Challenged Ballots and Voters

Massachusetts state law permits any person to challenge the right of another person to vote. M.G.L. c. 54, §85(a).

Challenger

The challenger must state with specificity the basis of the challenge. It will not be adequate to sustain a challenge, if the challenger asserts nothing more than the voter is "not qualified to vote."

Grounds to challenge the right of a person to vote include allegations that the person is not who he/she claims to be; that the person cast a ballot earlier on election day or by absentee ballot; that the person is not eligible to vote by reason of age, residence, or any other disqualifying circumstance.

The right to vote is protected by the United States Constitution. Accordingly, a person should not challenge another's right to vote unless based upon facts known to the challenger. The Springfield Election Commission and the City of Springfield will not tolerate groundless challenges or challenges that are made in bad faith or challenges made to harass or intimidate a voter.

Pursuant to state law, M.G.L. c. 56, §31, a challenger may be subject to fine ($100) for any and each challenge intended to intimidate voters or for any other illegal purpose. Section 12(a) of the Voting Rights Act provides that any attempt to deprive or attempt to deprive any person of any right secured by Sections 2, 3, 4, 5, 7, 10, or 11(a) of the Voting Rights Act, 42 U.S.C. 1973j, will be subject to a fine of not more that $5,000 and imprisonment of not more than 5 years.

Challenged Ballots and Voters (cont'd)

Challenged voter

If your right to vote in-person has been challenged, a poll official will inform you and administer an oath in which you will be required to affirm that you are who you say you are, that you are registered to vote in this precinct, and that you have not already voted in this election.

You will then be provided a ballot on which you will be asked to write your name and address. The poll official will write the name of the challenger and the nature of the challenge on the back of the ballot.

You will then complete the voting procedure by marking your ballot. You will give the poll official your completed ballot, which will then be placed in an envelope marked "challenged ballots".

The clerk will record your name and address and "C.V." will be placed beside your name on the voting list, indicating that your right to vote has been challenged.

After the polls have closed and results are tallied, the Election Commission will review and determine whether the challenge is lawful and constitutes grounds to void your vote.

You may contact the Office of Election Commission if you have any further questions, wish to address the allegations, or seek to learn the final resolution of the challenge to your right to vote at that polling place at the time of the challenge.

We recognize a challenge to an individual's right to vote is likely to be intimidating and confusing. If you know or believe that you have the right to vote at this precinct, at the time of the challenge, it is important for you to submit to the challenge procedure as required by law to ensure your right to cast a ballot in this election.

If you are not completely sure that you understand the procedure and charges as they are communicated to you in English, ask for Spanish-language assistance and a bilingual poll official will assist you.

Identification Requirement

You will be required to produce identification, pursuant to M.G.L. c. 54, §76B

if you registered by mail on or after January 2003 and

if you have not voted since that time or

if you have not sent or provided a copy of your identification to the Office of the Election Commission

Acceptable forms of identification will include your name and the address provided in the voter registration application

Acceptable forms of identification include: a current and valid driver's license, current utility bill, bank statement, paycheck, government check, or other government document showing your name and address.

If you do not have acceptable identification with you, we would suggest that you go home to get such identification and return to the polling place. Once you have provided this identification, you should not have to provide identification the next time you vote.

If you do not chose to return home or are unable to return home or do not have acceptable identification, you may cast a provisional ballot. Ask the poll official for information regarding the provisional balloting procedure.

If you have any questions that the warden or poll official are not able to answer to your satisfaction, you may call (413) 787-6193 and speak with a member of the Election Commission staff.

Remember: Bilingual poll officials are available to assist you in understanding this requirement or in any other aspect of voting.