

## HALACHA OF THE WEEK

**Voting on Chol Hamoed**

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**A**s we are all aware, the Surfside Mayoral election is headed to a runoff, with the election date being April 7. As April 7 is the last day of Chol HaMoed Pesach, is it acceptable for a Jew to vote during Chol Hamoed? This analysis is not meant to determine if it is a proper time for an election for a town that has a large orthodox population. Many people are away, busy with their families and the 7th is not only Chol Hamoed, but also the eve of Yom Tov, as Tuesday night begins the Yom Tov of the 7th of Pesach. Rather, this is a purely Halachic analysis as to whether it is allowed or not.

What is Chol Hamoed? Pesach and Sukkot are respectively (in the Diaspora) 8 and 9 day holidays. While the first two and last two days of each of them are what we know as Yom Tov, the middle days are called the “mundane days of the holiday.” (Commonly called the intermediate festival days.) While they’re not treated as Yom Tov, regular labor is forbidden. Who determined which labors are permitted? The Rema writes according to what the sages saw necessary to permit. Some argue that the prohibition to work during this time is Rabbinic, as it was during the festival season, and in Temple times sacrifices were brought, the sages wanted it to be treated with respect and holiness. However, many authorities argue that it is biblical in nature. In fact, the Talmud learns from a Biblical verse the general prohibition.

If it’s Biblical, how can the sages decide which labors to permit or forbid? According to this position the Torah gave that authority to the sages to determine which labors should be permitted, but all to adhere to the Torah mandated cessation of work on Chol Hamoed. Regardless, one should be scrupulous in following its laws carefully as the sages say “One who desecrates the sanctity of Chol Hamoed, it’s as if they’re serving idols.”

In general, the sages permitted five types of labor on Chol Hamoed. 1) If not performing the labor will cause the opportunity to be lost; 2) labors needed for the holiday itself; 3) an indigent person who needs to earn money for their basic subsistence; 4) communal needs; 5) or labors done without any expertise.

Which brings us to writing. In general, writing is forbidden on Chol Hamoed, even fixing a letter for a Torah is not allowed. (If there is no Kosher Torah in the community, it would be allowed.) While there are certain instances where one may write (as we will discuss) the Shulchan Aruch writes that where it is forbidden even writing irregularly would be forbidden and where it is allowed it is allowed even in the regular way. However, irregular here is generally defined as writing with one’s left hand, holding the pen irregularly, or writing the lines in a circular or crooked fashion.

However, to write in Hebrew script letters, or in any other language using basic script letters is allowed. (Some allow any non Hebrew letters, but it is proper not to write in an artistic way.) While some are strict even with script, it is a personal stringency. What is common is for the first line in a slightly crooked way out of respect for the holiday.

Some of the permitted reasons to write are: 1) When it is for a communal need, even when not needed for the holiday.

While some forbid it in this case, the Rema rules that it is allowed, especially with our letters that our not considered to be the work of an expert; 2) One is allowed to write their expenses down. The logic for this is if the person doesn’t write it immediately they may forget, making this an irretrievable loss; 3) There’s a third group which incorporates many types of documents. Gift documents, wills, betrothal and divorce documents, court rulings, and choice of judges. The logic here is threefold: 1) as these are common, they are considered to be a communal need; 2) it might be considered to be a holiday need; and finally 3) as these documents rely on witnesses, that might leave or die it is considered to be a loss if not written immediately.

Regular letters of welfare and salutations are allowed by R’ Yosef Karo (the general authority for Sephardic Jews) but forbidden by the Rema (the authority for Ashkenazic Jewry.)

Which brings us to our question, may one vote on Chol Hamoed. 1) it is for a communal need, even though the mayor position will only be filled after the holiday, as mentioned before it is still allowed. 2) It’s something that will be lost if not done, there will be no option to vote after the holiday. 3) It is a labor done without expertise. While one can debate writing in other languages, filling out bubbles on a voting card is certainly considered to be a non expert form of writing. (Don’t forget, you can always avail yourself to a mail in ballot and take care of this before Pesach, making the entire issue moot.)

Here our communal elections allows us to review an area of Halacha that is unfortunately frequently overlooked. It’s a good time to ensure that we are respecting the entirety of the holiday as it is meant to be observed. May we all experience true freedom this Passover, with the ultimate redemption, the coming of Moshiach.