

SENATE No. 2927

Senate, June 9, 2022 -- (Filed by Mr. Tarr) Order relative to requesting the opinions of the Honorable the Justices of the Supreme Judicial Court on important questions of law relative article CV of the Constitution and as to the constitutionality of Senate No. 2924

The Commonwealth of Massachusetts



**In the One Hundred and Ninety-Second General Court
(2021-2022)**

1 *Ordered*, Whereas, article CV of the Constitution of the Commonwealth provides that,
2 “The general court shall have power to provide by law for voting, in the choice of any officer to
3 be elected or upon any question submitted at an election, by qualified voters of the
4 commonwealth who, at the time of such an election, are absent from the city or town of which
5 they are inhabitants or are unable by reasons of physical disability to cast their votes in person at
6 the polling places or who hold religious beliefs in conflict with the act of voting on the day on
7 which such an election is held”;

8 Whereas, the 1917 Constitutional Convention where absentee voting was proposed the intent of
9 the legislators was to ensure that the, “more then 20,000 voters in Massachusetts-locomotive
10 engineers, brakemen, traveling salesmen, chauffeurs, fishermen and students” would not lose
11 their votes every year through absence;

12 Whereas, Senate No. 2924, “An Act fostering voter opportunities, trust, equity and security,”
13 proposes to allow for early or absentee voting by mail for any reason;

14 Whereas, Grave doubt exists as to the constitutionality of Senate No. 2924 if enacted into law;
15 therefore be it

16 Ordered, That the opinions of the Honorable Justices of the Supreme Judicial Court be required
17 by the Senate upon the following important questions of law:

18 1. Do the provisions contained within SECTION 10 of Senate No. 2924 violate article CV
19 of the Massachusetts Constitution?

20 2. Do any other provisions of Senate No. 2924 violate article CV of the Massachusetts
21 Constitution?