

HOUSE No. 707

By Mr. Gray of Springfield, petition of Thomas T. Gray for legislation to provide for absent voting at biennial state primaries, city or town primaries or preliminary elections. Election Laws.

The Commonwealth of Massachusetts

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

AN ACT TO PROVIDE FOR ABSENT VOTING AT BIENNIAL STATE PRIMARIES, CITY OR TOWN PRIMARIES OR PRELIMINARY ELECTIONS.

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. Section 86 of chapter 54 of the General
2 Laws, as most recently amended by section 1 of
3 chapter 466 of the acts of 1945, is hereby further
4 amended by striking out said section 86 and insert-
5 ing in place thereof the following:—

6 *Section 86.* Any voter who on the day of the bi-
7 ennial state primary or the biennial state election is
8 absent from the city or town where he is registered or
9 who will be unable by reason of physical disability to
10 cast his vote in person at the polling place, and whose
11 application for an official absent voting ballot has
12 been filed with the city or town clerk as provided in

13 section eighty-nine, and certified under section ninety-
14 one, may vote in accordance with sections eighty-
15 seven to one hundred and three, inclusive; provided,
16 that a voter who is in a penal institution under sen-
17 tence shall not be entitled or permitted to avail him-
18 self of the provisions of this and the sixteen follow-
19 ing sections; and provided, further, that a voter
20 who will be unable by reason of physical disability to
21 cast his vote in person at the polling place shall file
22 with the city or town clerk with his application for an
23 official absent voting ballot a certificate executed by
24 a registered physician, registered nurse, superintend-
25 ent of a hospital or like institution or a practitioner
26 of the Christian Science Church, stating that the
27 voter will be unable by reason of physical disability
28 to cast his vote in person at the polling place on the
29 day of the primary or the day of the election.

1 SECTION 2. Section 87 of said chapter 54 of the
2 General Laws, as most recently amended by chapter
3 52 of the acts of 1945, is hereby further amended by
4 inserting after the word "each" in the first line the
5 words: — biennial state primary and, — so that por-
6 tion of the first sentence as appearing before clause
7 (a) will read as follows: — *Section 87.* Prior to each
8 biennial state primary and biennial state election the
9 state secretary shall prepare in such quantities as he
10 may deem necessary the following papers: —

1 SECTION 3. Said section 87 of said chapter 54, as
2 amended by section 2 of chapter 466 of the acts of
3 1946, is hereby further amended by striking out clause
4 (b) and inserting in place thereof the following: —

5 (b) Blank forms of application for such ballots,
6 worded as follows:—

I, _____, hereby apply for an official absent voting ballot. I am a legal resident of the city or town of _____ (City or Town) and a duly registered voter at _____ (Street and Number) and, as I believe, entitled to vote at the next biennial state primary or biennial state election at precinct _____, ward _____, in the city or town of _____.

(Signature)

(Date)

Mail official absent voting ballot to

(Street and Number)

(City or Town)

(State)

(If in the service of the United States, the applicant will fill out the following:)

I am in the military, naval, civil service of the United States, and my rank or official position is _____.

(Signature)

(Date)

(If unable by reason of physical disability to cast his vote in person at the polling place, the applicant will sign the following:)

I hereby certify that I will be unable by reason of physical disability to cast my vote in person at the polling place on the day of the primary election.

(Signature)

(Date)

CERTIFICATE OF PHYSICIAN, HOSPITAL SUPERINTENDENT, REGISTERED NURSE OR CHRISTIAN SCIENCE PRACTITIONER.

I, _____, certify that the applicant _____, personally known to me, will by reason of physical disability be unable to cast his vote at the polling place on the day of the primary or election.

Name

Residence

Designation

We, the undersigned, a majority of the registrars of voters of the _____ of _____, hereby certify that the above signature, to the best of our knowledge and belief, appears to be genuine, and that we believe said _____ is a duly registered voter in said precinct _____, ward _____, city or town of _____.

Registrars of voters of the

of

(If the application is made for the reason that on the day of the biennial state primary or on the day of the biennial state election the applicant is to be on the high seas in the prosecution of the business of fishing or as a mariner, the following affidavit shall be executed by the master of the vessel:)

I, the undersigned, hereby certify that I am master of (name of vessel); that (name of applicant) is employed on said vessel as (fisherman or mariner) (or, that I am the applicant named in the foregoing application); that I believe that on the day of the biennial state primary or the biennial state election to be held in the current year said applicant (or I) will be on the high seas in the prosecution of the business of fishing or as a mariner.

(Signature)

(Date)

COMMONWEALTH OF MASSACHUSETTS.

, ss.

(Date)

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

(Signature)

Justice of the Peace (or Notary Public) or Clerk of
the city (or town) of (name of city or town).

1 SECTION 4. Said section 87 of said chapter 54,
2 clause (c) as amended by section 3 of chapter 466 of
3 the acts of 1945, is hereby further amended by strik-
4 ing out the first paragraph of the first affidavit and
5 inserting in place thereof the following: —

State of _____,
County of _____, ss.

I, _____, do solemnly swear that I am a registered voter in the city or town of _____, Massachusetts, in precinct _____, ward _____, that the place where I now am is not the municipality in which I am a registered voter, or that I will be unable by reason of physical disability to cast my vote in person at the polling place on the day of the primary or the 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 taking my oath.

(Signature)

1 SECTION 5. Said section 87 of said chapter 54,
2 clause (c) as amended by section 2 of chapter 404 of

3 the acts of 1936, is hereby further amended by striking
4 out the first paragraph of the second affidavit and
5 inserting in place thereof the following:—

COMMONWEALTH OF MASSACHUSETTS.

, ss.

I, _____, do solemnly swear that I am a registered voter in the city or town of _____, Massachusetts, in precinct _____, ward _____, that on the day of the biennial state primary or on the day of the biennial state election to be held in the current year I shall be on the high seas in the prosecution of the business of fishing or as a mariner; 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 taking my oath.

(Signature)

1 SECTION 6. Section 89 of chapter 54 of the General
2 Laws, as most recently amended by section 3 of chap-
3 ter 404 of the acts of 1936, is hereby further amended
4 by inserting in the second and third sentences before
5 the words "biennial state election", the words:—
6 biennial state primary or, — so that said sentences
7 will read as follows:—The official absent voting
8 ballot and all other papers described in said section
9 shall be mailed, postage prepaid, or, in case of voters
10 who apply for such ballots for the reason that on the
11 day of the biennial state primary or biennial state
12 election they will be on the high seas in the prosecu-
13 tion of the business of fishing or as mariners, delivered,
14 when called for, by city and town clerks to all voters,
15 except those in a penal institution under sentence, who
16 seasonably file with them, either directly or through
17 the state secretary under the following section, the
18 application set forth in said clause (b), after the same
19 is certified by the registrars and returned to the clerk,
20 as provided in section ninety-one. No such applica-

21 tion made by a voter for the reason that on the day of
22 the biennial state primary or biennial state election
23 he will be on the high seas in the prosecution of the
24 business of fishing or as a mariner shall be deemed
25 to be seasonably filed hereunder unless the affidavit
26 of the master set forth in said clause (b) is duly exe-
27 cuted.

1 SECTION 7. Section 92 of chapter 54 of the Gen-
2 eral Laws, as most recently amended by section 4 of
3 chapter 466 of the acts of 1945, is hereby further
4 amended by inserting before the words "biennial
5 state election" in the thirteenth line and in the
6 thirty-fifth line the words:— biennial state primary
7 or.

1 SECTION 8. Said section 92, as so amended, is
2 hereby further amended by striking out the last para-
3 graph and inserting in place thereof the following:—
4 Any ballot which was applied for by a voter be-
5 cause he would be unable by reason of physical dis-
6 ability to cast his vote in person at the polling place
7 at a primary or an election shall be defective if the
8 official in whose presence it was marked and before
9 whom the affidavit required was executed is a candi-
10 date for office at such primary or election.

1 SECTION 9. Section 93 of chapter 54 of the General
2 Laws, as most recently amended by section 8 of chap-
3 ter 722 of the acts of 1941, is hereby further amended
4 by striking out said section and inserting in place
5 thereof the following:—

6 *Section 93.* All ballots cast under the preceding
7 section shall be mailed or delivered, as the case may

8 be, on or before the date of the primary or election.
9 A postmark, if legible, shall be evidence of the time
10 and place of mailing.

1 SECTION 10. Section 94 of chapter 54 of the Gen-
2 eral Laws is hereby amended by inserting in the third
3 sentence before the word "election" the words:—
4 primary or, — so that said sentence will read as fol-
5 lows:— Upon primary or election day before the hour
6 for the closing of the polls the said clerk shall deliver
7 all envelopes received by him to the election officers
8 in the several voting precincts where the voters named
9 therein assert the right to vote.

1 SECTION 11. Section 95 of chapter 54 of the Gen-
2 eral Laws, as most recently amended by section 5 of
3 chapter 466 of the acts of 1945, is hereby further
4 amended by inserting in the fifth sentence before the
5 word "election" the words:—primary or, — so that
6 said sentence will read as follows:— All envelopes,
7 opened or unopened, shall be retained with the ballots
8 cast at the primary or election, and preserved and
9 destroyed in the manner provided by law for the re-
10 tention, preservation or destruction of official ballots.

1 SECTION 12. Section 99 of chapter 54 of the Gen-
2 eral Laws is hereby amended by striking out said
3 section and inserting in place thereof the following
4 section:—

5 *Section 99.* All envelopes received by clerks of cities
6 and towns after the hour fixed for the closing of the
7 polls on the day of the primary or election shall be
8 retained by them unopened until the time set by law
9 for the destruction of ballots cast at the said state

10 primary or state election, at which time the envelopes
11 shall likewise be destroyed, unopened and unex-
12 amined.

1 SECTION 13. Section 100 of chapter 54 of the
2 General Laws, as most recently amended by section 8
3 of chapter 404 of the acts of 1936, is hereby further
4 amended by inserting before the word "election" in
5 the second sentence the words:— primary or, — so
6 that said sentence will read as follows:— No ballot
7 mailed or delivered under said sections shall be
8 counted if the officers charged with the duty of count-
9 ing the same are cognizant of the fact that the voter
10 has died prior to the opening of the polls on the day
11 of the primary or election, or is under sentence in a
12 penal institution.

1 SECTION 14. Section 102 of chapter 54 of the Gen-
2 eral Laws is hereby amended by striking out the
3 second sentence and inserting in place thereof the
4 following sentence:— Such printed matter shall be
5 transmitted to said officials prior to each biennial
6 state primary or biennial state election.

1 SECTION 15. Section 103A of chapter 54 of the
2 General Laws, as most recently amended by chapter
3 118 of the acts of 1946, is hereby further amended by
4 striking out the first paragraph and inserting in place
5 thereof the following paragraph:—
6 Sections eighty-six to one hundred and three, in-
7 clusive, of this chapter and sections twenty-seven and
8 thirty-four of chapter fifty-six shall, so far as appli-
9 cable, apply to regular city primaries, preliminary
10 elections and city elections in any city which accepts
11 this section by vote of its city council, subject to the

12 provisions of its charter, at a meeting held not less
13 than ninety days before the regular city primary or
14 preliminary election, and to regular town elections in
15 any town which accepts this section at any annual
16 meeting or any special town meeting held not less
17 than ninety days before an annual meeting. All the
18 rights, powers, duties and obligations conferred and
19 imposed upon the state secretary by said sections
20 shall, with respect to said city and town elections, be
21 exercised and performed by the clerk of such city or
22 town, and, in construing said sections for the purposes
23 of this section, any reference to state primaries and
24 state elections shall be considered as referring to said
25 city or town primaries, preliminary elections and elec-
26 tions in such city or town.

