

HOUSE No. 787

The Commonwealth of Massachusetts

PRESENTED BY:

Shawn Dooley

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 adoption of the accompanying order for the adoption of an order relative to the authority of the General Court or any other officer of the Commonwealth to enact laws which allow citizens to vote from anywhere but their specified polling place.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>2/19/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>2/22/2021</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>2/23/2021</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>2/23/2021</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>2/26/2021</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>2/26/2021</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>2/26/2021</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>3/4/2021</i>

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House of Representatives,

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

1 *Ordered,* If the General Court proposes a law to allow for mail-in voting and an
2 expansion of absentee voting laws in the Commonwealth, the General court shall follow the
3 Constitutional Amendment process as laid out by Article XLVIII Section IV “Legislative Action
4 on Proposed Constitutional Amendments” to Amend the Constitution, to allow for such a piece
5 of proposed legislation to be within the limits set by the Constitution of the Commonwealth of
6 Massachusetts.

7 Whereas, The Secretary of the State of the Commonwealth of Massachusetts during the 2020
8 general election took action as directed by the General Court to amend voting laws in the
9 Commonwealth, superseding the limits placed upon how citizens of the Commonwealth may
10 vote, if unable to make it to their specified polling place, on election day as laid out in Article
11 CV, Article XLV of the Constitution of the Commonwealth of Massachusetts.

12 Whereas, Article CV, Article XLV of the Constitution of the Commonwealth of Massachusetts
13 states that “The general court shall have power to provide by law for voting, in the choice of any
14 officer to be elected or upon any question submitted at an election, by qualified voters of the
15 Commonwealth who, at the time of such an election, are absent from the city or town of which
16 they are inhabitants or are unable by reason of physical disability to cast their votes in person at
17 the polling places or who hold religious beliefs in conflict with the act of voting on the day on
18 which such an election is to be held.”

19 Whereas, the Secretary of State of the Commonwealth distributed mail-in ballot requests to all
20 registered voters in the Commonwealth, regardless of whether they were “absent from the city or
21 town of which they are inhabitant or are unable by reason of physical disability to cast their votes
22 in person at the polling places.”

23 Whereas, the Secretary of State of the Commonwealth and members of the General Court have
24 filed legislation during the 192nd Session of the General Court which would expand the voting
25 procedures in this Commonwealth to unconstitutionally allow for mail-in voting which is
26 prohibited by the Constitution of the Commonwealth of Massachusetts.

27 Resolved, the Constitution of the Commonwealth of Massachusetts deliberately vests the
28 General Court with specific and limited powers to make changes only to absentee voting
29 pursuant to Article CV, Article XLV.

30 Resolved, the Constitution of the Commonwealth of Massachusetts does not vest the General
31 Court or any other officer of the Commonwealth with the power to enact laws which allow
32 citizens to vote from anywhere but their specified polling place, unless the citizen falls under the

33 provisions listed in Article CV, Article XLV of the Constitution of the Commonwealth of
34 Massachusetts.

35 Resolved, any legislation proposed to allow for mail-in voting in the Commonwealth of
36 Massachusetts is prohibited by the Constitution of the Commonwealth of Massachusetts.