

SENATE No. 242

To accompany the petition of Joseph V. Carroll for legislation to prohibit the opening of ballot boxes, the removal of ballots therefrom or the counting of the ballots until the polls are closed. Election Laws.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Five.

An Act relative to Proceedings at Close of Polls, Counting Votes, Announcing and Recording Result.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section one hundred and five of chapter fifty-
2 four of the General Laws is hereby amended by
3 striking out the words in the fourth paragraph
4 thereof, as follows, "In towns, the ballot box
5 at any polling place may be opened and ballots
6 taken therefrom for counting when all the select-
7 men and the town clerk, or, where the moderator
8 is in charge of the election, the moderator and
9 the town clerk, or all the election officers at the
10 voting precinct shall so order. When the ballots
11 have been thus removed the presiding officer
12 shall select from the election officers an equal
13 number from each of the two leading political
14 parties, who shall canvass such ballots, in accord-

15 ance with this section; but no announcement of
16 the result of such canvass shall be made by any
17 election officer until the total result of the can-
18 vass of ballots has been ascertained.”, — so that
19 said section shall read as follows: — *Section 105.*
20 If the state ballot box is used, the clerk shall, as
21 soon as the polls are closed, record the ballot box
22 register. The election officers shall then, pub-
23 licly and in the presence of the other election
24 officers, count audibly and distinctly the number
25 of names checked on each list and announce the
26 same. The ballot box shall then be opened by
27 the presiding officer and the ballots taken there-
28 from and audibly counted, one by one, and the
29 whole number of ballots cast shall be publicly
30 announced by him. The ballots may be divided
31 into convenient packages, and, except as other-
32 wise provided in this chapter, each block or
33 package shall be canvassed and counted by two
34 election officers representing the two leading
35 political parties, detailed by the presiding officer.
36 Each election officer in so canvassing and count-
37 ing votes, shall be under the inspection of an
38 election officer of a different political party. The
39 result of the canvass and count shall be reported
40 to the presiding officer, who shall cause it to be
41 correctly recorded on the blank forms provided
42 therefor. At state elections in towns not divided
43 into voting precincts, the canvass and count of
44 votes shall be made by the selectmen and town
45 clerk, who may be assisted by the tellers.
46 The clerk in open meeting shall publicly an-

47 nounce the result of the vote and enter in his
48 records, in words at length, the number of names
49 of male and female voters checked on the voting
50 lists, the total number of ballots cast, the names
51 of all persons voted for, the number of votes for
52 each person and the title of the office for which
53 he was a candidate, the number of blank ballots
54 for each office, and the number of affirmative
55 and negative votes in answer to any question
56 submitted to the voters, and shall forthwith
57 make a copy of such record, certify and seal up
58 the same, and deliver it to the city or town clerk
59 who shall forthwith enter it in his records.

60 The voting lists and all the ballots removed
61 from the ballot box shall be kept in open view of
62 the voters present until enclosed and sealed up,
63 and all proceedings in the canvass and counting
64 of votes shall be public and in open view of the
65 voters, and there shall be no adjournment or
66 postponement until the canvass and counting
67 have been completed, and the voting lists and
68 ballots have been enclosed and sealed up.

