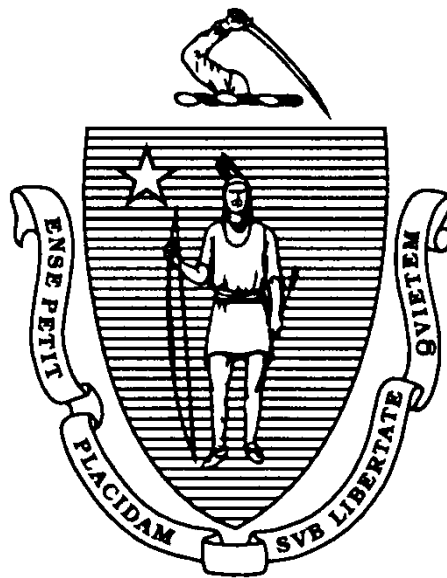


A Candidate's Guide to the
**2013 Special Election for
Senator in Congress**

(to fill vacancy caused by the resignation of Senator John F. Kerry)



Published by:

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Instructions for Use:

This guide is intended for use by candidates running in special elections to fill the vacancy in the U.S. Senate. To be eligible to hold the office of Senator in Congress, you must be:

- at least 30 years of age;
- a registered voter;
- a U.S. citizen for at least 9 years prior to the date of the election; and
- an inhabitant of Massachusetts when elected.

GETTING ON THE BALLOT

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

1. A candidate who is an enrolled member of a party, who runs in the special primary and wins the nomination; or
2. A non-party candidate runs in the final special election only.

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.

For purposes of this booklet, the following definitions apply:

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

“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.

NOMINATION PAPERS

Regardless of whether a candidate is running in a party primary or as a non-party candidate seeking access directly to the general election ballot, the first step in the ballot access process is collecting signatures on nomination papers. Nomination papers are available from the Secretary of the Commonwealth and may be picked up or requested by telephone or mail. Candidates can call the Elections Division to request papers or find out whether or not they are available in any other locations.

Please refer to the special election calendar at the end of this booklet for actual filing deadlines. Candidates are strongly encouraged to file nomination papers earlier than the deadline if possible which allows for identification of any errors in the papers and collection of additional signatures if necessary.

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.

Nomination papers must be submitted to the local board of registrars or election commission for the

certification of names before they are filed with the Elections Division. It is advisable to deliver the papers by hand to ensure their timely delivery. The local board of registrars will certify on the paper those signatures of registered voters at the address provided. The signatures of at least three members of the board of registrars or election commission must appear next to the number of certified signatures.

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.

HOW TO RUN IN A PARTY PRIMARY

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 **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 had been enrolled in any other party during the **one year** period preceding the filing date with the Secretary for this election.

The candidate must prove party affiliation by filing a certificate of party enrollment, 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 of the Commonwealth.

Please be aware that a candidate cannot qualify for placement on the ballot without a certificate of enrollment.

Nomination papers for party candidates are **white** in color. The name of the office and the district are pre-printed on special election nomination papers.

Before gathering signatures:

1. Type or print the name and residence of the candidate. Residence must include the candidate's street name and number, if any, and the city or town or some clearly identifiable reference to the city or town. To avoid confusion, this Office recommends using the full name of the city or town.
2. Type or print the political party of the candidate on every nomination paper.

Any nomination papers filed without all of the above information will not be counted.

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 position 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.

Primary nomination papers may be signed by registered voters in Massachusetts 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 signature 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.

HOW TO RUN AS A NON-PARTY CANDIDATE IN THE ELECTION

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.

Non-party candidates for U.S. Senator 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.

A candidate must file a voter registration certificate 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 of the Commonwealth.

Please be aware that a candidate cannot qualify for placement on the ballot without a voter registration certificate.

Nomination papers for non-party candidates are yellow in color. The name of the office and the district are pre-printed on special election nomination papers.

Before gathering signatures:

1. Type or print the name and residence of the candidate. Residence must include the candidate's street name and number, if any, and the city or town or some clearly identifiable reference to the city or town. To avoid confusion, this Office recommends using the full name of the city or town.
2. Type or print the three word designation on nomination papers, if any. Non-party candidates may state a political designation in not more than three words but may not use the words "Democratic" or "Republican" as part of their designation on the nomination papers. If a candidate places no political designation on nomination papers, the word "unenrolled" will appear on the ballot along with the candidate's name and address.

Any nomination papers filed without all of the above information will not be counted.

Non-party candidates for U.S. Senator have later deadlines than party candidates for both 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 printed at the end of this booklet.

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 Massachusetts; whether enrolled in a political party, enrolled in a political designation, or unenrolled.

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

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:
 1. Legible;
 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.
- Voters who are prevented from signing by physical disability may authorize another individual to sign for them in their presence. 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.
- 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. Separate nomination papers should be circulated and submitted in each municipality.

Candidates are strongly encouraged to 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.

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 Federal Election Commission is responsible for receiving and maintaining records for candidates for federal offices. For more information please contact:

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

CHECKLIST FOR GATHERING SIGNATURES

- Collect only signatures from one city or town on nomination papers designated for that city or town. Signatures from another city or town 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 CHECKLIST

- Confirm your voter registration status.
- Refer to the election calendar at the end of this booklet.
- Make sure you use the correct nomination papers. If you are a party candidate running in a primary, you should be using the white papers called “Special State Primary Nomination Paper” and if you running as a non-party candidate in the election only, you should be using the yellow papers called “Special State Election Nomination Paper.”
- The following items must be completed on **every** nomination paper before circulating the papers:
 - 1. Name and address; **AND**
 - 2. Office and district (pre-filled for special election papers); **AND**
 - 3. Party or Political Designation.
- 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 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.

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. Non-party candidates for United States Senator cannot have been enrolled in any party during the 90 days preceding the deadline for filing their nomination papers with the Secretary of the Commonwealth for this election.

CALENDAR OF EVENTS

	Deadline Dates	
	Party Candidates	Non-Party Candidates

Last day for a person running in the state primary to enroll in a party or for a person running only in the state election to unenroll from a party, except for newly registered voters.

December 6, 2012

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5:00 P.M. last day and hour for submitting nomination papers to local Registrars of Voters or Election Commissioners for the certification of signatures.

February 27, 2013

April 3, 2013

Certification of nomination papers must be completed.

March 4, 2013

April 12, 2013

5:00 P.M. last day and hour for filing nomination papers, including enrollment certificate, with the Secretary of the Commonwealth.

March 6, 2013

April 16, 2013

5:00 P.M. last day and hour for filing withdrawals of or objections to all nomination papers and certificates of nomination with the Secretary of the Commonwealth.

March 8, 2013

April 18, 2013

5:00 P.M. last day and hour for filling vacancies caused by withdrawals for primary candidates.

March 12, 2013

PLEASE NOTE: ALL DATES AND DEADLINES BELOW ARE THE SAME FOR ALL CANDIDATES

Last day to register voters for the state primary; registration hours 9:00 A.M. to 8:00 P.M. (except in towns under 1500 registered voters, registration hours 2:00- 4:00 P.M. and 7:00-8:00 P.M.).

April 10, 2013

State Primary

Tuesday, April 30, 2013

5:00 P.M. last day and hour for filing withdrawals of or objections to nominations made at the state primary and for filing written acceptances by write-in or sticker candidates who won in the state primary with the Secretary of the Commonwealth.

May 6, 2013

5:00 P.M. last day and hour for filling vacancies caused by withdrawals at the state primary.

May 7, 2013

Last day to register voters for the state election; registration hours 9:00 A.M. to 8:00 P.M. (except in towns under 1500 registered voters, registration hours 2:00- 4:00 P.M. and 7:00-8:00 P.M.).

June 5, 2013

State Election

Tuesday, June 25, 2013
