

950 CMR 55.00: CERTIFICATION OF NOMINATION PAPERS AND PETITIONS

Section

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55.01: Purpose

950 CMR 55.00 governs the certification, by boards of registrars of voters, of voters' names on all nomination papers and petitions for ballot questions and recounts, under the authority of M.G.L. c. 53, § 7. 950 CMR 55.00 shall be interpreted to achieve and maintain accuracy, uniformity, and security from forgery and fraud in the procedures of local registrars of voters, and to promote the right of eligible voters to sign such papers and petitions.

55.02: Required Actions by Registrars

- (1) When nomination papers and petitions are submitted for certification, registrars shall mark each page with the date and time of submission. They shall provide to the person submitting the nomination papers or petitions a receipt showing the number of pages submitted. They shall certify nomination papers and petitions in the order they were submitted.
- (2) Registrars shall place a check mark (✓) in the left column of the nomination paper or petition next to each name they certify. They shall place the proper capital letter symbol, [N,S,D,R,E,W,T, as indicated in 950 CMR 55.03(1)] next to each name they do not certify.
- (3) For the purpose of checking whether a voter is registered as of the date of certification under 950 CMR 55.03(1)(a), registrars shall consult their records of recent voter registrations since the closing date of the voting list being used for certification.
- (4) Registrars shall keep the following records and enter such records into the Central Voter Registry:
  - (a) which nomination papers and petitions each voter signs;
  - (b) the voters who have signed a state initiative petition for a law, to check against the additional signers in the following summer; and
  - (c) the total number of names that they certify on each candidate's nomination paper and on each petition.
- (5) Registrars shall draw a solid line across all unused signature spaces on each page of nomination papers and petitions. If the papers or petitions are submitted in person, this shall occur at the time of submission and in the presence of the submitting person.
- (6) The registrars shall indicate the number of names certified on each page in words as well as numerals.
- (7) Three or more registrars must sign their certificate on each page. A facsimile stamp may be used for this purpose.
- (8) Registrars need not certify more than two-fifths more (for a city or town primary or preliminary election, one-fifth more) than the total number of names necessary for nomination or qualification of a petition.
- (9) If a candidate for state office resides in his/her city or town and meets the requirements of M.G.L. c. 53, §§ 6 or 48 and of 950 CMR 55.03(5), three or more registrars shall sign the appropriate certificate of voter registration or party enrollment on one or more of the candidate's nomination papers. A facsimile stamp may be used for this purpose.

55.02: continued

- (10) All writing by registrars on a nomination paper or petition shall be only in red ink.
- (11) The registrars' failure to comply with any requirement of 950 CMR 55.02, except 950 CMR 55.02(7), shall not invalidate their certification.
- (12) The registrars may authorize the office employees of the city or town clerk's office, including the city or town clerk, to perform all the actions required by 950 CMR 55.02 and by M.G.L. c. 53, § 7. This authorization may be accomplished by, among other things, a vote of the board of registrars.
- (13) When certifying names on all petitions for state ballot questions, the registrars, in addition to the requirements set forth in 950 CMR 55.00 *et seq.*, must comply with the requirements set forth in 950 CMR 48.06 *et seq.*

55.03: Standards

- (1) The registrars shall certify a voter's name signed on a nomination paper or petition unless:
  - (a) The name is not that of a registered voter at that address or the address is illegible (N).
  - (b) The name is not signed substantially as registered— the registrars cannot identify the signature as that of a voter because of form of signature (S).
  - (c) The name is illegible (S).
  - (d) The voter is enrolled in the wrong party (for primary nomination papers or recount petitions) (D or R). For primary nomination papers, the voter must be either enrolled in the proper party or unenrolled (independent) at the time of certification. For primary recount petitions, the voter must be enrolled in the proper party as of the last day to register before the primary (use E if the voter, although not enrolled in the other party, does not meet this requirement).
  - (e) The voter is registered in the wrong voting district or a different city or town (W); or
  - (f) The voter's name was already certified on the same candidate's nomination paper, or the same petition (including the earlier stage of a state initiative petition) (T).
  - (g) the name is that of an inactive voter whose address is different than the address where he or she is listed as inactive.
- (2) Registrars must certify a name even if:
  - (a) the voter's ward or precinct number has not been provided, or
  - (b) it is alleged that a voter's signature was forged or obtained by fraud. (In cases of alleged forgery or fraud, an objection may be filed, and a hearing will be held before the State Ballot Law Commission for state nominations and petitions, and before the local registrars for local nominations and petitions. The registrars may also bring alleged forgery or fraud to the attention of the State Secretary, for referral to an appropriate law enforcement agency.)
- (3) In general, a name is "signed substantially as registered" if it can reasonably be determined to be that of a registered voter. For example, registrars shall certify names in which:
  - (a) A middle initial is inserted or omitted.
  - (b) A common or known nickname is used.
  - (c) Two initials are used with a surname.
  - (d) One initial is used with a surname, if no other registered voter with that initial lives at the indicated address.
  - (e) "Jr." or "Sr." is inserted or omitted.
  - (f) Ditto marks are used to indicate a correct address.
  - (g) The name is printed.
- (4) For example, a name is not "signed substantially as registered", and registrars shall not certify it, if:
  - (a) The first name is different from the first name as registered, and no common or known nickname is used.
  - (b) The address is different, even if only the house number is different, or if a post office box number rather than a street address appears.
  - (c) The name is not that of a registered voter at the indicated address.

55.03: continued

(5) The registrars shall sign certificates under M.G.L. c. 53, §§ 6 and 48 and 950 CMR 55.02(9) for candidates for state office who reside and are registered voters as of the time of certification in their city or town, as follows:

(a) An independent or minor party candidate for state office shall receive a certificate of voter registration unless the candidate has been enrolled in a political party on the records of the registrars of the certifying city or town during the time prior to the last day for filing nomination papers and on or after the day by which a primary candidate is required by M.G.L. c. 53, § 48 to establish enrollment in a political party.

(b) A state primary candidate shall receive a certificate of party enrollment if, according to the records of the registrars of the certifying city or town:

1. the candidate has not been enrolled in a political party other than the one whose nomination the candidate seeks during the one year preceding the last day for filing nomination papers with the state secretary, and

2. either:

a. the candidate has been enrolled in the political party whose nomination the candidate seeks throughout the 90 days before the last day for filing nomination papers with the state secretary; or

b. the candidate is a newly registered voter of the registrars' city or town. For the purpose of issuing this certificate, a candidate who was not a registered voter of the city or town as of the 90th day before the last day for filing nomination papers with the state secretary, but who later registers and enrolls in the proper party in that city or town before the time of certification, is a newly registered voter.

55.04: Return of Certified Nomination Papers and Petitions

Registrars shall return certified nomination papers for state office and petitions for state ballot questions and statewide or district-wide recounts only to persons who present acceptable identification and who sign their names and addresses on the registrars' records. Acceptable identification includes:

(1) the receipt issued by the registrars at the time of submission under 950 CMR 55.02(1).

(2) written authorization signed by, or on the printed letterhead of, the candidate, or the organization sponsoring the petition.

(3) telephone authorization by the candidate's or organization's headquarters.

(4) personal recognition by the registrars.

REGULATORY AUTHORITY

950 CMR 55.00: M.G.L. c. 53, § 7.

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