

By Mr. Lamson, petition of the Legislative Committee of the Massachusetts City Clerks' Association, by Raymond H. Greenlaw, chairman, for legislation regulating absent voting and the duties of election officers with respect thereto. Election Laws.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty.

AN ACT FURTHER REGULATING ABSENT VOTING AND THE DUTIES OF ELECTION OFFICERS WITH RESPECT THERETO.

1 *Whereas*, The purpose of this act is to protect and preserve
 2 the rights and privileges of the residents of the commonwealth
 3 who will be absent on the day of the biennial state election
 4 from the cities and towns where they are registered as voters
 5 to vote at such election by absent voting ballot, therefore it
 6 is hereby declared to be an emergency law, necessary for the
 7 immediate preservation 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. Chapter 54 of the General Laws is hereby
 2 amended by striking out the first paragraph of the first affi-
 3 davit contained in clause (c) of section 87, as most recently
 4 amended by section 3 of chapter 466 of the Acts of 1945, and
 5 inserting in place thereof the following paragraph:—

6 State of _____,

7 County of _____, ss

8 I, _____, do solemnly swear that I am a
 9 registered voter in the city or town of _____,
 10 Massachusetts, in precinct _____, ward _____; that I have
 11 carefully read the instructions forwarded to me with the ballot
 12 herein enclosed, that I have marked, enclosed and sealed the
 13 within ballot as stated hereon by the person taking my oath;

14 and that I have marked said ballot in, and that I will mail
15 it at a postoffice situated in, the city or town of _____,

16 in the state or country of _____.

17

(Signature)

1 SECTION 2. Said chapter 54 is hereby further amended by
2 striking out the second sentence of section 92, as amended by
3 section 4 of said chapter 466, and inserting in place thereof
4 the following sentence: — He shall mark said ballot in the
5 presence of an official authorized by law to administer oaths,
6 and of no other person, in a municipality other than the city
7 or town wherein the voter is registered, or, if he applied for
8 said ballot because he would be unable by reason of physical
9 disability to cast his vote in person at the polling place on
10 election day, he may mark said ballot in any municipality,
11 or, if on the day of the biennial state election he will be on
12 the high seas in the prosecution of the business of fishing or
13 as a mariner, he may mark said ballot in the presence of the
14 city or town clerk and of not other person, in the municipality
15 wherein he is registered.

1 SECTION 3. Said chapter 54 is hereby further amended by
2 striking out section 95, as most recently amended by chapter
3 70 of the Acts of 1959, and inserting in place thereof the
4 following section: — *Section 95.* The warden or his deputy
5 in each polling place shall forthwith, after delivery of the
6 envelopes purporting to contain official absent voting ballots
7 as provided in section ninety-four, and after the ballots cast
8 have been removed from the ballot box, open all envelopes so
9 delivered, and shall compare the signatures on the envelopes
10 therein enclosed with the signatures on the applications at-
11 tached thereto, except in the case of ballots prepared under
12 section ninety-eight, and shall examine the affidavits on such
13 envelopes. If the affidavits are properly executed and suffi-
14 ciently disclose that the ballots were marked and mailed or
15 delivered as required by sections ninety-two and ninety-three,
16 and if the signatures on the affidavits of the voters appear to
17 have been executed by the same person who signed the appli-
18 cations, and to be the signatures of duly registered voters who

19 have not voted at the election, he shall make public announce-
20 ment of the names of the absent voters, open the envelopes
21 in such manner as not to destroy the affidavits thereon, take
22 out the ballots without unfolding them or permitting them to
23 be opened or examined and, after checking the names of the
24 absent voters on the voting list, shall deposit the ballots in
25 the ballot box. If he finds an envelope wherein the affidavit
26 has been improperly executed, or does not sufficiently disclose
27 that the ballot was marked and mailed or delivered as required
28 by said sections ninety-two and ninety-three, or was not signed
29 by the person who signed accompanying application, or if the
30 voter whose name appears thereon is not a registered voter
31 or has voted in person, he shall not open the envelope, but
32 shall mark across the face thereof "Rejected as defective,"
33 "Rejected as not a voter," "Voted in person," as the case may
34 be. If he finds an envelope to bear an affidavit executed in
35 violation of section ninety-two before an official who is a can-
36 didate for election at the election, he shall not open the en-
37 velope, but shall mark across the face thereof "Rejected as
38 defective". All envelopes, opened or unopened, shall be re-
39 tained with the ballots cast at the election, and preserved and
40 destroyed in the manner provided by law for the retention,
41 preservation or destruction of official ballots. The tally sheets
42 in use at elections shall provide in convenient form for the
43 recording thereon of all envelopes, as well as all accepted or
44 rejected ballots of absent voters.

