

HOUSE No. 214

At the request of Mr. Vaitses of Melrose, petition of Theodore J. Vaitses for legislation to provide for the appointment of absent voting officers in cities and towns to attend voters who are unable to cast their ballots at a polling place by reason of physical disability, was taken from the files of the preceding annual session. Election Laws.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE APPOINTMENT OF ABSENT VOTING OFFICERS IN CITIES AND TOWNS TO ATTEND VOTERS WHO ARE UNABLE TO CAST THEIR BALLOTS AT A POLLING PLACE BY REASON OF PHYSICAL DISABILITY.

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. Chapter 54 of the General Laws is
2 hereby amended by inserting after section 11B the
3 following new section: —

4 *Section 11C.* Subject to the provisions of section
5 eleven B, the mayor of every city and the selectmen
6 of every town shall seasonably before every election
7 held in their respective cities and towns at which
8 absent voting is permitted, appoint a sufficient num-
9 ber of election officers, to be known as absent voting
10 officers, to attend voters who, by reason of physical
11 disability, are unable to cast their ballots at a polling
12 place. Notwithstanding any contrary provision of
13 general or special law, appointments made by a mayor

14 under this section shall not be subject to confirmation
15 by the aldermen.

1 SECTION 2. Said chapter 54 is hereby further
2 amended by striking out section 13, as most recently
3 amended by section 4 of chapter 411 of the acts of
4 1943, and inserting in place thereof the following: —
5 *Section 13.* Election officers appointed under sec-
6 tions eleven, eleven C and twelve shall be enrolled
7 voters so appointed as to represent equally the two
8 leading political parties, except that, without dis-
9 turbing the equal representation of such parties, not
10 more than two of such election officers appointed under
11 section eleven or section twelve, as the case may be,
12 not representing either of them may be appointed.
13 The warden shall be of a different political party from
14 the clerk and not more than one half of the inspectors
15 shall be of the same political party. In each case the
16 principal officer and his deputy shall be of the same
17 political party. Every election officer shall hold office
18 for one year, beginning with September first next suc-
19 ceeding his appointment, and until his successor is
20 qualified, or until his removal, except that absent
21 voting officers appointed under section eleven C and
22 election officers appointed to count and tabulate votes
23 shall serve only at such primaries or elections and at
24 such times as shall be designated by the appointing
25 authority. An election officer may be removed by
26 the mayor, with the approval of the aldermen, or by
27 the selectmen, after a hearing, upon written charge of
28 incompetence or official misconduct preferred by the
29 city or town clerk or by not less than six voters of the
30 ward, or in a town, of the voting precinct where the
31 officer is appointed to act.

3 ter 466, is hereby further amended by adding at the
4 end the following:—

COMMONWEALTH OF MASSACHUSETTS.

.....ss.

I, _____, do solemnly swear that I am a registered voter of the city or town of _____, Massachusetts, in precinct _____, ward _____; that I shall be unable by reason of physical disability to cast my ballot in person at the polling place on the day of the biennial state election; that I have carefully read the instructions forwarded to me with the ballot herein enclosed; and that I have marked, enclosed and sealed the within ballot as stated hereon by the person, or persons, taking my oath.

(Signature)

Subscribed and sworn to before us (me) by the above affiant this _____ day of _____, _____, and we (I) hereby certify that when we (I) were (was) alone with the affiant he showed us (me) the ballot herein enclosed, unmarked, and then in our (my) presence marked the same without our (my) seeing how he marked it, after which he sealed said ballot in this envelope. We (I) had no conversation with the affiant as to how he was to vote, and we (I) are (am) satisfied that said affiant is unable by reason of physical disability to cast his ballot in person at the polling place.

Name

Residence

Official Title

Name

Residence

(Seal, if any.)

Official Title

1 SECTION 7. Said chapter 54 is hereby further
2 amended by striking out section 92, as most recently
3 amended by section 1 of chapter 279 of the acts of
4 1941, and inserting in place thereof the following
5 section:—

6 *Section 92.* Before making an official absent vot-
7 ing ballot received by him, a voter shall exhibit it to
8 the official, or officials, in whose presence he is re-
9 quired to mark the same, as herein provided, and
10 every such official shall satisfy himself that it is
11 unmarked, but such voter shall not allow any such

12 official to see how he marks it. No such official shall
13 hold any communication with the voter, nor he with
14 such official, as to how he is to vote. Thereafter the
15 voter shall enclose and seal his ballot in the proper
16 envelope provided for by clause (c) of section eighty-
17 seven. He shall then execute before said official, or
18 officials, the necessary affidavit on said envelope as
19 set forth in said clause (c), and shall then enclose and
20 seal the envelope containing the ballot in the envelope
21 provided for in clause (d) of said section, and endorse
22 thereon his name, address and voting place. A voter
23 who has been furnished such a ballot for the reason
24 that he will be absent on the day of the biennial state
25 election from the city or town wherein he is registered
26 may vote by marking his ballot and executing the
27 necessary affidavit in the presence of an official au-
28 thorized by law to administer oaths, and of no other
29 person, in a municipality other than the city or town
30 wherein he is so registered, and mailing the same to
31 the clerk of such city or town. A voter who has been
32 furnished such a ballot for the reason that, on the day
33 of said election, he will be on the high seas in the
34 prosecution of the business of fishing or as a mariner,
35 may vote by marking such ballot in the presence of
36 the clerk of the city or town where he is registered, and
37 of no other person, and delivering the same to said
38 clerk. A voter who has been furnished such a ballot
39 for the reason that, due to physical disability, he will
40 be unable to cast his ballot in person at the polling
41 place on the day of said election may vote by mark-
42 ing his ballot in the presence of the absent voting
43 officers detailed to attend him, and of no other person,
44 and delivering said ballot to such officers, who shall
45 forthwith transmit the same to the city or town clerk;

46 or, if such voter so elects, he may vote by marking
47 such ballot in the presence of any official authorized
48 by law to administer oaths, and of no other person,
49 in the city or town where he is registered and mailing
50 the same to the clerk of such city or town.

1 SECTION 8. Section 98 of said chapter 54, as appear-
2 ing in the Tercentenary Edition, is hereby amended
3 by adding at the end thereof the following: — In the
4 case of such an absent voter who has been furnished a
5 ballot for the reason that, due to physical disability,
6 he will be unable to cast his ballot in person at the
7 polling place on the day of the biennial state election,
8 he may have such ballot marked for him by either of
9 the absent voting officers detailed to attend him or by
10 any registered voter whom he may designate, and
11 said officer or voter so designated shall mark said
12 ballot in the presence of the other officer, or of such
13 officers, as the case may be, and write the absent
14 voter's name on both envelopes, after which the said
15 officers shall add to the jurat a statement, signed by
16 them, of the fact that the absent voter is unable to
17 write, giving the reason therefor, and of the name of
18 the person by whom the ballot was marked, and of
19 the address, if such person was other than one of said
20 officers.

HOUSE OF REPRESENTATIVES

REPORT

OF THE

COMMISSIONERS

OF THE

LAND OFFICE

IN RESPONSE TO A RESOLUTION PASSED BY THE HOUSE OF REPRESENTATIVES

