

HOUSE No. 4308

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

AN ACT RELATIVE TO THE FEDERAL WRITE-IN 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. Section 95 of Chapter 54, as so appearing, is hereby amended by inserting
2 the following paragraph after the last paragraph:

3 Federal write-in absentee ballots from absent uniformed services voters and overseas
4 voters as defined in section 107 of the federal Uniformed and Overseas Citizens Absentee Voting
5 Act shall be counted for federal offices at state primaries so long as received by the city or town
6 clerk before the hour fixed for closing the polls, as provided in section 93 of this chapter but only
7 if no valid state ballot has been received from the same voter, but shall be counted even if the
8 voter has not applied for a state absent voter ballot or if the voter's application was received after
9 the thirtieth day before the primary. Such ballots shall be processed in the office of the registrars
10 after the hour of the closing of the polls and said registrars shall amend each precinct tally sheet
11 to include the counted federal write-in absentee ballots.

12 SECTION 2: This act shall take effect upon passage.