

HOUSE No. 37

Bill accompanying the petition of James E. Odlin relative to providing for the exercise of the franchise by absent voters. Election Laws. January 5.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Seventeen.

AN ACT

To enable Absent Voters to exercise the Franchise.

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. Any person qualified to vote in a city or
2 town of this commonwealth, having complied with the
3 laws in regard to registration who is absent from the
4 town or city in which he is a legal voter, on the day of
5 holding a state election, may vote at such election as
6 hereinafter provided.

1 SECTION 2. At any time, within thirty days next pre-
2 ceding such election, any voter expecting to be absent on
3 the day of such election from the town or city in which
4 his voting place is situated, may make application to the
5 secretary of the commonwealth for an official absent
6 voter ballot, to be voted at such election.

1 SECTION 3. For all state elections, there shall be pre-
 2 pared and printed for each precinct, official ballots to be
 3 known as absent voters ballots, which ballots shall be
 4 prepared and printed in the same form and shall be of the
 5 same size and texture as the regular official ballots,
 6 except that they shall be printed upon tinted paper of a
 7 tint different from that of the sample ballots.

1 SECTION 4. Application for such ballot shall be made
 2 on a blank to be furnished by the secretary of the com-
 3 monwealth, and shall be in substantially the following
 4 form :—

5 I.....a duly qualified
 6 voter of the town of.....
 7 or the.....precinct
 8 of the.....ward of
 9 the town or city of
 10 in the County of.....
 11 and Commonwealth of Massachusetts, and to my best
 12 knowledge and belief entitled to vote in such Town or
 13 Precinct on the day for holding such election, hereby
 14 make application for an official absent voter ballot, to be
 15 voted by me at such election.

16 Date.....

17 (Signed).....

18 Post Office Address.....

1 SECTION 5. Such application blank shall upon request
 2 therefor be sent by the secretary of the commonwealth to
 3 any absent voter, by mail, and shall be delivered upon
 4 application made personally at the office of said secretary.

1 SECTION 6. Upon receipt of such application, properly
 2 filled out, and duly signed or as soon thereafter as the

3 official absent voter ballot for the town or precinct in
 4 which the applicant resides has been printed the secretary
 5 of state shall send to such absent voter, by mail, postage
 6 prepaid, one official absent voter ballot of (or) if there be
 7 more than one such absent voter ballot of such town or
 8 precinct, one of each kind, and shall enclose with such
 9 ballot or ballots an envelope, to be furnished by the
 10 secretary of the commonwealth, which envelope shall bear
 11 upon the front thereof the name, official title and post
 12 office address of the clerk of the city or town in which the
 13 voter lives, and if the voter lives in Boston of the election
 14 commissioners, and upon the other side a printed affidavit
 15 in substantially the following form: —

16 State of..... }
 17 County of..... } ss.

18 I,..... do solemnly
 19 swear that I am a resident of the town of.....
 20 or of the.....
 21 precinct of the.....
 22 ward in the city (or town) of
 23 residing at..... in said city
 24 (or town) in the County of.....
 25 and Commonwealth of Massachusetts, and entitled to
 26 vote in such town or precinct, at the next State election.
 27 That I expect to be absent from said city (or town) of my
 28 residence on the day of holding such election, and that I
 29 will have no opportunity to vote in person on that day.

30
 31 Subscribed and sworn to before me this.....
 32 day of..... 19 ,

33 and I hereby certify that the affiant exhibited the en-
 34 closed ballots to me unmarked, that he then in my
 35 presence and in the presence of no other person, and in
 36 such manner that I could not see his vote, marked such

37 ballot, and enclosed and sealed the same in this envelope.

38 That the affiant was not solicited or advised by me to

39 vote for me or against any candidate or measure.

40

41

42 If such absent voter is unable to sign his name, he shall

43 make his mark (X) and the officer taking such affidavit

44 shall sign such voter's name, and shall state the reason

45 for such affidavit being signed in such manner, in his

46 certificate attached to such affidavit.

47 The secretary of the commonwealth shall immediately

48 send said application by registered letter to the clerk of

49 the city or town in which the voter lives, or, if he lives

50 in Boston, to the election commissioners who shall hold

51 the same until the envelope containing the ballot of the

52 absent voter together with the affidavit upon the back of

53 the envelope containing the same, have been received.

1 SECTION 7. Such absent voter shall make and sub-

2 scribe the said affidavit before an officer authorized by

3 law to administer oaths and who has an official seal, and

4 such absent voter shall thereupon, in the presence of such

5 officer and no other person, mark such ballot or ballots,

6 but in such manner that such officer cannot see the vote,

7 and such ballot or ballots shall thereupon, in the presence

8 of such officer, be folded by such voter so that each

9 ballot shall be separate, and so as to conceal the vote,

10 and be in the presence of such officer deposited by such

11 voter in said envelope, and the said envelope securely

12 sealed. Said envelope shall be mailed by such absent

13 voter, postage prepaid.

1 SECTION 8. Upon the receipt of such envelope, such

2 clerk or, in Boston, the election commissioners shall forth-
3 with enclose the same, unopened, together with the
4 written application of such absent voter, in a larger
5 envelope which shall be securely sealed and endorsed
6 with the name of the town or voting precinct in which
7 the voter lives, and the words "This envelope contains
8 an absent voter ballot, and must be opened only on
9 election day at the polls while the same are open." And
10 such clerk or said commissioners shall thereafter safely
11 keep the same in his or their office until the same is
12 delivered as provided in the next section.

1 SECTION 9. In case such envelope is received by such
2 clerk, or commissioners prior to the delivery of the ballots
3 to the election officers of the polling place of the precinct
4 or town in which such absent voter resides, such ballot,
5 envelope and application sealed in such envelope shall be
6 enclosed with said ballots and delivered therewith to the
7 presiding election officer at the polling place of such pre-
8 cinct or town by said clerk or commissioners. In case the
9 ballots of such precinct or town shall have been delivered
10 to such election officers at the time of the receipt by the
11 clerk of any city or town or by the election commis-
12 sioners in Boston, of such absent voter ballot, said clerk
13 or commissioners shall immediately enclose such applica-
14 tion and such ballot, with the envelope containing such
15 ballot, unopened, in a larger envelope, which shall be
16 securely sealed by him or them and endorsed on the
17 front with the name of the precinct and addressed to the
18 presiding election officer of the polling place of the
19 election precinct or town, in which such absent voter
20 resides and the words "This envelope contains an absent
21 voter ballot, and must be opened only on election day,

22 at the polls while the same are open," and deliver the
23 same to such presiding election officer on election day
24 while the polls are open.

1 SECTION 10. At any time, between the opening and
2 closing of the polls, on such election day, the presiding
3 election officer of the town meeting or of the voting
4 precinct shall first open the outer envelope only, and
5 compare the signature of such voter on such application
6 with the signature on such affidavit. In case the pre-
7 siding election officer finds the affidavit is sufficient, and
8 that the signatures correspond, and that the applicant is
9 then a duly qualified voter in such precinct, and has not
10 voted at such election, he shall open the absent voter
11 envelope, in such manner as not to destroy the affidavit
12 thereon and take out the ballot or ballots therein con-
13 tained and without unfolding the same, or permitting the
14 same to be opened or examined, and having endorsed the
15 same in the manner that other ballots are endorsed, de-
16 posit the same in the proper ballot box or boxes, showing
17 by the records of such election such voter to have voted.
18 In case such affidavit is found to be insufficient, or that
19 the said signatures do not correspond, or that such
20 applicant is not then duly qualified to vote in such pre-
21 cinct, such vote shall not be allowed, but without opening
22 the absent voter envelope, the officer presiding at such
23 election shall mark across the face thereof, "Rejected as
24 defective," or "Rejected as not a voter," as the case may
25 be. The absent voter envelope, when such absent vote is
26 voted, and the absent voter envelope with its contents,
27 unopened, when such absent vote is rejected, shall be de-
28 posited in the ballot box containing the ballots, and be
29 retained and preserved in the manner as now by law pro-

30 vided for the retention and preservation of official ballots
31 voted at such election.

1 SECTION 11. The provisions of this act shall be con-
2 strued so as to permit any qualified voter of this com-
3 monwealth, who is present in the town or city where he
4 has a legal residence after the official absent voter ballots
5 of such town or city have been printed, and who has
6 reason to believe that he will be absent from such town
7 or voting precinct where he has a legal residence on
8 election day as before provided in section two, to vote
9 before he leaves his said residence, in like manner as
10 absent voter, and any qualified voter who has marked his
11 ballot as hereinbefore provided, who shall unexpectedly
12 return to his town or precinct before or on election day,
13 shall be permitted to vote in person, provided his ballot
14 has not already been deposited in the ballot box.

1 SECTION 12. It shall be the duty of the secretary of
2 the commonwealth to prepare and have printed and de-
3 livered to the city and town clerks, at least twenty days
4 prior to the holding of the state election a sufficient
5 number of absent voter ballots provided for in section
6 five for the use of all voters likely to be absent from the
7 town or city in which they have a legal residence, on the
8 day of such election.

1 SECTION 13. If any person shall wilfully swear falsely
2 to the affidavit provided for in section six, he shall upon
3 conviction thereof, be deemed guilty of perjury, and shall
4 be punished as in such case by law provided. If the
5 secretary of the commonwealth or any city or town clerk
6 or any election officer shall refuse or neglect to perform

7 any of the duties prescribed by this act, or shall violate
8 any of the provisions thereof, or if any officer taking the
9 affidavit provided for in section six, shall make any false
10 statements in his certificate thereto attached, he shall be
11 deemed guilty of a misdemeanor and shall be punished
12 by a fine not exceeding one hundred dollars, or by im-
13 prisonment in jail, or by both such fine and imprison-
14 ment.