

# A Candidate's Guide to Special Elections

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## **Age, Residence and Signature Requirements for U.S. Senator, U.S. Representative, State Senator & State Representative\***

### **United States Senator**

- Must be at least 30 years of age.
- Must be a registered voter.
- Must be a U.S. citizen for at least 9 years prior to the date of the election.
- Must be an inhabitant of Massachusetts when elected.
- Requires certified signatures of at least 10,000 voters registered in Massachusetts.

### **United States Representative**

- Must be at least 25 years of age.
- Must be a registered voter.
- Must be a U.S. citizen for at least 7 years prior to the date of the election.
- Must be an inhabitant of Massachusetts when elected.
- Requires certified signatures of at least 2000 voters registered in the district.

### **State Senator**

- Must be at least 18 years of age.
- Must be a registered voter.
- Must be a U.S. citizen.
- Must be an inhabitant of the district when elected.
- Must be an inhabitant of Massachusetts for at least 5 years.
- Requires certified signatures of 300 voters registered in the district.

### **State Representative**

- Must be at least 18 years of age.
- Must be a registered voter.
- Must be a U.S. citizen.
- Must be a resident of the district for one year preceding the date of the election.
- Requires certified signatures of at least 150 voters registered in the district.

**\* Vacancies in offices other than those listed above are not filled by special elections. Contact the Elections Division for further information.**

**INTRODUCTION**

Please read the entire booklet carefully before circulating nomination papers. Additional sources of information are listed on page 10.

**“Party candidate”** refers to a candidate who represents any political party recognized in Massachusetts; there are currently only three political parties in Massachusetts: Democratic, Republican and Libertarian.

**Definitions**

**“Non-party”** refers to any candidate who is not a member of a political party and who is running only in the state general election, not in the primary.

**ELECTION DATES**

This guide is intended for use by candidates running in special elections to fill vacancies in the U.S. Senate, U.S. House, state Senate and state House of Representatives. Once a special election has been called, a calendar containing the pertinent dates will be available from the Elections Division. Contact the Elections Division for the appropriate calendar at:

**617.727.2828 or 800.462.VOTE**

Each special state primary election for state senator and state representative is held four weeks prior to the special state election.

Each special state primary election for United States Senator or Representative in Congress is held six weeks prior to the special state election.

**Primary Schedule for Senate and House Candidates**

**Primary Schedule for Congressional Candidates**

**NOMINATION PAPERS**

Nomination papers are available from the Secretary of the Commonwealth and may be picked up or requested by telephone or mail. Some local clerks and election commissioners in the district may also have nomination papers available. Call the Elections Division to request papers or find out whether or not they are available in the district.

**Availability**

Please refer to the special election calendar available from the Elections Division for actual filing deadlines. File nomination papers earlier than the deadline if possible. This allows for identification of any errors in the papers and collection of additional signatures if necessary.

**Filing Deadlines**

**File Early**

The candidate’s name, residence, office for which the person is a candidate, political party or designation and the district name or number must be completed on every nomination paper before any signatures are gathered. Signatures on nomination papers failing to include this information cannot be counted. Sample nomination papers appear on pages 15 and 16.

**Complete All Required Information**

Nomination papers must be submitted to the local board of registrars or election commission for the certification of names. It is advisable to deliver the papers by hand to ensure their timely delivery. The local board of registrars or election commissioners must complete their certification of names 72 hours prior to the filing deadline with the Secretary of the Commonwealth for U.S. Senate and U.S. Representative and 24 hours prior to the filing deadline with the Secretary of the Commonwealth for state senator and state representative. The signatures of at least three members of the board of registrars or election commission must appear next to the number of certified signatures.

**Submit Papers Locally**

<p><b>Submit Papers to the Secretary of the Commonwealth</b></p>	<p>Nomination papers must be picked up from the board of registrars or election commission after certification and filed with the Secretary of the Commonwealth prior to the deadline in the special election calendar. Papers sent by mail and received in the Elections Division after the deadline will not be accepted even if they were postmarked before the deadline time and date.</p>
	<p><b>GETTING ON THE BALLOT</b></p> <p>A candidate may gain access to the special election ballot in one of two ways:</p> <ol style="list-style-type: none"> <li>1. A candidate who is a member of a party and who was nominated in the special primary; <b>OR</b></li> <li>2. A non-party candidate who may run in the final special election only.</li> </ol> <p>Please be aware that you may only qualify in only one of the above ways. A candidate must fulfill specific enrollment requirements when running for office.</p> <p>For state senator and state representative, the filing dates for submitting nomination papers are the same whether a candidate plans to run in the special state primary as a party candidate or in the election as non-party candidate. For U.S. Senator and U.S. Representative, non-party candidates have more time to gather signatures than party candidates.</p>
<p><b>Enrollment</b></p>	<p><b>HOW TO RUN IN A PARTY PRIMARY</b></p> <p>Candidates for nomination in the primary election must be enrolled members of the party whose nomination they seek and, except for newly registered voters, must have been enrolled in that party throughout the <b>90 days</b> preceding the filing deadline with the Secretary of the Commonwealth. In addition, no person can be a candidate for nomination by one party if that person had been enrolled in any other party during the <b>one year</b> period preceding the filing date with the Secretary for this election.</p>
<p><b>Enrollment Certificate</b></p>	<p>The candidate must prove party affiliation by filing a certificate of party enrollment (certificate of voter registration), signed by at least three members of the local board of registrars or election commission, with the Secretary of the Commonwealth. The enrollment certificate is printed on the nomination papers. At least one such certificate must be completed and filed no later than the last day for filing nomination papers with the Secretary.</p> <p><b>Please be aware that no primary nomination papers can be processed without a certificate of enrollment.</b></p>
<p><b>Primary Nomination Papers</b></p>	<p>Nomination papers for party candidates are <b>white</b> in color.</p> <p>Before gathering signatures:</p> <ol style="list-style-type: none"> <li>1. Type or print the proper title of the office and the full name of the district.</li> <li>2. Type or print the name and address of the candidate.</li> <li>3. Type or print the political party of the candidate on every nomination paper.*</li> </ol>
	<p><b>* An Appeals Court decision invalidated nomination papers of a candidate who omitted his political party affiliation on those nomination papers before gathering signatures. In consequence, the candidate's name did not appear on the primary ballot.</b></p>

There is a space on the nomination paper where a candidate may make a statement in not more than eight words to list the public offices held or previously held by the candidate.

Please be aware that not every governmental employee holds a “public office”; holders of public office must have entrusted to them in some degree the exercise of power and authority of government. The duties must be not merely clerical, but must involve the exercise of some significant discretion or judgment. The position must not be merely advisory and must be established by law. A political party is not a “public office.”

This statement will appear only on the primary ballot.

At least one of the certified papers must contain a written acceptance of nomination, signed by the candidate or an attorney authorized to do so by the candidate in writing, before filing with the Secretary of the Commonwealth. Although the candidate is not required to sign the “acceptance” on every paper, the candidate should sign several certified papers to ensure that one of those ultimately filed with the Secretary will contain the written acceptance.

Nomination papers for offices of state senator and state representative will be valid only if they are accompanied by a receipt from the State Ethics Commission to show that they candidate has filed a statement of financial interest with that agency.

**The receipt from the State Ethics Commission must be filed with the Secretary of the Commonwealth by the deadline for filing nomination papers.**

A candidate may obtain forms, instructions and additional information about the statement of financial interest:

**State Ethics Commission  
One Ashburton Place, Room 619  
Boston, Massachusetts 02108  
617.371.9500.**

Primary nomination papers may be signed by registered voters in the district who are:

1. Enrolled in the same party as the candidate; **OR**
2. Not enrolled in any party; **OR**
3. Enrolled in a political designation.

The signatures of a voter enrolled in a different political party will be disallowed. The candidate nominated at the primary will be the party’s candidate in the general election.

**Statement on  
Primary  
Nomination Papers**

**Written  
Acceptance**

**Ethics  
Commission  
Receipt** *(Does not  
apply to candidates  
for Congress.)*

**Who May Sign  
Nomination Papers**

## HOW TO RUN AS A NON-PARTY CANDIDATE

To run as a non-party candidate in the general election, the candidate may not be enrolled in any political party. However, a candidate may be enrolled in a political designation and run under that designation.

### Candidate Must Be Unenrolled

Non-party candidates for U.S. Senator, U.S. Representative, state senator and state representative cannot have been enrolled in any party during the entire **90 days** preceding the deadline for filing nomination papers with the Secretary of the Commonwealth. Non-party candidates must also circulate nomination papers. The papers will place a candidate's name on the general election ballot, bypassing the primary.

### Enrollment Certificate

A candidate must file an enrollment certificate (certificate of voter registration) to prove he or she is a registered voter and has not been enrolled in any political party during the 90 days preceding the deadline for filing nomination papers with the Secretary of the Commonwealth. This certificate is printed on every nomination paper. At least one of these certificates must be signed by at least three members of the board of registrars or election commission and filed no later than the last day for filing nomination papers with the Secretary.

### Nomination Papers

**Please be aware that nomination papers cannot be processed by the Secretary of the Commonwealth without a certificate of enrollment.**

Nomination papers for non-party candidates are yellow in color.

### Before gathering signatures:

1. Type or print the proper title of the office and the full name of the district.
2. Type or print the name and address of the candidate.
3. Type or print the three word designation on nomination papers.

### Three Word Political Designation

Non-party candidates may state a political designation in not more than three words. If candidates place no political designation on nomination papers, the word "unenrolled" will appear on the ballot along with the candidate's name and address.

Non-party candidates may not use the following designations on their nomination papers:

1. Democratic
2. Republican
3. Libertarian

Non-party candidates for state senator and state representative have the same deadlines as party candidates for submission of nomination papers to local officials for certification of names and for filing those papers with the Secretary of the Commonwealth. Non-party candidates for U.S. Senator and U.S. Representative have later deadlines as party candidates for submission of nomination papers to local officials for certification of names and for filing those papers with the Secretary of the Commonwealth.

Filing deadlines for all candidates for special elections will be listed on the special election calendar available from the Elections Division.

Before filing papers with the Secretary of the Commonwealth, a candidate must ensure that at least one of the certified nomination papers includes a written acceptance of nomination signed by the candidate or by an attorney authorized in writing by the candidate to do so.

Nomination papers for non-party candidates may be signed by any registered voter in the district whether enrolled in a political party, enrolled in a political designation or unenrolled.

An non-party candidate must file nomination papers with the same number of certified signatures that party candidates need.

Nomination papers for offices of state senator and state representative will be valid only if they are accompanied by a receipt from the State Ethics Commission to show that they candidate has filed a statement of financial interest with that agency.

**The receipt from the State Ethics Commission must be filed with the Secretary of the Commonwealth by the deadline for filing nomination papers.**

A candidate may obtain forms, instructions and additional information about the statement of financial interest:

**State Ethics Commission  
One Ashburton Place, Room 619  
Boston, Massachusetts 02108  
617.371.9500**

**Filing Deadlines**

**Written Acceptance**

**Who May Sign Nomination Papers**

**Number of Signatures Required**

**Ethics Commission Receipt** *(Does not apply to candidates for Congress.)*

## SIGNATURES ON NOMINATION PAPERS

The procedures described below are essentially the same for both party and non-party candidates' nomination papers.

To be certified, all signatures on nomination papers must be:

**How a Voter's  
Name Should be  
Signed**

1. Legible; AND
2. Signed with the name of the voter substantially as registered; AND
3. Include the complete address at which the voter is registered.

- The law allows a voter to insert or omit a middle name or initial.
- According to the law, a name should be considered signed substantially as registered if the registrars can reasonably determine the identity of the voter from the form of the signature.
- A married woman should sign "Helen Smith," not "Mrs. John Smith."
- To avoid legal objections, it is wise to consult a voting list if available to ensure that the voter signs substantially as registered. Avoid the use of a nickname and/or initials whenever possible. Each candidate may receive one voters' list from each city or town in the district at no cost.
- Voters who are uncertain of the way they are registered may sign in different ways on consecutive lines (with address each time) and the registrar will certify only the valid name.

**Voter Must Sign  
for Self**

- No person may sign for another person unless authorized to do so by a voter who is physically disabled and unable to sign personally. A signature not made by the actual voter is subject to challenge.
- A husband may not sign for a wife and a wife may not sign for a husband unless one spouse is physically disabled.

**How Many Papers  
May a Voter Sign?**

- A voter may sign once for each candidate for office. If a voter signs more than once for the same candidate, that voter's name will be certified only once.

Names must be certified by at least three registrars of the city or town where the signers are registered voters. Each page of the nomination papers should contain signatures of registered voters from only one city or town. Since the local registrars of voters or election commissioners must certify each name as that of a registered voter in their jurisdiction, names from other communities will be disallowed. If a candidate is running for office in a district that crosses city or town lines, separate nomination papers should be circulated and submitted in each municipality.

**Collect Extra  
Signatures**

Collect more signatures than required because many may be disallowed either in the certification process or through challenges. Registrars are required by law to certify at least two-fifths more than the number of signatures required.

## CHALLENGES TO NOMINATION PAPERS

Nomination papers may be challenged by any registered voter in the district within three days following the final date for filing nomination papers by filing any objection with the:

State Ballot Law Commission  
c/o Elections Division  
One Ashburton Place, Room 1705  
Boston, Massachusetts 02108-1512

For details see "Objections Before the State Ballot Law Commission," a publication available from the Elections Division.

When an objection is filed, the candidate receives written notice that a hearing will be held before the State Ballot Law Commission. A candidate may wish to have a lawyer present at the hearing, since hearings often involve complex legal issues.

Objections may be brought for various reasons. Examples of objections follow:

- Nomination papers contain forged or fraudulent signatures.
- Required information was not placed on the top of each nomination paper.
- The candidate has not been a resident of the district for the required length of time.

**Challenges**

**Hearings**

## PENALTIES

The law provides for a fine of not more than \$50 for subscribing falsely to a statement on a nomination paper. It further calls for a fine of not more than \$1,000 or imprisonment for not more than one year for falsely or willfully altering the designation of the district after signatures have been certified or for falsely marking or willfully altering, defacing, mutilating, destroying, suppressing or unlawfully signing or filing a nomination paper.

## CONTRIBUTIONS AND EXPENSES

The law requires that campaign expenses and contributions be reported by candidates seeking election. The Office of Campaign and Political Finance is responsible for receiving and maintaining records for candidates for state representative and state senator. For more information please contact:

Office of Campaign and Political Finance  
One Ashburton Place, Room 411  
Boston, Massachusetts 02108-1512  
Telephone 617.727.8353 or 800.462.OCPF  
[www.mass.gov/ocpf](http://www.mass.gov/ocpf)

The Federal Election Commission is responsible for receiving and maintaining records for candidates for U.S. Senate and U.S. Representative. For more information please contact:

Federal Election Commission  
999 E Street N.W.  
Washington, D.C. 20463  
Telephone 800.424.9530  
[www.fec.gov](http://www.fec.gov)

**State  
Representative  
State Senator**

**Congressional  
Candidates**

## Additional Resources

Elections Division  
One Ashburton Place, Room 1705  
Boston, MA 02108-1512  
617.727.2828 or 800.462.VOTE  
[www.sec.state.ma.us/ele/](http://www.sec.state.ma.us/ele/)

Office of Campaign and Political Finance  
One Ashburton Place, Room 411  
Boston, MA 02108  
617.727.8353 or 800.462.OCPF  
[www.mass.gov/ocpf/](http://www.mass.gov/ocpf/)

State Bookstore  
State House, Room 116  
Boston, MA 02133  
617.727.2834  
[www.sec.state.ma.us/spr](http://www.sec.state.ma.us/spr)

Federal Election Commission  
999 E Street N.W.  
Washington, D.C. 20463  
1.800.424.9530  
[www.fec.gov](http://www.fec.gov)

Massachusetts General Laws  
Chapters 50-56  
Available at your local library or  
available online at:  
[www.mass.gov/legis/laws/mgl/index](http://www.mass.gov/legis/laws/mgl/index)

The following publications are available  
from the Elections Division:

*“Election Day Legal Summary”*

*“Residence for Voting Purposes”*

Regulations for Certifying  
Signatures: 950 C.M.R. § 55.00

*“Objections Before the State Ballot Law  
Commission”*

State Ethics Commission  
One Ashburton Place, Room 619  
Boston, MA 02108  
617.371.9500  
[www.mass.gov/ethics/](http://www.mass.gov/ethics/)

Call 617.727.2828 or 800.462.VOTE to  
request any booklets.

## CHECKLIST FOR GATHERING SIGNATURES

- Make certain that all signers are registered voters in the district. District boundaries may be checked on lists of districts available from the Elections Division in the Office of the Secretary of the Commonwealth.
- Collect only signatures from one city or town on nomination papers designated for that city or town. Signatures from another city or town or from outside the district will be disallowed.
- All signatures must be legible and signed substantially as registered.
  - If the registrars can determine the identity of the voter from the form of the signature then the name shall be considered signed substantially as registered according to the law.
  - The law allows the voter to insert or omit a middle name or initial and still have the signature deemed valid.
  - Voters should sign both their first and last names.  
For example: Helen Jones should not sign as “Mrs. John Jones.”
  - It is wise to have a list of registered voters or a street listing with you to verify the exact form of registration. (City and town officials are required to make one copy available to a candidate at no cost.)
- Nomination papers require the voter’s address where he or she is currently registered.
- If a voter signs incorrectly or makes an error, do not erase or make changes. Leave the incorrect line intact and ask the voter to sign his or her name and address again on the next line. An altered or illegible signature may be disallowed or challenged.
- Persons who are prevented from signing by physical disability may authorize another individual to sign for them in the voter’s presence.
  - **No person may sign for another unless the voter is physically disabled as above. One spouse may not sign for another.**
- Signers must be members of the candidate’s party or not enrolled in any party if their signatures are to be certified on primary nomination papers.
- Collect and submit more signatures than the law requires. Many may be disallowed or challenged.

## CANDIDATE CHECK LIST

- Confirm your voter registration status.
- Obtain a copy of the appropriate election calendar from the Elections Division of the Office of the Secretary of the Commonwealth.
- The following items must be completed on **every** nomination paper before circulating the papers:
  1. Name and address; **AND**
  2. Office and district; **AND**
  3. Party.
- Be sure to sign your name on the “Written Acceptance” line on several of your nomination papers.
- Submit more than the required number of signatures to local registrars for certification of signatures. Be sure that the signatures are from those registered voters in the proper district and party, with name and address properly completed. If many are challenged or disallowed, you may be short of the required number.
- Do not miss the deadline for submitting nomination papers to the local registrars or election commission for certification of signatures. File early if possible.
- Pick up the certified papers at the local office. Be sure the back of each paper has been certified by at least three members of the board of registrars or election commission.
- Do not miss the filing deadline with the Elections Division of the office of the Secretary of the Commonwealth.
- If you are a candidate for state senator or state representative, file a receipt from the State Ethics Commission with the Elections Division by the deadline for filing nomination papers.

### PARTY CANDIDATES

- Circulate white colored nomination papers to run in a party primary.
- Meet the enrollment requirement :
  - 1(a). You must be enrolled in your party throughout the 90 prior to the filing deadline with the Secretary of the Commonwealth; **OR**
  - (b). You must be a newly registered voter; **AND**
  2. You must not have been enrolled in any other party during the one year period preceding the date for filing their nomination papers with the Secretary for this election.

### NON-PARTY CANDIDATES

- Circulate yellow colored nomination papers to run as a non-party candidate in the general election.
- Meet the enrollment requirement. Candidates for United States Senator, U.S. Representative, state senator and representative cannot have been enrolled in any party during the 90 days preceding the deadline for filing their nomination papers with the Secretary for this election.