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The Commonwealth of Massachusetts

Office of the Secretary of State
Michael Joseph Connolly, Secretary

John P. Cloonan
Director of Elections

M E M O R A N D U M

TO: City and Town Clerks and Election Commissions
FROM: John P. Cloonan, Director of Elections
RE: Important changes in absentee voting laws
DATE: December 30, 1985

In recent weeks, the Legislature has passed, and the Governor has signed, several statutes which make important changes in absentee voting procedures. These new laws (and their effective dates) are chapters 383 (January 13, 1986), 477 (December 6, 1985), 562 (December 9, 1985), and 599 (March 19, 1986) of the Acts of 1985. Chapters 477 and 562 are based on bills co-sponsored by Secretary Connolly, the Massachusetts Town Clerks Association, and individual city election officials.

In summary, the new statutes make the following changes in the absentee voting laws:

1. Local election officials must now send an absentee ballot application, completed by the official so far as possible except for the voter's signature, to every voter whose name is on the certified permanently disabled list, no later than twenty-eight days before every primary and election. (chapter 383)
2. Temporarily disabled voters no longer need to attest to this fact under the penalties of perjury in their absentee ballot applications. (chapters 477, 562)
3. The parent of a registered voter who is a student at a Massachusetts college or university may now apply for an absentee ballot on behalf of that student. (chapter 599)
4. "Federal service personnel" are now known as "specially qualified voters," because this category includes all residents absent from the state and prisoners. (chapter 477)

5. The notarization requirement for absentee ballot envelopes is abolished for all primaries and elections. Instead, voters formerly required to vote in the presence of a notary public must now vote in the presence of any person at least 18 years old. Voters formerly exempt from the notarization requirement (those certified as permanently disabled, or voting outside the United States) remain exempt from the new witness requirement. (chapter 562)

6. If the city or town clerk or two registrars of voters designate a health care facility (such as a nursing home) for supervised absentee voting in writing at least 28 days before a primary or election, no absentee ballots will be mailed there. Instead, a registrar or two assistant registrars will hand-deliver the absentee ballots, witness the voting, and return to the election office with the ballots in their custody. (chapter 562)

7. Voters who state under penalty of perjury in their application that they have been admitted to a health care facility after noon of the fifth day before any primary or election, may also have their absentee ballots hand-delivered and witnessed by a registrar or two assistant registrars, or if the city or town clerk allows it, by a close relative of the voter. (chapter 562)

8. Absentee ballots received on election day (or within ten days after, from voters outside the United States in a state election), and counted in the clerk's office rather than at the polls, need no longer be counted by "two election officers," but may be counted by clerical personnel. (chapter 477)

Since all of these changes take effect in time for 1986 town elections, absentee voting materials must be modified or reprinted. Enclosed are revised absentee voting instructions approved by this office under G.L. ch. 54, SS 87, 102, to be printed on the back of your absentee ballots (or enclosed with punchcard ballots). Camera-ready copy for reprinting absentee ballot envelopes is available from this office upon request. If you wish to use your existing supply of state absentee ballot envelopes instead, insert copies of the enclosed "Important Notice to Absentee Voters"; you may also wish to cross out the word "official" on these envelopes wherever it appears, and insert the word "witness" instead. This office will reprint all absentee voting materials to reflect these changes, in time for absentee voting before the September 16, 1986 state primaries.

If you have any questions about this information, please call the Elections Division at (617) 727-2828 or (800) 462-VOTE.

PAPER BALLOT
INSTRUCTIONS FOR ABSENTEE VOTING

IMPORTANT - DO NOT MARK YOUR BALLOT UNTIL YOU HAVE READ INSTRUCTIONS COMPLETELY!
BEFORE YOU VOTE:

Make sure you are eligible. You may vote absentee only if you will be unable to vote at the polls on election day because of:

- absence from your city or town during the hours the polls are open
- physical disability
- religious beliefs

Arrange for a witness to be present before you mark your ballot.

Your absentee ballot must be witnessed by any person eighteen years of age or older, unless you have filed a doctor's certificate of permanent physical disability with your local clerk, or unless you are voting outside the United States.

- Candidates for office may not witness absentee ballots, unless they are city or town clerks.

Arrange for any assistance you may require. If you cannot mark your own ballot because you are physically disabled, unable to write, or unable to read or to read English, you may choose any person to mark your ballot for you. You may ask the witness to do this if you wish.

VOTING INSTRUCTIONS FOR ALL VOTERS

(except those who either have filed a doctor's certificate of permanent physical disability, or who are voting outside the United States)

1. Show your unmarked ballot to the witness.
2. Mark your ballot while alone, but in the witness's presence. Do not talk to the witness about the votes you are casting or let the witness see how you vote, unless you need assistance in reading or marking your ballot and have requested help.
3. Fold your completed ballot and seal it in the smallest ballot envelope. This envelope has an affidavit printed on the front of it.
4. Sign and swear to the affidavit before the witness. Be sure to sign your name as you are registered. (The ballot was mailed to you in your registered name.)
5. Have the witness complete and personally sign the proper section. If you were unable to mark the ballot yourself, the witness must state that you needed assistance, and the reason, on the affidavit and must also sign your name on the envelope.

6. Put the completed ballot envelope in the large mailing envelope which is already addressed to your city or town clerk or election commissioner. Unless you are NOW voting at your clerk's office, you must MAIL your ballot to your city or town clerk. It cannot be delivered in person unless you are voting at a designated health care facility. To have your ballot counted, mail it in time to reach your local election officials before the polls close on election day.

VOTING INSTRUCTIONS FOR CERTIFIED PERMANENTLY DISABLED VOTERS AND VOTERS
OUTSIDE THE UNITED STATES

A witness is not required either for permanently disabled voters who have filed a doctor's certificate with their local clerk and are on an official list, or for voters who are outside the United States. Follow voting instructions given for all voters except that you do not have to vote in the presence of a witness. Mark your ballot, place it in the envelope, and complete the affidavit yourself.

TO VOTE IN PERSON AT THE POLLS

If you have applied for this absentee ballot but later find that you are able to and want to vote in person at the polls, you must obtain a certificate giving you the authority to do so from your city or town clerk or election commissioner. You cannot obtain this certificate once your absentee ballot has been processed.

IMPORTANT NOTICE TO ABSENTEE VOTERS

Under a recent state law, a notary public no longer needs to sign your ballot envelope. Any person at least 18 years old may witness your ballot by signing this envelope and including his or her residential address. Ignore the blank spaces for "title" and "date of expiration of commission."

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Comm. from John P. Cloonan, Director of Elections, Secretary of State's Office Re:
recent & important changes in absentee voting laws.

In City Council,

January 13, 1986

1/13/1986

Placed on File