HOUSE . . . . No. 3486

The Commonwealth of Massachusetts

PRESENTED BY:

Robert M. Koczera

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 bill:

An Act relative to early voting in local elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert M. Koczera	11th Bristol
Alan Silvia	7th Bristol
Brian M. Ashe	2nd Hampden
Cory Atkins	14th Middlesex
James B. Eldridge	Middlesex and Worcester
Solomon Goldstein-Rose	3rd Hampshire
Brian Murray	10th Worcester
Denise Provost	27th Middlesex
John W. Scibak	2nd Hampshire
Chris Walsh	6th Middlesex
Bud Williams	11th Hampden

HOUSE . . . . No. 3486

By Mr. Koczera of New Bedford, a petition (accompanied by bill, House, No. 3486) of Robert M. Koczera and others relative to early voting in local elections. Election Laws.

The Commonwealth of Massachusetts

_____

In the One Hundred and Ninetieth General Court
(2017-2018)

_____

An Act relative to early voting in local elections.

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. Chapter 54 of the General Laws is hereby amended by inserting after

2   section 25B, inserted by section 12 of chapter 111 of the acts of 2014, the following section:-

3   Section 25C. (a) Any city or town that accepts the provisions of this section pursuant to

4   section 4 of chapter 4 may establish an early voting period and permit early voting for municipal

5   elections, as provided herein.

6   (b) The election officers and registrars of any such city or town shall allow any qualified

7   voter, as defined in section 1 of chapter 51, to cast a ballot for any municipal election during the

8   early voting period as set forth in this section.

9   (c) Any qualified voter wanting to early vote by mail may file with his or her local

10   election official an application for an early voting ballot. Any form of written communication

11   evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be

12   given the same effect as an application made in the form prescribed by the state secretary. No

13   application shall be deemed to be seasonably filed unless it is received in the office of the city or

14   town clerk or registrars of voters before noon on the last day of the early voting period as

15   prescribed in subsection (d).

16   (d) The voting period for municipal early voting shall run from the eleventh business day

17   preceding the municipal election until the close of business on the business day preceding the

18   business day before the election; provided, however, that if the eleventh business day before the

19   election falls on a legal holiday the early voting period shall begin on the first business day prior

20   to the legal holiday.

21   (e) Early voting shall be conducted during the usual business hours of each city or town

22   clerk. A city or town may, in its discretion, provide for additional early voting hours beyond the

23   hours required by this subsection, including weekend hours.

24   (f) All early voting ballots voted by mail shall be received by the city or town clerk

25   before the hour fixed for closing the polls.

26   (g) Each city and town shall establish an early voting site that shall be the election office

27   for the city or town; provided, however, that if the city or town determines that the office is

28   unavailable or unsuitable for early voting, the registrars of each city or town shall identify and

29   provide for an alternative centrally-located, suitable and convenient public building within each

30   city or town as the early voting site. A city or town may also provide for additional early voting

31   sites at the discretion of the registrars for that city or town. Each early voting site shall be

32   accessible to persons with disabilities.

33   (h) The designation of an early voting site shall be made not less than 14 days prior to the

34   beginning of the voting period established in subsection (d). Not less than 7 days prior to the

35 beginning of the early voting period and at least once during the voting period, the registrars for

36 each city or town shall publish the location of the early voting site or sites as well as the

37 applicable dates and hours. Notice shall be published in every newspaper listed for the city or

38 town in the New England Newspaper & Press Association and shall also be conspicuously

39 posted in the office of the city clerk or on the principal official bulletin board of each city or

40 town, on any other public building considered necessary, and on the city or town's website, if

41 any, and on the website of the state secretary.

42 (i) At least 21 days prior to each municipal election, the state secretary shall deliver to

43 each city or town, in quantities as the state secretary determines necessary, the following papers:

44 (1) official early voting ballots, similar to the official ballot to be used at the election; and (2)

45 envelopes of sufficient size to contain the ballots specified in clause (1) bearing on their reverse

46 the voter's affidavit in compliance with the requirements of subsection (k).

47 (j) An early voting ballot along with an envelope shall be provided to each qualified

48 voter who participates in early voting.

49 (k) A qualified voter casting a ballot at an early voting site shall complete an affidavit

50 under the regulations promulgated pursuant to this chapter, which shall include a notice of

51 penalties under section 26 of chapter 56.

52 (l) Prior to the beginning of early voting, the registrars for each city or town shall prepare

53 a list for the early voting sites, containing the names and residences of all persons qualified to

54 vote at each voting site, as the names and residences appear upon the annual register, and shall

55 reasonably transmit the applicable list to the election officers at each early voting site designated

56 by the registrars.

57   (m) The registrar or presiding official at the early voting site shall cause to be placed on

58   the voting lists opposite the name of a qualified voter who participates in early voting the letters

59   "EV" designating an early voter.

60   (n) The registrars shall prepare lists of all voters casting ballots during the early voting

61   period and update the voter list in a manner prescribed by the state secretary.

62   (o) The counting of early voting ballots including, but not limited to, informing election

63   officers and any challengers present under section 85A shall be set by regulations promulgated

64   under this chapter. All envelopes referred to in this section shall be retained with the ballots cast

65   at the election and shall be preserved and destroyed in the manner provided by law for the

66   retention, preservation or destruction of official ballots.

67   (p) The state secretary shall promulgate regulations to implement this section including,

68   but not limited to, a process for establishing additional early voting locations and a process for

69   applying for, receiving, separating, compiling, recording and securing early voter ballots.

70   (q) Section 72 shall not apply to this section; provided, however, that a city or town may

71   opt to detail a sufficient number of police officers or constables for each early voting site at the

72   expense of the city or town to preserve order, protect the election officers and supervisors from

73   any interference with their duties and aid in enforcing the laws relating to elections.

74   (r) No early voting ballot cast under this section shall be counted if the officer charged

75   with the duty of counting the ballot is cognizant of the fact that the voter has died prior to the

76   opening of the polls on the day of the election.

77   SECTION 2. Section 72 of said chapter 54, as most recently amended by section 14 of

78   chapter 111 of the acts of 2014, is hereby further amended by inserting after the words "section

79   25B" the following words:- or 25C.

80   SECTION 3. The state secretary shall promulgate regulations under section 25C of

81   chapter 54 of the General Laws not later than 6 months after the effective date of this act.