney general, representative in the general court, senator in the general court, representative in congress or United States Senator from Massachusetts who serves more than one-half of a term in that office, shall be deemed to have served an entire term in that office, and (ii) any person serving in one of the foregoing offices as of January 15, 1995 shall be deemed to be serving his first term in that office.

#### **Chapter 54: Section 11B. Filing for appointment in cities; procedure; eligibility; examinations**

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 in the commonwealth, except as otherwise provided in this section 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.

Not more than 2 such election officers may be appointed who: (1) are 16 or 17 years of age; (2) are residents of the commonwealth; (3) are United States citizens when appointed; (4) are able to speak, read and write the English language; (5) have provided a letter from a parent or guardian giving permission for them to serve as election officers; (6) have provided a letter from their school principal giving permission for them to be absent from school to serve as election officers if the election or a training will take place when school is in session or, if home schooled, have provided a copy of the document indicating approval to be home schooled; and (7) agree to attend required training sessions. If an election officer under this paragraph attends a school that encourages or requires community service, serving as an election officer may be considered a community service activity. In no case shall a person 16 or 17 years of age serve as an election officer on the day of an election for more than the number of hours permitted for such a person to work pursuant to section 66 of chapter 149.

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.

#### **Chapter 54: Section 12. Election officers in towns; procedure; eligibility; examinations**

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 in the commonwealth, except as otherwise provided in this section. 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. Appointments shall be made from the original list before any names are taken from any supplemental list. All persons listed on the original list who have not been appointed as election officers shall be notified by certified mail of the appointment of a person listed on the supplemental list at least five days prior to such appointment.

If, upon the expiration of fifteen days after notice given in writing prior to June fifteenth in any year by the selectmen to the chairman of any political committee who has not filed original or supplemental lists, and to the chairman of the state committee of such political party, neither the state nor town chairman shall have filed such lists, the selectmen may appoint as election officers registered voters in the commonwealth, except as otherwise provided in this section and recommended by the town clerk, who in the opinion of the selectmen, are qualified to act as such.

Not more than 2 such election officers may be appointed who: (1) are 16 or 17 years of age; (2) are residents of the commonwealth; (3) are United States citizens when appointed; (4) are able to speak, read and write the English language; (5) have provided a letter from a parent or guardian giving permission for them to serve as election officers; (6) have provided a letter from their school principal giving permission for them to be absent from school to serve as election officers if the election or a training will take place when school is in session or, if home schooled, have provided a copy of the document indicating approval to be home schooled; and (7) agree to attend required training sessions. If an election officer under this paragraph attends a school that encourages or requires community service, serving as an election officer may be considered a community service activity. In no case shall a person 16 or 17 years of age serve as an election officer on the day of an election for more than the number of hours permitted for such a person to work pursuant to section 66 of chapter 149.

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 town committee may appear and be heard either in person or by counsel, during the conduct of such examinations.

#### **Chapter 54: Section 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 of chapter fifty, 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 voting ballot has been filed with the city or town clerk as provided in section eighty-nine, 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.

#### **Chapter 54: Section 91. Applications; filing and certification; notation on voting lists; posting**

Section 91. When an application for an official absent voting ballot is received by the clerk of a city or town, it shall be transmitted by him to the registrars, who shall examine it and, if they believe the signature thereon to be genuine and the person executing the signature to be a duly registered voter or a family member of a duly registered voter, shall execute the certificate thereon and return the application to said clerk. Notwithstanding the provisions of the first sentence, if an application for an official absent voting ballot is received by the registrar, assistant registrar, or clerk of a city or town, from the voter who will be absent from said city or town on the date of the election and who requests to make application for an absent voting ballot and to vote in the presence of the registrar, assistant registrar, or clerk during the same visit, said registrar, assistant registrar, or clerk shall examine said application, and if he believes the signature thereon to be genuine and the person executing the signature to be a duly registered voter, shall execute the certification thereon and remain present while the voter marks the ballot as set forth in paragraph two of section ninety-two. The clerk shall cause to be placed on the voting lists prepared as required by section sixty of chapter fifty-one, opposite the name of each voter on whose application such certificate has been so executed, the letters in capitals A. V. If the registrars find the person signing the application not to be a duly registered voter, they shall send him written notice to that effect and shall preserve the application during the time fixed by law for the preservation of ballots cast in the coming election, after which time said application shall be destroyed. The clerk shall prepare lists, arranged by voting precincts, of the names and addresses of all voters on whose applications for absent voting ballots the certificate has been executed as provided in this section, and shall post copies of such lists for public inspection. An applicant for an absent voting ballot who has been furnished a certificate of supplementary registration, as authorized by section fifty-one of chapter fifty-one, shall submit such certificate with his application, and the clerk shall cause to be placed on such certificate opposite the name of the applicant the letters in capitals A. V. Every such certificate shall be securely affixed to the voting lists required by section sixty of chapter fifty-one to be transmitted to the polling place for the precinct where such applicant claims the right to vote and shall be considered a part thereof.

Sections fifty-nine and fifty-nine A of chapter fifty-one shall apply to applications for absent voting ballots, but the certificate mentioned in section fifty-nine shall be issued by the city or town clerk.

#### **Chapter 54: Section 91A. Applications of specially qualified voters**

Section 91A. A specially qualified voter, as defined in section one of chapter fifty, who qualifies for an absent voting ballot pursuant to section eighty-six, or a family member of such specially qualified voter, may apply for an absent voting ballot in the manner prescribed in section eighty-nine. The registrars may cause an investigation of such resident's qualifications to be made by a police officer who shall forthwith, after such investigation, report to them his findings with respect thereto, and for such purpose, the board or officer in charge of the police force of the city or town shall give the registrars such assistance as they may require.

If the registrars certify that such resident has the qualifications for voting, the clerk shall deliver an official absent voting ballot to such resident in the manner prescribed in section ninety-one B. If not so certified, such registrars shall give written notice thereof to the applicant and give him an opportunity to be heard. Such registrars shall, seasonably, before every election prepare a list of the names and addresses of specially qualified voters so certified and shall promptly post such lists in their principal office and transmit a copy thereof for each precinct, to the election officers of each such precinct.

Applications under this section shall be subject to challenge under sections forty-seven A to forty-nine, inclusive, of chapter fifty-one, and shall be subject to the penalties for offenses concerning the listing or registration of voters as provided by sections one, two, three, five, six, seven, eight and nine of chapter fifty-six.

#### **Chapter 54: Section 91B. Delivery of ballots**

Section 91B. The official absent voting ballot and accompanying papers described in section eighty-seven shall be delivered as hereinafter provided.

(a) Except as required by subsections (b) and (c), the ballot and accompanying papers shall be mailed postage prepaid or, if the voter so requests, delivered when called for at the office of the clerk. No ballot shall be mailed to a designated health care facility within the city or town where the voter is registered.

(b) To a voter who is a patient or resident at a designated health care facility, the ballot and accompanying papers shall be delivered, in person, by a registrar, assistant registrar or absent registration officer, at the designated address. For the purposes of this section, a "designated health care facility" shall mean a health care facility as defined in section twenty-five B of chapter one hundred and eleven, within the city or town, which has been designated for the purpose of supervised absentee voting, in writing, and filed with the city or town clerk, not later than twenty-eight days before a primary or election, by any two registrars or election commissioners.

(c) To a voter who states, under penalty of perjury, that he has been admitted to a health care facility, as defined in section twenty-five B of chapter one hundred and eleven after noon of the fifth day before the relevant election, the ballot and

accompanying papers shall, unless the clerk determines that there is insufficient time, be delivered in the same manner as provided in subsection (b); provided, however, that if permitted in the sole discretion of the city or town clerk, a person designated in writing by the voter and who is not a candidate for an office at the election, may instead perform the functions of an election official. If the health care facility is outside the city or town and no such family member is available for such purpose, the ballot need not be delivered in person, but may be mailed.

#### **Chapter 54: Section 108. Copies of voting lists as checked**

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.

#### **Chapter 54: Section 135. Petition for recount; filing; contents; examination; recounts; notice; amendment of records**

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 such petition and statement, and the envelopes or containers containing all records of the election, including the sealed envelopes containing the ballots cast, the original tally sheets, the envelopes containing the spoiled and unused ballots, the voting lists used at the election, the certificates issued to voters omitted from the voting list, the precinct clerk's election record, 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 the ballots rejected as defective. In the case of a recount of the votes for an office any candidate for such office shall, upon his request, be permitted to obtain and examine the record books and the clerk of the precinct's book, so called, where used, and may require that a count be made of the number of persons checked as having voted on the voting lists used at each precinct, and that an examination be made of the figures on each ballot box register.

The registrars shall first examine the petition and statement and attach thereto a certificate of the number of names of subscribers which are names of registered voters in such ward, precinct or town and shall then, without unnecessary delay, but not before the last hour for filing petitions for recounts as aforesaid, open the envelopes or containers, except envelopes containing absentee ballots rejected as defective, recount the ballots cast and determine the questions raised, and shall examine all ballots cast by or for challenged voters, and all provisional ballots received under section 76C and reject any such ballot cast by or for a person found not to have been entitled to vote. They shall examine the sealed inner ballot envelopes rejected as defective as to the reasons for rejection and shall determine whether each such ballot should have been rejected or accepted. The registrars' determinations shall be subject to protest as said envelopes are examined at the recount. If the registrars determine to accept an inner envelope originally rejected as defective, they shall open such envelope and count the ballot therein, and shall attach such envelope to such ballot. The registrars shall endorse on the back of every cast ballot subsequently rejected and on the back of every inner ballot envelope of absentee ballots originally rejected as defective the reason for such rejection or subsequent acceptance and said statement shall be signed by a majority of said registrars. A member of the board of registrars shall endorse over his signature on the back of each protested ballot the block number of which it is a part and the office for which the vote is protested, together with the name of the candidate for whom the vote is counted.

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 until the expiration of sixty days after said election.

District-wide recounts in cases of offices to be filled or questions to be voted upon at state elections, except by all the voters of the commonwealth, may be requested in the same manner as state-wide recounts, except that the petition shall be signed by one-fourth the number of voters required to sign nomination papers for state primary candidates in the appropriate district under section forty-



four of chapter fifty-three and provided that the difference in the numbers of votes cast for any candidate seeking an office or nomination and the candidate who is the apparent winner of that office or nomination, or in the number of affirmative and negative votes on a question, for which the recount is desired is not more than one-half of one per cent of the total number of votes cast for such office or nomination or on such question. State-wide and district-wide recounts may be requested for state primaries, and for presidential primaries except for ward and town committees, in the same manner as for state elections, except that the petition shall be submitted to the registrars of voters on or before the third day following the primary, certification shall be completed on or before the sixth day following the primary, and the petition shall be filed with the state secretary on or before the seventh day following the primary. In the case of such state-wide and district-wide recounts for state primaries, the state secretary shall order the recount conducted as soon after the filing of the petition as it appears to him that the difference in votes is within the margin specified in this paragraph.

The board of registrars of voters in any city or town shall set the date of any recount for an office or question which appeared on a state primary or state election ballot, except for state-wide offices to be filled or on such questions to be voted on at the state election by all the voters of the commonwealth, for a date not more than six days after the last day for filing a recount petition for a primary, and not more than ten days after the last day for filing a recount petition for an election. Said board shall forthwith, upon setting the date of any such recount, notify the state secretary in writing of the office to be recounted, the time and place of the recount and the number of observers to which each candidate is entitled. Said board shall give not less than three days written notice to each candidate for the office for which a recount was petitioned under authority of this section, or to such person as shall be designated by the petitioners for any recount of ballots cast upon question submitted to the voters, of the time and place of making the recount, and each such candidate or person representing petitioners as aforesaid shall be allowed to be present and to witness such recount at each table where a recount of the ballots affecting such candidate is being held, accompanied by one or more counsel, if he so desires. Each such candidate or person may 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 whereupon such proceedings shall terminate.

The registrars shall, when the recount is complete, enclose all the ballots in their proper envelopes or containers, seal each envelope or container with a seal provided therefor, and certify upon each envelope or container that it has been opened and again sealed in conformity to law; and shall likewise make and sign a statement of their determination of the questions raised. The registrars shall also enclose all protested ballots in a separate envelope, seal the envelope with a seal provided therefor and certify upon the envelope that it contains all ballots that have been protested. When ballots are summoned to court, only such ballots as have been duly recorded as protested at a recount shall be required to be produced except by express order of the court. The envelopes or containers, with such statement, shall be returned to the city or town clerk, who shall alter and amend, in accordance with such determination, such records as have been found to be erroneous; and the records so amended shall stand as the true records of the election. Copies of such amended records of votes cast at a state election shall be made and transmitted as required by law in the case of copies of original records; provided, that such copies of amended records shall in case of a state-

wide recount be transmitted by the city or town clerk to the state secretary within four days of the completion of such recount. If, in case of a recount of votes for town officers, it shall appear that a person was elected other than the person declared to have been elected, the registrars of voters shall forthwith make and sign a certificate of such fact, stating therein the number of votes cast, as determined by the recount, for each candidate for the office the election to which is disputed, and shall file the same with the town clerk. The town clerk shall record the certificate and shall, within twenty-four hours after such filing, cause a copy of such certificate, attested by him, to be delivered to or left at the residence of the person so declared to have been elected, and to the person who by such certificate appears to be elected.

Registrars of voters may employ such clerical assistance as they deem necessary to enable them to carry out this section and in the investigation of challenged votes may summon witnesses and administer oaths.

#### **Chapter 55: Section 5. Political committees; statement of organization; officers; duties; expenditures; incorporation; penalties**

Section 5. Each political committee shall organize by filing with the director or, if organized for the purpose of a city or town election only, with the city or town clerk, a statement of organization.

The statement of organization shall include: (1) the full name of the political committee, which, if organized on behalf of a candidate, shall include the name of the candidate in said name; which, if not organized on behalf of a candidate, shall include the full words represented by any abbreviations, initials or acronyms in said name; and which, if a political action committee, shall include the words "Political Action Committee" in said name; (2) the address of the political committee; (3) a statement of the purpose for which the political committee is organized which shall include, except for political party committees and candidate's committees, a list of specific issues in which the committee takes an interest, and a list of specific interests, including but not limited to business, charitable, educational, or other interests represented by the committee, or by a significant proportion of its officers, members or donors; (4) the name and residential address of the chairman and the treasurer; (5) the name, residential address, and position of other principal officers, including officers and members of the finance committee, if any, and; (6) the name and address, if known, and party affiliation of each candidate the political committee is supporting; provided, however, that if a candidate is nominated without reference to a political party, the name of his political party shall not be required.

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.

A state committee referred to in section one of chapter fifty-two may incorporate pursuant to the provisions of chapter one hundred and eighty; provided, however, that such incorporation shall not relieve any person, including the chairperson or treasurer, from any responsibility imposed by this chapter or other election law or

from any civil or criminal penalty imposed thereby. Prior to filing the articles of incorporation with the state secretary, the articles shall be submitted to the director, who shall examine the same within sixty days. The director may require such amendment thereof or additional information as he considers necessary. If he finds the articles comply with law he shall so certify and endorse his approval thereto. Any amendment to the articles of organization shall be approved in like manner.

The state secretary, a city or town clerk, or a member of a board of registrars of voters or election commission in any city or town shall not serve as the chairman, treasurer, or other principal officer of any political committee, but any such public officer may serve as the chairman or principal officer, other than treasurer, of the political committee organized on his own behalf. This paragraph shall not apply to city or town clerks who do not administer elections.

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.

#### **Chapter 55B: Section 6. Signatures; review; correction**

Section 6. This section applies only to candidates for president who file nomination papers to be placed on the ballot at presidential primaries, and to all candidates at regular state primaries and biennial state elections. Any candidate who has filed nomination papers with the local registrars and who has an insufficient number of certified signatures for nomination to the office sought, or, any candidate who has enough signatures certified for nomination but only has ten per cent or less certified signatures in excess of the number needed for nomination may request a review of the signatures he filed by making 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.

#### **Chapter 55B: Section 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. Boards in cities and towns may, at hearings on such objections, summon witnesses, administer oaths and require the production of books, records and papers. Such witnesses shall be summoned in the same manner, be paid the same fees, and be subject to the same penalties for default, as witnesses in civil cases before the courts. A summons may be signed, and an oath may be administered by any member of such board.

When such objection has been filed, notice thereof shall be sent forthwith by registered or certified mail, return receipt requested, by the city or town clerk to the candidates affected thereby, addressed to their residences as given in the certificate of nomination or nomination papers, and to any party committee interested in the nomination to which such objection has been made; or in the case of local ballot questions to the first five names appearing on the petition or any other persons designated as sponsors of the petition. If more candidates bearing the same designation are nominated for an office, otherwise than by nomination papers, than are to be elected thereto, such boards shall determine the candidates, if any, entitled to such designation. Such boards shall render a decision on any matter referred to them, pertaining to certificates of nomination

or nomination papers or to petitions for local ballot questions for any regular or special city or town primaries or any regular or special city or town election, or to withdrawals of nomination therefor, not later than four days after the last day fixed for filing objections to such certificates, papers, petitions, or withdrawals, as the case may be, under this chapter. But such decision need not be rendered until fourteen days after the last day fixed for filing objections to a petition, if the timing of such decision will not thereby prevent the question from qualifying for the ballot not later than thirty days before any previously scheduled election at which the question could appear. In the event that any such board fails to render within the aforesaid period its decision on any matter so referred, the city or town clerk shall, notwithstanding such failure, proceed forthwith to cause to be printed the ballots for such primaries or elections.

#### **Chapter 56: Section 7. Aiding or abetting false affidavits or oaths**

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 thousand dollars or by imprisonment for not more than one year.

#### **Chapter 56: Section 8. Illegal registration**

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 an election commissioner, registrar or assistant registrar; whoever gives a false answer to an 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 ten thousand dollars or by imprisonment for not more than five years, or both.

#### **Chapter 56: Section 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.

#### **Chapter 233: Section 8. Bodies authorized to summon witnesses; oath**

Section 8. Witnesses may be summoned to attend and testify and to produce books and papers at a hearing before a city council, or either branch thereof, or

before a joint or special committee of the same or of either branch thereof, or before a board of selectmen, a board of police commissioners, a fire commissioner or a board of fire commissioners, a commissioner of public safety, a school board, the alcoholic beverages control commission established by section forty-three of chapter six, a licensing board or licensing authorities, as defined in section one of chapter one hundred and thirty-eight, a board of registrars of voters, the police commissioner or election commissioners of Boston, the Massachusetts Water Resources Authority, the state racing commission, the parole board or a board of appeals designated or appointed under section thirty of chapter forty, as to matters within their authority; and such witnesses shall be summoned in the same manner, be paid the same fees and be subject to the same penalties for default, as witnesses in civil cases before the courts. The presiding officer of such council, or of either branch thereof, or a member of any such committee, board or commission, or any such commissioner, may administer oaths to witnesses who appear before such council, branch thereof, committee, board, commission or commissioner, respectively.