

SENATE No. 470

The Commonwealth of Massachusetts

SENATE, April 14, 1936.

The committee on Election Laws, to whom was referred the petition (with accompanying bill, Senate, No. 283) of Cornelius F. Haley and Walter L. Considine that provision be made for absent voting ballots for certain fishermen and mariners, report the accompanying bill (Senate, No. 470).

For the committee,

JOHN D. MACKAY.

21 (If the applicant is, on the day of the biennial state
22 election, to be on the high seas in the prosecution of
23 the business of fishing or as a mariner, the following
24 affidavit shall be executed by the master of the vessel:)

25 I, the undersigned, hereby certify that I am master
26 of (name of vessel); that (name of applicant) is em-
27 ployed on said vessel as (fisherman or mariner) (*or*,
28 that I am the applicant named in the foregoing appli-
29 cation); that on the day of the biennial state election
30 to be held in the current year said applicant (*or* I)
31 will be on the high seas in the prosecution of the busi-
32 ness of fishing or as a mariner.

33 (Signature)

(Date)

34 COMMONWEALTH OF MASSACHUSETTS

35 , ss.

(Date)

36 Then personally appeared before me (name of
37 affiant) and made oath that the above statement by
38 him subscribed is true.

39 (Signature)

40 *Justice of the Peace (or Notary Public).*

1 SECTION 2. Said section eighty-seven is hereby
2 further amended by striking out subsection (*c*), as so
3 appearing, and inserting in place thereof the follow-
4 ing: —

5 (*c*) Envelopes of sufficient size to contain the ballots
6 specified in clause (*a*), bearing on their reverse the two
7 following affidavits:

8 State of _____,

9 County of _____, ss.

10 I, _____, do solemnly swear that I am a regis-
11 tered voter in the city or town of _____, Massachu-

12 setts, in precinct _____, ward _____, that there
 13 are at least two municipalities intervening between
 14 the municipality in which I am a registered voter and
 15 the place where I now am; that I have carefully read
 16 the instructions forwarded to me with the ballot
 17 herein enclosed, and that I have marked, enclosed and
 18 sealed the within ballot as stated hereon by the person
 19 taking my oath.

20 _____ (Signature)

21 Subscribed and sworn to before me by the above
 22 affiant, personally known to me, this _____ day of
 23 _____, 19 _____, in the city or town of _____,
 24 state of _____, and I hereby certify that when I
 25 was alone with the affiant he showed me the ballot
 26 herein enclosed, unmarked, and then in my presence
 27 marked the same without my seeing how he marked it,
 28 after which he sealed said ballot in this envelope. I
 29 had no communication with the affiant as to how he
 30 was to vote.

31 (Seal, if any)

Name

32

Residence

33

Official title or military or naval

34

rank

35 COMMONWEALTH OF MASSACHUSETTS.

36 _____, ss.

37 I, _____, do solemnly swear that I am a regis-
 38 tered voter in the city or town of _____, Massachu-
 39 setts, in precinct _____, ward _____, that on the
 40 day of the biennial state election to be held in the cur-
 41 rent year I shall be on the high seas in the prosecution
 42 of the business of fishing or as a mariner; that I have
 43 carefully read the instructions forwarded to me with
 44 the ballot herein enclosed, and that I have marked,

19 form of application set forth in clause (b) of section
20 eighty-seven, and the other papers described in clause
21 (e) of said section, shall, as soon as they can be pre-
22 pared, be delivered to any person who by mail or
23 otherwise applies therefor to the state secretary or to
24 any city or town clerk, except a person known by the
25 state secretary or said clerk to be in a penal institution
26 under sentence. The official absent voting ballot and
27 all other papers described in said section shall be
28 mailed, postage prepaid, or, in case of voters who on
29 the day of the biennial state election will be on the high
30 seas in the prosecution of the business of fishing or as
31 mariners, delivered, by city and town clerks to all
32 voters, except those in a penal institution under
33 sentence, who seasonably file with them, either directly
34 or through the state secretary under the following
35 section, the application set forth in said clause (b),
36 after the same is certified by the registrars and returned
37 to the clerk, as provided in section ninety-one. No
38 such application by a voter who on the day of the
39 biennial state election will be on the high seas in the
40 prosecution of the business of fishing or as a mariner
41 shall be deemed to be seasonably filed hereunder unless
42 so filed at least fourteen days prior to the date of such
43 biennial state election, nor unless the affidavit of the
44 master set forth in said clause (b) is duly executed.
45 Any voter who has received the blank form of said
46 application under this or the following section may file
47 said application with the city or town clerk.

1 SECTION 4. Said chapter fifty-four is hereby fur-
2 ther amended by striking out section ninety-two, as
3 so appearing, and inserting in place thereof the follow-
4 ing: —

5 *Section 92.* A voter who has received an official
6 absent voting ballot as provided in section eighty-nine
7 may vote by mailing the same to the city or town clerk,
8 or, if on the day of the biennial state election he will
9 be on the high seas in the prosecution of the business
10 of fishing or as a mariner, by delivering the same to
11 such clerk. He shall mark said ballot in the presence
12 of an official authorized by law to administer oaths,
13 and of no other person, in a municipality which is
14 separated by at least two municipalities from the city
15 or town where the voter is registered, or, if on the day
16 of the biennial state election he will be on the high
17 seas in the prosecution of the business of fishing or as
18 a mariner, in the presence of the city or town clerk,
19 and of no other person, in the municipality wherein
20 he is registered. Before marking the ballot he shall
21 exhibit it to said official, who shall satisfy himself that
22 it is unmarked, but he shall not allow said official to
23 see how he marks it. Said official shall hold no com-
24 munication with the voter, nor he with said official,
25 as to how he is to vote. Thereafter the voter shall
26 enclose and seal the same in the envelope provided for
27 by clause (c) of section eighty-seven. He shall then
28 execute before said official the necessary affidavit on
29 said envelope as set forth in said clause (c), and shall
30 enclose and seal the envelope with the ballot in the
31 envelope provided for in clause (d) of said section,
32 endorse thereon his name, address and voting place,
33 and mail the same within the time prescribed in the
34 following section, postage prepaid, at a post office in
35 a municipality which is separated by at least two
36 municipalities from the city or town wherein the voter
37 is registered, or, if on the day of the biennial state
38 election he will be on the high seas in the prosecution

39 of the business of fishing or as a mariner, shall deliver
40 the same to the clerk of the municipality wherein he
41 is registered on or before o'clock on the day
42 of said biennial state election.

1 SECTION 5. Said chapter fifty-four is hereby further
2 amended by striking out section ninety-three, as so
3 appearing, and inserting in place thereof the follow-
4 ing: —

5 *Section 93.* All ballots cast under the preceding
6 section shall be mailed or delivered, as the case may
7 be, on or before the day of election. If mailed under
8 authority of the preceding section the postmark, if
9 legible, shall be conclusive evidence of the time and
10 place of mailing.

1 SECTION 6. Section ninety-five of said chapter
2 fifty-four, as so appearing, is hereby amended by in-
3 serting after the word "postmarks" in the seventh,
4 eighth and ninth lines, in each instance, the words: —
5 , if any, — and by inserting after the word "affidavits"
6 in the twelfth line the following: — , other than the
7 affidavit to be executed by the master of the vessel, if
8 he is not also the applicant, — so as to read as fol-
9 lows: — *Section 95.* Immediately after the closing of
10 the polls, and after the ballots cast have been removed
11 from the ballot box, the warden or his deputy in each
12 polling place shall open all envelopes delivered to him
13 under the preceding section, and shall compare the
14 signatures on the envelopes therein enclosed with the
15 signatures on the applications attached thereto,
16 except in the case of ballots prepared under section
17 ninety-eight, and shall examine the postmarks, if any,

18 and affidavits. If the affidavits are properly executed,
19 and if the postmarks, if any, and affidavits, or in case
20 the postmarks, if any, are illegible, the affidavits,
21 sufficiently disclose that the ballots were executed and
22 mailed in accordance with sections eighty-six to one
23 hundred and three, inclusive, and if the signatures on
24 the affidavits, other than the affidavit to be executed
25 by the master of the vessel, if he is not also the appli-
26 cant, appear to be executed by the same persons who
27 signed the applications, and to be the signatures of
28 duly registered voters who have not voted at the elec-
29 tion, he shall make public announcement of the names
30 of the absent voters, open the envelopes in such man-
31 ner as not to destroy the affidavits thereon, take out
32 the ballots without unfolding them, or permitting
33 them to be opened or examined, and, after checking
34 the names of the absent voters on the voting list, shall
35 deposit the ballots in the ballot box. If he finds an
36 envelope to bear an affidavit improperly executed, or
37 not signed by the person who signed the accompanying
38 application, or if the voter whose name appears thereon
39 is not a registered voter or has voted in person, he shall
40 not open the envelope, but shall mark across the face
41 thereof "Rejected as defective", "Rejected as not a
42 voter", "Voted in person", as the case may be. All
43 envelopes, opened or unopened, shall be retained with
44 the ballots cast at the election, and preserved and de-
45 stroyed in the manner provided by law for the reten-
46 tion, preservation or destruction of official ballots.
47 The tally sheets in use at elections shall provide in
48 convenient form for the recording thereon of all en-
49 velopes, as well as all accepted or rejected ballots of
50 absent voters.

1 SECTION 7. Section ninety-six of said chapter
2 fifty-four, as so appearing, is hereby amended by strik-
3 ing out, in the first line, the words "received by mail"
4 and inserting in place thereof the words:— trans-
5 mitted under any provision of sections eighty-six to one
6 hundred and three, inclusive, — so as to read as
7 follows:— *Section 96.* All ballots transmitted under
8 any provision of sections eighty-six to one hundred and
9 three, inclusive, shall be subject to challenge when and
10 as cast for non-compliance with any provision of sec-
11 tions eighty-six to one hundred and three, inclusive,
12 or for any other reason allowed by law, and if chal-
13 lenged shall be disposed of in accordance with section
14 eighty-five, except that so much of said section as
15 involves the administering of an oath shall not apply
16 thereto, and the writing of the name and address of the
17 voter on the ballot shall be performed by the officer
18 charged with depositing the ballot in the ballot box.

1 SECTION 8. Said chapter fifty-four is hereby fur-
2 ther amended by striking out section one hundred, as
3 so appearing, and inserting in place thereof the follow-
4 ing:—
5 *Section 100.* Sections eighty-six to one hundred
6 and three, inclusive, shall not prevent a voter who has
7 mailed or delivered, as the case may be, a ballot under
8 them from voting in person. No ballot mailed or de-
9 livered under said sections shall be counted if the
10 officers charged with the duty of counting the same
11 are cognizant of the fact that the voter has died prior
12 to the opening of the polls on the day of the election,
13 or is under sentence in a penal institution.

1 SECTION 9. Sections eighty-six to one hundred and
2 three, inclusive, of chapter fifty-four of the General

3 Laws, as amended by this act, shall, so far as appli-
4 cable, apply to regular city elections in any city which
5 has accepted section one hundred and three A of said
6 chapter in the manner therein provided.

Il est en outre à remarquer que les auteurs de ce livre ont voulu donner une idée de la situation économique de la France à l'époque de la révolution. Ils ont donc fait un grand nombre de citations et de références, ce qui rend le livre très intéressant et très instructif.