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Commonwealth of Massachusetts
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No. 10.

AN ACT

Providing a uniform method of electing certain party officers, and delegates to the State and National Conventions, and of making nominations for certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors, and prescribing penalties for the violation of its provisions.

Section 1. Be it enacted, &c., That this act shall be known, and may be cited, as the "Uniform Primaries Act."

Section 2. From and after November first, one thousand nine hundred and six, two primaries shall be held each year, in every election district of this Commonwealth in which nominations are to be made or delegates or party officers elected, as herein provided. One shall be held on the fourth Saturday before the February election, to be known as the Winter primary; the other shall be held on the first Saturday of June,—except in years when a President of the United States is to be elected, in which it shall be held on the second Saturday of April,—to be known as the Spring primary.

Delegates to State and National conventions, except delegates-at-large to National conventions, which shall be elected by the State convention, shall be elected at the Spring primary, throughout the Commonwealth, by any party or body of electors one of whose candidates, at either the general or February election preceding, polled two per centum of the largest entire vote cast in the State for any candidate at the last general election. Candidates for all offices to be filled at the general election, with the exception of those nominated by National or State conventions, shall be nominated at the Spring primary. Candidates for all offices to be filled at the February election shall be nominated at the Winter primary, and such party officers as are provided for by the rules of the several political parties to be elected by vote of the party electors, shall be elected at either or both primaries, by any political party or body of electors one of whose candidates, at either the general or February elections preceding such primary, polled two per centum of the largest entire vote cast, in the political district in which nominations are to be made or candidates elected, for any candidate at the last general election.

No delegates to State or National conventions, or officers of parties, shall be elected, or candidates for

the public offices herein specified be nominated, in any other manner than as set forth in this act: Provided, That nothing herein contained shall prevent the nomination of candidates for borough or township offices, or other offices not herein specifically enumerated, in the manner provided by existing laws; or any association of electors, not constituting a party, from nominating candidates by nomination papers, as is provided by existing laws.

This act shall not apply to the nomination of candidates for Presidential electors, or to the nomination of candidates to be voted for at special elections to fill vacancies; but it shall not be construed to prevent the nomination of Presidential electors at primaries, if the rules of the respective parties so provide.

Section 3. On or before the ninth Saturday preceding the Spring primary, the Secretary of the Commonwealth shall send to the county commissioners in each county a written notice, setting forth the number of Congressmen and officers of the Commonwealth, not nominated by State Conventions, to be elected or voted for therein at the next succeeding general election.

On or before the same date, the chairman of the State committee of each party shall send to the county commissioners a written notice, setting forth the number of delegates to be elected in such county to the State and National convention of such party.

On or before the ninth Saturday preceding each primary, the chairman of the county committee of each party shall send to the county commissioners of such county a written notice, setting forth the names of all party offices to be filled by election at the ensuing primary.

Upon receipt of such notices, and beginning within one week thereafter, such county commissioners shall publish the number of delegates to be elected to the State and National conventions of each party, together with the names of all offices for which nominations are to be made or candidates for the party offices to be elected, within the county, at the ensuing primary, at least once each week for three successive weeks, in two newspapers of general circulation published within the county, wherever such course is possible. Such newspapers, so far as practicable, shall be representative of different political parties.

Section 4. Official primary ballots for each party shall be prepared by the county commissioners. These ballots shall be printed on white paper of uniform quality, and shall be uniform in size, style of printing and general appearance.

The ballot for each party shall be in the following form:

..... PRIMARY BALLOT.
(Name of Party.)

.....District,Ward, City of
County of State of Pennsylvania.
Primary held on the.....day of, 190—.

Make a cross (X) in the square to the right of each candidate for whom you wish to vote. If you desire to vote for a person whose name is not on the ballot, write or paste his name in the blank space provided for that purpose.

DELEGATES TO STATE CONVENTION.
(Vote for)

John Doe (Favors Thomas Smith for Governor.).....
Richard Roe,
John Stiles (Favors Henry Jones for Governor.).....

MEMBER OF CONGRESS,DISTRICT.
(Vote for one.)

John Doe,
Richard Roe,
John Stiles,

STATE SENATOR,.....DISTRICT.
(Vote for one.)

John Doe,
Richard Roe,
John Stiles,

DISTRICT ATTORNEY.
(Vote for one.)

John Doe,
Richard Roe,
John Stiles,

PARTY COMMITTEEMEN.
(Vote for)

John Doe,
Richard Roe,
John Stiles,

[And on the back of such ballot shall also be printed in prominent type the name of the party.]

The ballot shall vary in form only as the names of offices or candidates may require. The names of the candidates shall appear in alphabetical order under the respective offices. The voter may designate his choice, as is indicated by the instructions shown on the form of ballot above set forth.

Each candidate for delegate shall have the right, by filing a request with the county commissioners, to have printed at the right of his name upon the official ballot, in the space provided for that purpose, the name of the candidate whom he will support in the convention.

Section 5. The names of candidates shall be printed upon the official ballot of a designated party, upon the filing of petitions, signed by qualified electors of the political district division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated.

The said petitions, in the case of candidates for Congress or for State offices, shall be filed, at least four weeks prior to the primary, with the Secretary of the Commonwealth; and in all other cases shall be filed, at least three weeks prior to the primary, with the county commissioners of the respective counties.

The number of signers shall be as follows:

1. Candidates for nomination for Members of Congress, Judges of the various courts, and State Senator, two hundred qualified electors.

2. Candidates for nomination for Members of the State House of Representatives, and for offices to be voted for by the entire county, fifty qualified electors.

3. Candidates for nomination for all other offices, for delegates to State and National conventions, and for party offices, ten qualified electors.

Section 6. The Secretary of the Commonwealth, immediately after the filing of the said petitions with him, shall forward to the county commissioners of each county a correct list of the candidates of each party for the various offices, as contained in such petitions.

The county commissioners shall have on file in their office, at least one week preceding the primary, open to public inspection, forms of the ballots with the names printed thereon, which shall be used in each election district within such county.

Section 7. The county commissioners shall prepare, and furnish to the election officers for use at the primaries, as many official ballots of each party as are equal to double the total number of votes cast for any candidate of said party, within the election district, at the last general election: Provided, That the county commissioners shall furnish such additional

number of ballots, in any election district, as may be requested in writing by the chairman of the county committee of any party; such requests must be filed with the county commissioners two weeks before the primary.

The county commissioners shall also furnish one-fourth as many specimen ballots as the whole number of official ballots, to be printed on colored paper, and to be of the same size and form as the official ballot, for the use of the electors at the polls.

The official ballots shall be bound, in books of one hundred each, in the same manner as ballots at elections; and shall be delivered to the officers of election in the same manner as ballots are or hereafter may be required by law to be delivered to officers of election, for use at elections.

The county commissioners shall prepare, and furnish to the election officers, at the primaries, such ballot boxes, properly numbered for each election district, lists of voters, forms, blanks, return sheets, blank books and other supplies as they are, or hereafter may be, required to furnish, by law, to said officers for use at elections, and shall deliver them in the same manner as at elections. The said supplies shall have printed upon them appropriate instructions, and shall be in appropriate form for use at the primaries. They shall also provide for the opening of the polling-places, for the compensation of the owners thereof, shall see that they are in proper order, and provided with voting-booths, as at elections.

Section 8. The primaries shall be conducted by the regular election boards, duly elected under existing laws, who shall receive one-half the compensation for their services that they receive at elections. Inspectors of elections shall have the right to appoint clerks to assist them, as at elections, who shall receive one-half the compensation that clerks receive for such services at elections. Vacancies on election boards shall be filled in the manner now provided by law. Before entering upon their duties the election officers and clerks shall be sworn, as is now required by law.

The polls shall be open between the hours of two post meridian and eight post meridian: Provided, That all persons licensed to sell liquors, either at wholesale or retail, or as bottlers, shall be compelled to keep their places of business closed, on said days for holding said primary elections, only between the hours of one o'clock post meridian and nine o'clock post meridian.

Primaries shall be conducted in conformity with the laws governing the conduct of general elections, in so far as the same are not modified by the provi-

sions of this act or are not inconsistent with its terms: But, provided, That no elector shall be permitted to receive any assistance in marking his ballot, unless he shall first make an affidavit that he cannot read the names on the ballot, or that by reason of physical disability he is unable to mark his ballot.

Section 9. The county commissioners shall keep an accurate account of the entire expense of holding such primaries, including the preparation and delivery of supplies, voting materials, et cetera, and the total amount shall be paid, in the first instance, by the county treasurer, upon the order of the county commissioners. As soon as convenient thereafter, the county commissioners shall prepare an itemized statement of the amount so paid, verified by oath, and send the same, accompanied by the receipted vouchers, to the Auditor General, who, if he finds the same correct, shall draw a warrant on the State Treasurer, for the proper county, for the amount so approved, which shall be paid by the State Treasurer out of the money in the State Treasury not otherwise appropriated.

Section 10. The qualifications of electors entitled to vote at a primary shall be the same as the qualifications of electors entitled to vote at elections, within the election district where the primary is held. Each elector shall prove his qualifications and his identity in the same manner in which electors in the election district in which he offers to vote are, or hereafter may be, required by law to prove their qualifications or identity, on election day.

Each elector shall have the right to receive the ballot of the party for which he asks: Provided, That if he is challenged, he shall be required to make oath or affirmation that, at the next preceding general election at which he voted, he voted for a majority of the candidates of the party for whose ballot he asks.

Upon executing such affidavit the voter shall be entitled to receive the ballot for which he has called, and to cast his vote according to law.

Section 11. The ballot boxes, lists of voters (a copy of which shall be posted outside of the polling-place), and other records shall be delivered into the custody of the officers who now are, or hereafter may be, required by law to keep similar records of elections.

Upon the closing of the polls at such primary election, the election officers shall forthwith proceed to open the ballot boxes and take therefrom the ballots, and first count the number cast for each party, and make a record thereof; and then count the vote cast for the different persons named upon said party ballots; and, when said count is finally completed, they shall certify, in due and proper form, to the number

of votes cast for each person upon the respective party tickets. They shall then replace the ballots, counted and canvassed, in the boxes, and lock the same. They shall then place the returns of votes and the register of voters, aforesaid, for each party, in separate envelopes, and seal the same; which said envelopes shall, on or before noon of the Tuesday following, be deposited by the judge of election in person, or by registered mail, with the county commissioners, who shall on the succeeding day, at noon, publicly commence the computation and canvassing of the returns, and continue the same from day to day until completed; and for that purpose to have the right to petition the court of common pleas for the use of its processes to enforce the provisions of this act in relation to the returns of the election officers.

Upon petition of ten qualified electors of any county, setting forth that fraud has been committed in any election district of said county, together with a statement of the reasons why such an assertion is made, it shall be the duty of the county commissioners to open the ballot box of the said district and to recount the votes. Any person aggrieved by any decision of the county commissioners relative to the counting of the votes may appeal therefrom to the court of common pleas of the proper county, whose duty it shall be to hear said appeal, and to make such decree as right and justice shall require: Provided, however, That in case of a contest of delegates to a State Convention, such contests shall be determined by the State Convention, according to the rules of their respective parties. Contests of primaries shall be originated and conducted as in the case of elections.

The county commissioners shall make the proper certification of returns of votes cast for the candidates for nomination for members of Congress or for State offices to the Secretary of the Commonwealth, who shall tabulate the same, and shall certify to the county commissioners the result of the computation of the vote for such offices, at least forty days prior to the election.

Section 12. Candidates for offices of the Commonwealth, to be voted for by electors of the State at large, shall be nominated by the State conventions, for which delegates are elected in accordance with the terms of this act. The delegates who receive a plurality of the votes of the party electors at the Spring primary shall be the duly elected delegates to the respective State and National conventions. Said State conventions shall be held not later than one week after the date of the primary, in accordance with the rules of the respective parties.

Candidates for nomination as provided herein, who receive a plurality of votes of any party at a primary meeting, shall be the candidates of that party, and it shall be the duty of the proper officers to print their names upon the official ballots, for use at the election, as is now or hereafter may be required by law.

Candidates for party offices, who receive a plurality of the votes cast for such candidates, shall be the party officers of such party.

In case of a tie, the candidates receiving the tie vote shall cast lots before the county commissioners or the Secretary of the Commonwealth, as the case may be, and the one to whom the lot shall fall shall be entitled to the nomination or election.

Vacancies happening or existing after the date of the primary may be filled in accordance with the party rules, as is now or hereafter may be provided by law.

Section 13. Each candidate shall be entitled to have two watchers at the primaries, as at elections, only one of whom shall be entitled to be within the polling-room at one time. Their rights, duties and method of appointment shall be as at elections. Each party or candidate may, at any time before the primary, present a petition to the court of common pleas of the proper county, setting forth the fact that it or he has reason to believe that in a certain district or districts fraud or unfair methods may be attempted; and if, upon a consideration of the facts presented in said petition, the court shall be of the opinion that said application is made in good faith, the said court shall appoint an overseer for said petitioner or petitioners, who shall be entitled to remain within the polling-place during the casting and the counting of the ballots.

Section 14. Any person who votes or attempts to vote at a primary, knowing that he does not possess the qualifications of a voter at such primary, as indicated by this act, or who shall vote or attempt to vote more than once at a primary, or who shall have unlawfully in his possession an official ballot, outside the polling-place, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding two years, or both, in the discretion of the court. No police officer in commission, whether in uniform or in citizens' clothes, shall be within one hundred feet of a polling-place during the conduct of a primary election, unless in the exercise of his privilege of voting, or for the purpose of the serving of warrants, or the preserving of the peace.

Any election officer who permits a person to vote at any primary, with the knowledge that such person is not so entitled to vote, or refuses to permit any lawfully entitled elector to vote at such primary, with the knowledge that such person is so entitled to vote, or who refuses to permit him to receive the party ballot for which he asks, after having executed the affidavit herein provided, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding five years, or both, in the discretion of the court.

Any election officer or clerk who shall be guilty of any wilful fraud in the conduct of his duties at a primary, or who shall make a false return of the votes cast at such primary, or who shall deposit fraudulent ballots in the ballot box, or who shall certify as correct a return of ballots in the ballot box which he knows to have been fraudulently deposited therein, or who shall write false names in the lists of voters for the purpose of concealing the deposit of such fraudulent ballots or of aiding in the perpetration of such fraud, or who shall conspire with others to commit any of the offenses herein mentioned, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo imprisonment not exceeding five years, or both, in the discretion of the court.

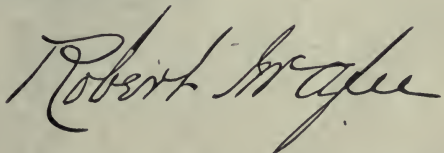
Except as modified by the terms of this act, election officers shall be subject to the same pains and penalties for violations or neglect of their duties at a primary as they are or hereafter may be subject to for violation or neglect of such duties at elections. In all other respects, officers officiating at primaries shall be subject to the pains and penalties provided by law for offenses committed at primaries. The existing laws relating to bribery at primaries shall continue in force, and shall apply to bribery at primaries as provided by this act.

Section 15. All laws or parts of laws inconsistent herewith are hereby repealed.

APPROVED—The 17th day of February, A. D. 1906.

SAML. W. PENNYPACKER.

The foregoing is a true and correct copy of the Act of the General Assembly No. 10.



Secretary of the Commonwealth.

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