HOUSE . . . . No. 567

The Commonwealth of Massachusetts

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PRESENTED BY:

James M. Cantwell

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To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act expanding eligibility to vote by absentee ballot.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
James M. Cantwell	*4th Plymouth*

HOUSE . . . . No. 567

By Mr. Cantwell of Marshfield, a petition (accompanied by bill, House, No. 567) of James M. Cantwell relative to voting by absentee ballot. Election Laws.

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen

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An Act expanding eligibility to vote by absentee ballot.

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, as appearing in the 2010 Official Edition,
2 is hereby amended by striking out section 86 and inserting in place thereof the following section:
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4 Section 86. Any voter whose application for an official absent voting ballot has been filed
5 with the city or town clerk as provided in section eighty-nine, and certified under section ninety-
6 one, may vote in accordance with sections eighty-seven to one hundred and three, inclusive. A
7 voter who will be unable by reason of permanent physical disability to cast his vote in person at
8 the polling place may file once with the city or town clerk a certificate executed by a registered
9 physician who is personally acquainted with the voter and aware of his permanent physical
10 disability, stating that it is reasonably certain because of permanent physical disability that the
11 voter will be unable to cast his vote in person at the polling place on the day of the election. The
12 city or town clerk shall maintain a list of such permanently disabled voters and such voters shall
13 not be required to file any such certification thereafter with their applications for an absent
14 voting ballot. Not later than twenty-eight days before every primary, preliminary election or
15 election, the city or town clerk shall send to each voter whose name appears on the permanently
16 disabled voters' list an application for an absent voting ballot, which application said clerk shall
17 complete so far as possible except for the voter's signature.

18 SECTION 2. Said chapter 54 of the General Laws is hereby further amended by striking
19 out section 91, as so appearing, and inserting in place thereof the following section: -

20 Section 91. When an application for an official absent voting ballot is received by the
21 clerk of a city or town, it shall be transmitted by him to the registrars, who shall examine it and,

22 if they believe the signature thereon to be genuine and the person executing the signature to be a
23 duly registered voter or a family member of a duly registered voter, shall execute the certificate
24 thereon and return the application to said clerk. Notwithstanding the provisions of the first
25 sentence, if an application for an official absent voting ballot is received by the registrar,
26 assistant registrar, or clerk of a city or town, from the voter who requests to make application for
27 an absent voting ballot and to vote in the presence of the registrar, assistant registrar, or clerk
28 during the same visit, said registrar, assistant registrar, or clerk shall examine said application,
29 and if he believes the signature thereon to be genuine and the person executing the signature to
30 be a duly registered voter, shall execute the certification thereon and remain present while the
31 voter marks the ballot as set forth in paragraph two of section ninety-two. The clerk shall cause
32 to be placed on the voting lists prepared as required by section sixty of chapter fifty-one,
33 opposite the name of each voter on whose application such certificate has been so executed, the
34 letters in capitals A. V. If the registrars find the person signing the application not to be a duly
35 registered voter, they shall send him written notice to that effect and shall preserve the
36 application during the time fixed by law for the preservation of ballots cast in the coming
37 election, after which time said application shall be destroyed. The clerk shall prepare lists,
38 arranged by voting precincts, of the names and addresses of all voters on whose applications for
39 absent voting ballots the certificate has been executed as provided in this section, and shall post
40 copies of such lists for public inspection. An applicant for an absent voting ballot who has been
41 furnished a certificate of supplementary registration, as authorized by section fifty-one of chapter
42 fifty-one, shall submit such certificate with his application, and the clerk shall cause to be placed
43 on such certificate opposite the name of the applicant the letters in capitals A. V. Every such
44 certificate shall be securely affixed to the voting lists required by section sixty of chapter fifty-
45 one to be transmitted to the polling place for the precinct where such applicant claims the right to
46 vote and shall be considered a part thereof.

47   Sections fifty-nine and fifty-nine A of chapter fifty-one shall apply to applications for
48 absent voting ballots, but the certificate mentioned in section fifty-nine shall be issued by the city
49 or town clerk.

50   SECTION 3. Said chapter 54 of the General Laws is hereby further amended by striking
51 out section 96, as so appearing, and inserting in place thereof the following section: -

52   Section 96. All ballots transmitted under any provision of sections eighty-six to one
53 hundred and three, inclusive, shall be subject to challenge when and as cast for non-compliance
54 with any provision of sections eighty-six to one hundred and three, inclusive, or for any other
55 reason allowed by law, and if challenged shall be disposed of in accordance with section eighty-
56 five, except that so much of said section as involves the administering of an oath shall not apply
57 thereto, and the writing of the name and address of the voter on the ballot shall be performed by
58 the officer charged with depositing the ballot in the ballot box.