



**Testimony submitted to the Joint Committee on Election Laws
In Support of H.76 Proposal for a legislative amendment to the Constitution
to provide for no excuse absentee voting
By Nancy Brumback, LWVMA Specialist on Elections and Voting
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The League of Women Voters of Massachusetts strongly supports the proposed Constitutional amendment, H.76, submitted by Representative Moran, to remove restrictions on absentee voting. We urge the joint committee to give this proposal a favorable report by the April 28 deadline, so that it can be ordered to a third reading at the Joint Session of the legislature likely to be held on May 12 and begin the lengthy process of amending the Constitution.

H.76 would amend Article 105 of the Constitution to remove the specific conditions under which a voter can vote by absentee ballot. Such an amendment would enable Massachusetts to offer no-excuse absentee voting and remove any Constitutional uncertainty about the use of mail ballots for early voting. The proposal changes the wording in the current Article 105 by deleting the reference to absentee ballots, as shown:

Article 105:

Article XLV. The general court shall have power to provide by law for voting, in the choice of any officer to be elected or upon any question submitted at an election, by qualified voters of the commonwealth. ~~who, at the time of such an election, are absent from the city or town of which they are inhabitants or are unable by reason of physical disability to cast their votes in person at the polling places or who hold religious beliefs in conflict with the act of voting on the day on which such an election is to be held.~~

This change would not only remove the provisions for absentee voting from the Constitution, but would affirm the legislature's authority to pass laws governing voting as part of Massachusetts General Law, where they could be changed as circumstances and needs change. The League believes laws governing how elections are held should be laws, not Constitutional provisions.

While the current provision in the Constitution does establish specific conditions for the use of an absentee ballot, the League does not see anything in that provision that would prevent the legislature from enacting other laws governing voting, in particular, laws that would permit early voting in person or by mail. Even so, we support H.76 to remove any ambiguity about early voting in person or by mail as well as to remove restrictions to absentee voting in the Commonwealth.

According to the National Conference of State Legislatures, "in two-thirds of the states, any qualified voter may vote absentee without offering an excuse, and in one-third of the states, an excuse is required." It is time to move Massachusetts to that larger group with no-excuse absentee voting. It is time to clarify this issue.

LWVMA, representing 47 local Leagues from Cape Cod to Pittsfield, urges the Joint Committee on Election Laws to report H.76 favorably out of committee in time to allow the Constitutional amendment process to proceed.

Thank you.