



A Candidate's Guide to **SPECIAL ELECTIONS**

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I. INTRODUCTION

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.

Election Dates

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 1-800-462-VOTE (8683).

A special state primary election is held prior to the special state election.

Definitions

“Party candidate” refers to a candidate who represents any political party recognized in Massachusetts. There are currently three political parties in Massachusetts eligible to conduct primaries: Democratic, Republican and Libertarian.

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

II. GETTING ON THE BALLOT

A candidate may gain access to the special election ballot in one of two ways:

1. A candidate who is a member of a party may be nominated in the special primary; **OR**
2. A non-party candidate who may run in the final special election only.

Please be aware that you may only qualify in one of the above ways. A candidate must fulfill specific enrollment requirements when running for office, as described below.

For each office, state law has assigned a minimum number of certified signatures required for ballot access. For example, candidates for state representative must submit at least 150 certified signatures, while candidates for state senator are required to submit at least 300 certified signatures. A complete listing of signature, age and residence requirements for each office can be found on pages 9-10.

III. PARTY ENROLLMENT REQUIREMENTS

Party Candidates

Candidates who wish to run in a special 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 **90 days** 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 has been enrolled in any other party during the **one year** period preceding the filing date with the Secretary for the special primary election.

Non-Party Candidates

Candidates who wish to run as non-party candidates in the special state election may not be enrolled in any political party. However, a candidate may be enrolled in a political designation and run in the special election under that designation. Non-party candidates 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. When the deadline for submitting nomination papers differs for party and non-party candidates, the earlier deadline shall be used to calculate the deadline to un-enroll from a party.

Enrollment and Special Elections

Often, the deadline for enrolling or un-enrolling from a political party falls prior to the date that a special election is called. Candidate who are unsure of their party enrollment status should consult their local election official. It is advisable to contact the Elections Division with any questions about changing party enrollment prior to an election.

IV. NOMINATION PAPERS

Availability

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

Nomination papers for party candidates are **white** in color, while nomination papers for non-party candidates are **yellow**. Candidates should ensure they have chosen the correct nomination papers before gathering signatures.

Candidates may make **exact copies** of the official nomination papers for gathering signatures. Papers that have been altered in any way, including papers that are not printed two-sided, will not be accepted.

Filing Deadlines

Please refer to the special election calendar available from the Elections Division for the filing deadlines for the specific special primary or election. **It is recommended that candidates file early – prior to the deadline to submitting papers to the local registrars. This allows time for errors to be identified, and for candidates to gather additional signatures, if necessary.**

Filing deadlines for candidates for state representative and state senator will be the same for all candidates, regardless of party enrollment status. Filing deadlines for non-party candidates for U.S. Representative and U.S. Congress will be later than the deadlines for party candidates. Filing deadlines for all candidates for special elections will be listed on the special election calendar available from the Elections Division.

Required Information

The candidate's name, residence, political party or designation, the office for which the candidate is running and the district in which they are running must be completed on every

nomination paper **BEFORE** any signatures are gathered. These areas of the nomination papers are highlighted in grey. If any information is missing from the gray areas of the paper, **no signatures on these papers can be counted**. The candidate's residence must include the candidate's street name and number, if any, and some identifiable reference to the city or town. To avoid confusion, this Office recommends using the full name of the city or town in which the candidate resides.

Submit Papers Locally

Nomination papers must be submitted to the local board of registrars or election commissioners for the certification of signatures. 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.

Written Acceptance

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. Please note that only one written acceptance is required – candidates may sign more than one nomination paper, but it is not necessary to sign every sheet.

The written acceptance must be submitted to the Secretary of the Commonwealth no later than the last day and hour for filing nomination papers. The written acceptance is not required to be filed with local registrars.

Candidates who are unable to sign their written acceptance may authorize an attorney to do it for them.

Enrollment Certificate

In order to qualify for the ballot, all candidates must submit either an enrollment certificate or a certificate of voter registration. Party candidates must submit an enrollment certificate, upon which the local election officials certify that the candidate is a registered voter and meets the party enrollment requirements. Non-party candidates submit a certificate of voter registration, upon which the local election officials certify that the candidate is a registered voter and meets the requirements for running as a non-party candidate.

Enrollment certificates and certificates of voter registration may be obtained from the local election officials in the city or town where the candidate is registered. Blank certificates are printed on the nomination papers and must contain the signatures or stamps of at least three registrars. It is advisable to obtain extra certificates from the registrars' office.

At least one such certificate must be completed and filed no later than the last day for filing nomination papers with the Secretary.

Ethics Receipt

Candidates for state representative and state senator must file with their nomination papers a receipt from the State Ethics Commission, which proves that they have 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.

Candidates may obtain forms, instructions and additional information about the statement of financial interest from the State Ethics Commission, which may be contacted at:

One Ashburton Place, Room 619
Boston, Massachusetts 02108
617.371.9500

Please note that candidates for U.S. Representative and U.S. Senator do not need to provide a receipt from the State Ethics Commission.

Submit Papers to the Secretary of the Commonwealth

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. It is therefore strongly recommended to deliver the papers by hand to ensure their timely delivery.

V. SIGNATURES

Number of Signatures Required

The number of signatures required is the same for party and non-party candidates. Please see pages 9-10 for the number of signatures required for each office.

Who May Sign

Signatures on nomination papers must be those of registered voters in the candidate's district. If a candidate is running in a party primary, only voters who are members of the candidate's political party or members of no party (unenrolled or in political designations) may sign that candidate's nomination papers. The signatures of voters enrolled in a different political party will be disallowed. Those running as non-party candidates may collect signatures from all registered voters in their districts, regardless of party affiliation.

How to Sign

To be certified by the local election official, all signatures on nomination papers must be:

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.

Signers must include the residential address at which they are registered to vote. A signature cannot be certified if the voter provides only a mailing address, post office box, or an address at which they are not registered to vote.

State law requires that voters sign “substantially as registered.” The law allows a voter to insert or omit a middle name or initial. A married voter should be sure to sign their own name, rather than Mrs. John Smith. Signers should not use nicknames or initials in place of given names, unless they are registered as such. Voters who are unsure of how they are registered may sign in different ways on consecutive lines (with addresses on each line). The local election official will certify only the valid name and address.

The law directs the local election officials to certify a signature if they can reasonably determine the identity of the voter from the form of the signature; however, to avoid legal objections it is wise to consult a list of voters, so that voters may be sure they are signing as registered. Lists of voters may be obtained from the local election officials of each city and town.

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 their name and address again on the next line. An altered or illegible signature may be disallowed or challenged.

Signing for Someone Else

Voters who are prevented by physical disability from signing on their own behalf 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. A spouse may not sign for their spouse unless the spouse is physically disabled.

Signing Once Per Candidate

Voters may sign once for each candidate for an office. If a voter signs more than once for the same candidate, that voter’s name will be certified only once; additional signatures will be disallowed. Voters may sign for as many different candidates as they wish, even for the same office.

Collecting Signatures

Each nomination paper should contain signatures of registered voters from only **ONE** city or town. At least three registrars or election commissioners of the city or town where the signers are registered must certify that each signature is that of a registered voter in their jurisdiction. Names from other communities on that sheet will be disallowed. If a candidate is running in a district which crosses city or town lines, separate nomination papers should be circulated and submitted to each community.

Candidates should collect more signatures than required, as many signatures are likely to be disallowed in the certification process. Further signatures may be disallowed through challenges. Each local election official is required by law to certify two-fifths more than the number of signatures required.

Requesting Review of Uncertified Signatures

While candidates running in biennial state primaries and elections may request a review of signatures not certified by the registrars or election commission, state law does not allow for this process with nomination papers for special elections. It is therefore especially important that candidates collect more signatures than required and submit them well before the deadline.

VI. STATEMENTS ON THE BALLOT

Statements on Primary Ballots

Party candidates running in a special state primary may include on the ballot a statement of public office, not to exceed eight words. This statement may list any public offices the candidate holds or has previously held, as well as the word “veteran.”

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 not be 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.

Non-party Candidate Political Designation Statements

Non-party candidates may state a political designation in no more than three words, which will appear next to the candidate’s name on the special election ballot. Political designations may contain any three words, as long as those words do not include the name of an official political party. Non-party candidates may not use the following designations on their nomination papers: Democratic, Republican, Libertarian.

If a political designation is to be used, it must be included in the gray area provided on every nomination paper that is circulated. Papers with different political designations shall be tallied as separate filings. Candidates who leave the political designation box on their nomination papers blank shall go on the special election ballot as “unenrolled.”

VII. OBJECTIONS

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

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. Past challenges have included: forged signatures on nomination papers, candidates not meeting the legal requirements for the offices they sought, and signers not being registered voters.

VIII. 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.

IX. AGE, RESIDENCE AND SIGNATURE REQUIREMENTS

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 2,000 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 at least one year preceding the date of the election.

- Requires certified signatures of at least 150 voters registered in the district.

Requirements for Other Offices

Vacancies in offices other than U.S. Senator, U.S. Representative, State Senator and State Representative are not filled by special elections. Contact the Elections Division for further information.

X. CONTRIBUTIONS AND EXPENSES

The law requires that campaign expenses and contributions be reported by candidates seeking elections.

State Representative and State Senator

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
617.727.8353 or 800.462.OCPF
www.ocpf.us

U.S. Senator and U.S. Representative

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

Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463
800.424.9530
www.fec.gov

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 the candidate at no cost.)
- Nomination papers require the voter’s address where they are 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 their 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 their presence.
 - No person may sign for another unless the voter is physically disabled as above.
 - One spouse may not sign for another unless the spouse is physically disabled.
- 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'S CHECKLIST

- Be certain you are a registered voter in the district from which you plan to run.
- Obtain a copy of the appropriate election calendar from the Elections Division of the Office of the Secretary of the Commonwealth.
- Obtain white nomination papers to run in the primary or yellow nomination papers to run in the election as a non-party candidate. **Fill in the top portion of nomination papers carefully with name and address (including street name and number and city or town), office, district, party or political designation, etc. BEFORE** you circulate the papers. Any nomination paper filed without this information will not be counted.
- Be sure to sign the written acceptance line on a number of your nomination papers. For party candidates, fill in your statement of public offices you hold or have held if you wish to do so.
- Don't miss the deadline date for submitting nomination papers to local election officials for certification. File early if possible.
- Submit more than the required number of signatures to your local election officials for certification. If many signatures are challenged or disallowed, you may fall short of the required number. Be sure the signatures are from the proper district and party, with the name and address properly filled in.
- Pick up the certified papers from the local election officials and don't miss the deadline for filing with the Secretary of the Commonwealth.
- Be sure to file at least one paper with your certificate of enrollment or certificate of voter registration signed by at least three of your local election officials.
- If you are a candidate for state senator or state representative, be sure to file the receipt from the State Ethics Commission with the Elections Division by the deadline to file nomination papers.