

EXTRA SESSION.

HOUSE No. 1907

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 5, 1944.

The committee on Election Laws, to whom was referred so much of the Governor's Address (Senate, No. 546) as relates to certain temporary changes in the laws relating to elections to facilitate voting by absent voting ballots by persons in the armed forces and others (Appendix A), report the accompanying bill (House, No. 1907).

For the committee,

CARL A. SHERIDAN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Four.

AN ACT ESTABLISHING THE DATES FOR HOLDING THE BIENNIAL STATE PRIMARY IN THE YEAR NINETEEN HUNDRED AND FORTY-FOUR, FOR THE FILING OF CERTIFICATES OF NOMINATION AND NOMINATION PAPERS FOR THE PURPOSES OF SAID PRIMARY AND ENSUING BIENNIAL STATE ELECTION AND FOR THE FILING OF PETITIONS OR PAPERS REQUIRING PUBLIC POLICY AND OTHER QUESTIONS TO BE PLACED ON THE OFFICIAL BALLOT FOR SAID ELECTION AND OTHERWISE FACILITATING VOTING BY ABSENT VOTING BALLOTS AT SAID ELECTION BY MASSACHUSETTS RESIDENTS IN THE ARMED FORCES OF THE UNITED STATES AND THOSE IN CERTAIN OTHER SERVICES ENGAGED IN FURTHERING THE WAR EFFORT, AND MAKING CERTAIN OTHER TEMPORARY CHANGES IN THE LAWS RELATING TO ELECTIONS.

1 *Whereas*, The purpose of this act is to protect resi-
2 dents of the commonwealth serving in or with the
3 armed forces of the United States, or serving in the
4 merchant marine, in the exercise of their right of
5 suffrage at the biennial state election in the year
6 nineteen hundred and forty-four; and

7 *Whereas*, It is urgent that the advancing of the
8 date of the biennial state primary in said year and
9 certain other temporary changes made by this act in
10 the laws relating to elections take effect at once, so
11 that such residents will be afforded sufficient oppor-

12 tunity to vote by absent voting ballots at said state
13 election, therefore this act is hereby declared to be
14 an emergency law, necessary for the immediate pres-
15 ervation of the public convenience.

*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 1. The biennial state primary in the
2 current year shall be held on Tuesday, the eleventh
3 day of July, and all nomination papers and certificates
4 of nomination to be filed with the state secretary for
5 the purposes of said primary and of the biennial
6 state election in said year, except any certificate of
7 nomination of president and vice president and any
8 certificate of nomination of presidential electors made
9 by a political party, as defined in section one of chap-
10 ter fifty of the General Laws, shall be filed in said
11 year with said secretary on or before five o'clock in the
12 afternoon of Tuesday, the twenty-third day of May.
13 In any city or town wherein the voting list of said
14 year is not available for the purpose of certifying
15 names on nomination papers filed prior to said pri-
16 mary, or for use thereat, the voting list of the pre-
17 ceding year, as amended or revised from time to time,
18 may be used therefor.

1 SECTION 2. Notices under section forty-two of
2 chapter fifty-three of the General Laws, relative to
3 the holding of the biennial state primary in the cur-
4 rent year by wards, precincts or groups of precincts,
5 shall be filed with the state secretary on or before
6 the first day of May.

1 SECTION 3. The provisions of sections fifty and
2 fifty-one of chapter fifty-one of the General Laws
3 shall, for the purposes of the biennial state election
4 in the current year, apply to any veteran of World
5 War II, so called, to the same extent as though he
6 had continued to serve in the armed forces of the
7 United States.

1 SECTION 4. The provisions of section ninety of
2 chapter fifty-four of the General Laws, other than
3 the last sentence thereof, shall not be operative for
4 the purposes of any state or city election in the cur-
5 rent year.

1 SECTION 5. No question of public policy, so called,
2 shall be submitted at the biennial state election in
3 the current year to the voters of any district under
4 sections nineteen to twenty-two, inclusive, of chapter
5 fifty-three of the General Laws, unless the applica-
6 tion therefor shall have been filed with the state sec-
7 retary on or before Wednesday, the twelfth day of
8 July.

1 SECTION 6. No other question which, under the
2 provisions of any general or special law, is required
3 to be placed on the official ballot for a biennial state
4 election upon the filing of a petition or other paper
5 with the state secretary shall be placed on the official
6 ballot for the biennial state election in the current
7 year unless the petition or other paper shall have
8 been filed with said secretary on or before Tuesday,
9 the eighteenth day of July.

1 SECTION 7. No objection to a petition for a refer-
2 endum upon a law which already has otherwise been

3 qualified for submission to the people at the biennial
4 state election in the current year shall be considered
5 under section twenty-two A of chapter fifty-three of
6 the General Laws, unless such objection shall be filed
7 with the state secretary on or before the first day of
8 May.

1 SECTION 8. The state convention of each political
2 party, as defined in section one of chapter fifty of the
3 General Laws, to be held in the current year shall be
4 held on such date, not later than September twenty-
5 third, as may be determined by the state committee
6 of such party. Upon determination of such date by
7 such a committee, its chairman and secretary shall
8 forthwith give written notice thereof to the state sec-
9 retary. Certificates of nomination of presidential
10 electors made by any such convention held in said
11 year shall be filed with the state secretary not later
12 than the seventh day after the session of said con-
13 vention terminates.

1 SECTION 9. Section two of chapter two hundred
2 and seventy-nine of the acts of nineteen hundred and
3 forty-one is hereby amended by inserting after the
4 word "first" in the third line the words: — paragraph
5 of the first.

1 SECTION 10. In the current year each city, ward
2 and town committee of a political party, as defined
3 in section one of chapter fifty of the General Laws,
4 shall meet and organize not later than the tenth day
5 of June.

1 SECTION 11. The word "members of the armed
2 forces of the United States", as used in this act and

3 chapter three hundred and ninety of the acts of nine-
4 teen hundred and forty-three, shall include persons
5 serving in the merchant marine of the United States
6 or persons serving in the American Red Cross, the
7 Society of Friends, the Women's Auxiliary Service
8 Pilots or the United Service Organizations and at-
9 tached to and serving with such armed forces, and
10 shall also include veterans of World War II, so called.

1 SECTION 12. The state secretary may prescribe
2 and arrange or rearrange, and determine the location
3 of, printed matter on absent voting ballots and en-
4 velopes and accompanying voting instructions to be
5 provided for use at the biennial state election in the
6 current year by members of the armed forces of the
7 United States, and determine the size of such ballots,
8 envelopes and instructions, the size of the type to be
9 used thereon and the weight, color and kind of paper
10 to be used therefor, in so far as may in his opinion be
11 necessary for the purpose of facilitating voting by
12 absent voting ballots by said members at said election,
13 and may make such provision for the mailing and
14 delivery of said ballots to said members, and may
15 provide such suitable forms and blanks, as may in his
16 opinion be necessary for such purpose.

17 The state secretary may take such steps, and do
18 such things, of an administrative nature as in his
19 opinion are necessary to make effective any provision
20 of law facilitating voting by absent voting ballots by
21 members of the armed forces of the United States at
22 the biennial state election in the current year and to
23 utilize fully any federal or other facilities afforded in
24 connection with such voting.

1 SECTION 13. Any form of written communication
2 from a member of the armed forces of the United
3 States evidencing a desire that an absent voting ballot
4 be sent to him for use for voting at the biennial state
5 election in the current year shall be given the same
6 effect as an application for an absent voting ballot
7 made in a form prescribed by law, and any such com-
8 munication, whether or not in the form of an applica-
9 tion so prescribed, shall, if such member of said armed
10 forces is not a registered voter, also be given the same
11 effect as an application for his registration made by
12 kindred in compliance with chapter three hundred
13 and ninety of the acts of nineteen hundred and forty-
14 three. No such communication shall be adversely
15 acted upon except after investigation by the regis-
16 trars of voters or election commission or commission-
17 ers, as the case may be.

1 SECTION 14. Official federal war ballots provided
2 for in Public Law Numbered 712 — Seventy-seventh
3 Congress — as amended by Public Law Numbered
4 277 — Seventy-eighth Congress — Second Session —
5 are hereby authorized to be used, as provided therein,
6 for voting at the biennial state election in the current
7 year, in so far as the general court has power to author-
8 ize the same; but such a ballot so used shall be counted
9 by the appropriate election officials only if it appears
10 that the person from whom such ballot is received
11 has the constitutional qualifications for voting.

1 SECTION 15. Any action in connection with voting
2 by state absent voting ballots which may lawfully be
3 taken under chapter three hundred and ninety of the

4 acts of nineteen hundred and forty-three or any other
5 provision of law by, before or in the presence of an
6 official authorized by law to administer oaths or a
7 commissioned officer in the military or naval forces
8 of the United States or by a clerk of a court of record
9 may, in the case of voting by state absent voting bal-
10 lots by members of the armed forces of the United
11 States at the biennial state election in the current year,
12 be taken with like effect by, before or in the presence
13 of any commissioned officer, noncommissioned officer
14 not below the rank of sergeant, or petty officer, in the
15 military or naval forces of the United States, or by,
16 before or in the presence of any member of the mer-
17 chant marine of the United States who may be desig-
18 nated by the Administrator of the War Shipping Ad-
19 ministration for the purpose of administering and
20 attesting oaths in connection with voting by absent
21 voting ballots.

1 SECTION 16. Section two of chapter thirteen of
2 the acts of nineteen hundred and forty-two is hereby
3 amended by adding at the end the following new
4 clause: —

5 (18) Administrative matters pertaining to the con-
6 duct of the biennial state primary and biennial state
7 election in the year nineteen hundred and forty-four,
8 including measures designed to enable members of the
9 armed forces of the United States or persons serving
10 in the merchant marine of the United States or per-
11 sons serving in the American Red Cross, the Society
12 of Friends, the Women's Auxiliary Service Pilots or
13 the United Service Organizations and attached to and
14 serving with such armed forces, or veterans of World
15 War II, so called, to exercise their voting franchises
16 at said election to the greatest extent possible.

1 SECTION 17. No mere informality in the manner
2 of carrying out any provision of law affecting voting
3 by absent voting ballots by members of the armed
4 forces of the United States at the biennial state elec-
5 tion in the current year shall invalidate such election
6 or constitute sufficient cause for the rejection of the
7 returns thereof; and such provisions shall be con-
8 strued liberally to effectuate their purposes.

1 SECTION 18. The various provisions of this act are
2 hereby declared to be separable; and if any provision
3 of this act or the application of any provision thereof
4 to any person or circumstance shall be held invalid,
5 the validity of the remainder of the act and the ap-
6 plicability of such provision to other persons or cir-
7 cumstances shall not be affected thereby.

HOUSE OF REPRESENTATIVES, April 5, 1944.

Passed to be engrossed.

Sent up for concurrence.

LAWRENCE R. GROVE,
Clerk.

SENATE, April 5, 1944.

Passed to be engrossed, in concurrence.

IRVING N. HAYDEN,
Clerk.

