

HOUSE No. 4345

House bill No. 4340, as amended and passed to be engrossed by the House. January 19, 2022.

The Commonwealth of Massachusetts

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

An Act making appropriations for the fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith to make supplemental appropriations for fiscal year 2022 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. To provide for certain unanticipated obligations of the commonwealth, to
2 provide for an alteration of purpose for current appropriations and to meet certain requirements
3 of law, the sum set forth in section 2A is hereby appropriated from the General Fund unless
4 specifically designated otherwise in this act, for the several purposes and subject to the
5 conditions specified in this act and subject to the laws regulating the disbursement of public
6 funds for the fiscal year ending June 30, 2022. This sum shall be made available until June 30,
7 2022.

8 SECTION 2A.

9 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

10 Reserves

11 1599-0080 For a reserve for the establishment and expansion of 2019 novel
12 coronavirus testing locations, to be determined in consultation with the executive office of health
13 and human services and the department of public health, and the purchase of 2019 novel
14 coronavirus tests; provided, that such locations shall include, but not be limited to: community
15 health centers, urgent care centers and other non-profit organizations; provided further, that
16 organizations receiving funds from this item for on-site testing shall provide walk-up
17 appointments; provided further, that funds may be expended for staffing; provided further, that
18 funds shall be expended for 2019 novel coronavirus rapid antigen tests for elementary and
19 secondary public school districts for the safe opening and operations of school facilities;
20 provided further, that funds shall be distributed in a manner that promotes geographic equity;
21 provided further, that not less than \$5,000,000 shall be expended for efforts to increase
22 vaccination rates amongst the population of children ages 5 to 11; provided further, that reserve
23 funds shall be expended to the COVID-19 Vaccine Equity Initiative for efforts to increase the
24 rate of vaccination and booster shots in communities disproportionately impacted by the
25 COVID-19 pandemic; provided further, that said efforts shall focus on communities
26 disproportionately impacted by the 2019 novel coronavirus pandemic; provided further, that the
27 administration shall pursue the highest allowable rate of federal reimbursement for all eligible
28 expenditures from this item; and provided further, that funds shall be distributed not later than
29 February 28, 2022.....\$30,000,000

30 1599-0767 For a reserve for the acquisition and distribution of high-quality personal
31 protective masks for children, staff and faculty in elementary and secondary public school
32 districts and educational collaboratives approved pursuant to section 4E of chapter 40; provided,

33 that said high-quality masks shall include, but not be limited to, N95s and KN95s; provided
34 further, that said masks shall be distributed not later than February 28, 2022; provided further,
35 that the administration shall pursue the highest allowable rate of federal reimbursement for all
36 eligible expenditures from this item; provided further, that the office for administration and
37 finance, in consultation with the department of elementary and secondary education, shall make
38 available on a public website the: (i) total number of masks purchased, including the total
39 number of each type of mask purchased; (ii) total number of masks distributed; and (iii) school
40 districts to which they were distributed; and provided further, that the office for administration
41 and finance shall report on said public website: (1) the number of all rapid antigen tests
42 purchased after January 1, 2022; (2) the number of tests distributed; and (3) where the tests were
43 distributed\$25,000,000

44 SECTION 3. Chapter 20 of the acts of 2021 is hereby amended by inserting after section
45 26 the following section:-

46 SECTION 26A. Section 20 is hereby repealed.

47
48 SECTION 4. Section 27 of said chapter 20 is hereby amended by striking out the figure
49 “20,”.

50 SECTION 5. Said chapter 20 is hereby further amended by inserting after section 30 the
51 following section:-

52 SECTION 30A. Section 26A shall take effect on July 15, 2022.

53 SECTION 6. Section 89 of chapter 102 of the acts of 2021 is hereby amended by striking
54 out, in each instance, the words “July 31, 2022” and inserting in place thereof the following
55 words:- December 31, 2022.

56 SECTION 7. (a) As used in this section, the following words shall, unless the context
57 clearly requires otherwise, have the following meanings:

58 “Principal”, a person who is signing a document under this section as a principal or as a
59 credible witness, as those terms are defined in section 1 of chapter 222 of the General Laws.

60 “Satisfactory evidence of identity”, (i) identification of an individual based on at least 1
61 current document issued by a federal or state government agency bearing the photographic image
62 of the individual’s face and signature; or (ii) identification of an individual based on the notary
63 public’s personal knowledge of the identity of the principal.

64 (b) In order to address the disruptions caused by the outbreak of the 2019 novel
65 coronavirus, also known as COVID-19, and subsequent variants, a notary public appointed
66 pursuant to chapter 222 of the General Laws may perform an acknowledgement, affirmation or
67 other notarial act under said chapter 222 utilizing electronic video conferencing in real time as
68 provided in this section. A principal in any such notarial act may act individually or in a
69 representative capacity.

70 (c)(1) An acknowledgment, affirmation or other notarial act utilizing electronic video
71 conferencing pursuant to this section shall be valid and effective if:

72 (i) the notary public observes each principal’s execution of a document;

73 (ii) both the notary public and each principal are physically located within the
74 commonwealth;

75 (iii) each principal provides the notary public with satisfactory evidence of identity;
76 provided, that if the principal is not a United States citizen, a valid passport or other government-
77 issued identification credential that evidences the principal's nationality or residence and that
78 bears the photographic image of the principal's face and signature shall constitute satisfactory
79 evidence of identity; provided further, that if the satisfactory evidence of identity is a
80 government-issued identification credential, the principal shall both visually display the
81 principal's identification credential to the notary public during the electronic video conference
82 and shall transmit to the notary public a copy of the front and back of the identification
83 credential, either with the executed document or separately through electronic means; provided
84 further, that if the principal's identification credential is a United States or foreign passport book,
85 a copy of the front cover and page displaying the principal's photograph, name and signature
86 shall be a sufficient copy; and provided further, that a copy of any such identification credential
87 shall be retained for a period of 10 years by the notary public, who shall keep it secure and
88 confidential in accordance with state and federal law;

89 (iv) each principal makes the acknowledgement, affirmation or other act to the notary
90 public, as appropriate;

91 (v) a principal causes the executed document to be delivered to the notary public by
92 delivery service, courier or other means in accordance with the notary public's instructions; and

93 (vi) with respect to any document requiring notarization and executed in the course of
94 closing a transaction involving a mortgage or other conveyance of title to real estate, upon

95 receipt of the executed document, the notary public and each principal engage in a second video
96 conference during which each principal verifies to the notary public that the document received
97 by the notary public is the same document executed during the first video conference.

98 During any video conference pursuant to this section, each principal shall: (A) swear or
99 affirm under the penalties of perjury that the principal is physically located within the
100 commonwealth; and (B) make a disclosure of any person present in the room with the principal
101 and make that person viewable to the notary public.

102 (2) Upon completion of the process under paragraph (1), the notary public may affix the
103 notary public's stamp and signature to the executed document, whereupon the notarial act shall
104 be completed.

105 (3) The notarial certificate attached to the executed document shall include a recital
106 indicating that the document was notarized remotely pursuant to this section. The certificate shall
107 recite the county in which the notary public was located at the time that the notarial act was
108 completed and shall recite the date that the notarial act was completed; provided, however, that
109 the failure to include any of the recitals required by this subsection shall not affect the validity or
110 recordability of the document; and provided further, with respect to a document being notarized
111 in connection with a mortgage financing transaction, the notarial certificate may recite the date
112 stated within the body of the document, even if that date precedes the date of completion of the
113 notarial act.

114 (4) The notary public shall execute an affidavit confirming under the penalties of perjury
115 that the notary public has: (i) received a copy of each principal's current identification credential
116 and visually inspected the credential during the initial video conference with the principal, if

117 applicable; (ii) obtained each principal's verbal assent to the recording of the electronic video
118 conference; (iii) taken each principal's affirmations as to physical presence of the principal
119 within the commonwealth; and (iv) been informed of and noted on the affidavit any person
120 present in the room, including a statement of the relationship of any person in the room to the
121 principal. The affidavit shall be retained for a period of 10 years by the notary public.

122 (5) With respect to any will, nomination of guardian or conservator, caregiver
123 authorization affidavit, trust, durable power of attorney, health care proxy or authorization under
124 the federal Health Insurance Portability and Accountability Act of 1996, the document shall be
125 complete when all original counterparts and the notary public's affidavit are compiled.

126 (6) Each notary public who performs a notarial act utilizing electronic video conferencing
127 pursuant to this section shall create an audio and video recording of the performance of the
128 notarial act; provided that, the audio and video recording shall be retained for a period of 10
129 years by the notary public.

130 (d) A document executed, acknowledged or notarized pursuant to this section shall be a
131 properly executed, acknowledged and notarized document for all legal purposes in the
132 commonwealth, including, but not limited to, for recording with the registry of deeds of any
133 county, for filing as a valid will and for filing or recording with any other state, local or federal
134 agency, court, department or office.

135 With respect to any such document recorded in a registry of deeds or filed with a registry
136 district of the land court: (i) the affidavit required pursuant to paragraph (4) of subsection (c)
137 shall not be required to be recorded or filed; and (ii) a principal's being subsequently determined
138 to have been physically located outside of the commonwealth during any video conference or a

139 principal's having failed to accurately disclose the presence or identity of others in the room
140 during any video conference, in either case, shall not constitute grounds to set aside the title to
141 real property acquired by an arm's length third-party mortgagee or purchaser for value.

142 The expiration, repeal or amendment of this section shall not affect the validity of a
143 notarial act completed while this section is in effect and performed in accordance with the terms
144 of this section.

145 (e) The signature of any witness who participates in the electronic video conference and
146 whose signature is notarized pursuant to this section shall be valid as if the witness had been
147 present to sign in person. A document signed on multiple pages or in multiple locations within
148 the commonwealth or in multiple counterparts shall be valid and effective if it is otherwise in
149 conformity with this section.

150 (f)(1) Notwithstanding any provision of this section to the contrary, with respect to any
151 document requiring notarization and executed in the course of closing a transaction involving a
152 mortgage or other conveyance of title to real estate or with respect to any will, nomination of
153 guardian or conservator, caregiver authorization affidavit, trust, durable power of attorney, health
154 care proxy or authorization under the federal Health Insurance Portability and Accountability Act
155 of 1996:

156 (i) only a notary public appointed pursuant to chapter 222 of the General Laws who is an
157 attorney licensed to practice law in the commonwealth or a paralegal under the direct supervision
158 of such an attorney, shall perform an acknowledgment, affirmation or other notarial act utilizing
159 electronic video conferencing in real time as provided in this section; and

160 (ii) if the notary public is a paralegal, any copy of a principal's identification credential
161 required to be retained pursuant to paragraph (1) of subsection (c), audio and video recording
162 required to be retained pursuant to paragraph (6) of subsection (c) and the affidavit required
163 pursuant to paragraph (4) of subsection (c), shall be retained by the notary public's supervising
164 attorney.

165 (2) Notwithstanding any provision of this section to the contrary, with respect to any
166 document requiring notarization and executed in the course of closing a transaction involving a
167 mortgage or other conveyance of title to real estate, if the principal proves their identity by a
168 government-issued identification credential in accordance with said paragraph (1) of said
169 subsection (c) and the principal is not otherwise personally known to the notary public, the
170 principal shall display a secondary form of identification containing the principal's name to the
171 notary public during the initial video conference, which may contain the principal's photograph,
172 signature or be issued by a government entity. Acceptable secondary forms of identification shall
173 include, but not be limited to, a credit or debit card, a social security card, a municipal tax bill or
174 a utility bill; provided, however, that any such municipal tax or utility bill is dated within 60 days
175 of the first video conference.

176 (3) Nothing in this section shall affect any law or regulation governing, authorizing or
177 prohibiting the practice of law, including, but not limited to, the requirement that the closing of a
178 transaction involving a mortgage or other conveyance of title to real estate may only be
179 conducted by an attorney duly admitted to practice law in the commonwealth.

180 SECTION 7A. (a) As used in this section, the following words shall, unless the context
181 clearly requires otherwise, have the following meanings:

182 “COVID-19”, the outbreak of the novel coronavirus, also known as COVID-19, and
183 subsequent variants.

184 “COVID-19 rule”, an executive order, order of the commissioner of public health,
185 declaration, directive or other state or federal authorization, policy, statement, guidance, rule-
186 making, regulation, or otherwise applicable law that waives, suspends or modifies otherwise
187 applicable state or federal law, regulations or standards regarding either: (i) scope of practice or
188 conditions of licensure, including modifications authorizing health care professionals licensed in
189 another state to practice in the commonwealth; or (ii) the delivery of care, including those
190 regarding the standard of care, the site at which care is delivered or the equipment used to deliver
191 care, during the outbreak of COVID-19.

192 “Health care services”, services provided by a health care facility or health care
193 professional, regardless of location, that involve the: (i) treatment, diagnosis, prevention or
194 mitigation of COVID-19; (ii) assessment or care of an individual with a confirmed or suspected
195 case of COVID-19; or (iii) care of any other individual who presents at a health care facility or to
196 a health care professional during the outbreak of COVID-19.

197 “Damages”, injury or loss of property or personal injury or death, including economic or
198 non-economic losses.

199 “Good faith”, shall, without limitation, include acts or omissions undertaken consistent
200 with the guidelines for crisis standards of care during the COVID-19, issued by the department
201 of public health, and exclude, without limitation: (i) acts or omissions based on race, ethnicity,
202 national origin, religion, disability, sexual orientation or gender identity; (ii) deceptive acts or
203 practices; and (iii) fraud.

204 “Health care facility”, (i) hospitals, including acute and chronic disease rehabilitation
205 hospitals, as licensed under section 51 of chapter 111 of the General Laws; (ii) state hospitals,
206 mental health centers and other mental health facilities under the control of the department of
207 mental health pursuant to section 7 of chapter 19 of the General Laws; (iii) hospitals operated by
208 the department of public health pursuant to section 62I of chapter 111 of the General Laws,
209 section 69E of said chapter 111 and chapter 122 of the General Laws; (iv) psychiatric hospitals,
210 as licensed under section 19 of said chapter 19; (v) skilled nursing facilities, as licensed under
211 section 71 of said chapter 111; (vi) assisted living residences, as defined in section 1 of chapter
212 19D of the General Laws; (vii) rest homes, as referenced in said section 71 of said chapter 111;
213 (viii) community health centers, as defined in 130 CMR 405.000 and mental health centers, as
214 defined in 130 CMR 429.000; (ix) home health agencies that participate in Medicare; (x) clinics,
215 as licensed under said section 51 of said chapter 111; or (xi) sites designated by the
216 commissioner of public health to provide COVID-19 health care services, including, but not
217 limited to, step-down skilled nursing facilities, field hospitals and hotels.

218 “Health care professional”, an individual, whether acting as an agent, volunteer,
219 contractor, employee or otherwise, who is: (i) authorized to provide health care services pursuant
220 to licensure or certification by the board of registration in medicine, the board of registration in
221 nursing, the board of respiratory care, the board of registration of nursing home administrators,
222 the board of registration in pharmacy, the board of registration of physician assistants, the board
223 of allied health professionals, the board of allied mental health and human services professions,
224 the board of registration of social workers or the board of registration of psychologists; (ii) a
225 student or trainee in their approved medical professional services academic training program;
226 (iii) a nursing attendant or certified nursing aide, including an individual who is providing care as

227 part of the individual’s approved nursing attendant or certified nurse aide training program; (iv)
228 certified, accredited or approved under chapter 111C of the General Laws to provide emergency
229 medical services; (v) a nurse or home health aide employed by home health agency that
230 participates in Medicare; (vi) providing health care services within the scope of authority or
231 license permitted by a COVID-19 rule; or (vii) a health care facility administrator, executive,
232 supervisor, board member, trustee or other person responsible for directing, supervising or
233 managing a health care facility or its personnel.

234 “Volunteer organization”, an organization, company or institution that makes its facility
235 available to support the commonwealth’s response and activities during the outbreak of COVID-
236 19.

237 (b) Notwithstanding any general or special law to the contrary, except as provided in
238 subsection (c), health care professionals and health care facilities shall be immune from suit and
239 civil liability for any damages alleged to have been sustained by an act or omission by the health
240 care professional or health care facility in the course of providing health care services during the
241 outbreak of COVID-19; provided, however, that: (i) the health care facility or health care
242 professional is arranging for or providing health care services pursuant to a COVID-19 rule and
243 in accordance with otherwise applicable law; (ii) arranging for or providing care or treatment of
244 the individual was impacted by the health care facility’s or health care professional’s decisions or
245 activities in response to treatment conditions resulting from the outbreak of COVID-19 or
246 COVID-19 rules; and (iii) the health care facility or health care professional is arranging for or
247 providing health care services in good faith.

248 (c) The immunity provided in subsection (b) shall not apply: (i) if the damage was caused
249 by an act or omission constituting gross negligence, recklessness or conduct with an intent to
250 harm or to discriminate based on race, ethnicity, national origin, religion, disability, sexual
251 orientation or gender identity by a health care facility or health care professional providing health
252 care services; (ii) to consumer protection actions brought by the attorney general; or (iii) to false
253 claims actions brought by or on behalf of the commonwealth.

254 (d) Notwithstanding any general or special law to the contrary, a volunteer organization
255 shall be immune from suit and civil liability for any damages occurring in or at the volunteer
256 organization's facility where the damage arises from use of the facility for the commonwealth's
257 response and activities related to the outbreak of COVID-19, unless it is established that the
258 damages were caused by the volunteer organization's gross negligence, recklessness or conduct
259 with an intent to harm.

260 SECTION 8. (a) Notwithstanding any general or special law to the contrary, subsections
261 (b) and (c) of section 91 of chapter 32 of the General Laws shall not apply in calendar year 2022
262 to the following 2 categories of persons for hours worked and earnings received during the
263 outbreak of the 2019 novel coronavirus, also known as COVID-19, and subsequent variants:

264 (i) any person who has been retired and who is receiving a pension or retirement
265 allowance, pursuant to said chapter 32 or any other general or special law, from the
266 commonwealth or a county, city, town, district or authority; or

267 (ii) any person whose employment in the service of the commonwealth or a county, city,
268 town, district or authority has been terminated, pursuant to said chapter 32 or any other general
269 or special law, by reason of having attained an age specified in a general or special law or by the

270 rules and regulations of any department or agency of the commonwealth or a county, city, town,
271 district or authority without being entitled to any pension or retirement allowance.

272 These 2 categories of persons may, during calendar year 2022 and subject to all other
273 laws, rules and regulations governing the employment of persons in the commonwealth or a
274 county, city, town, district or authority, be employed in the service of the commonwealth or a
275 county, city, town, district or authority, including as a consultant or independent contractor or as
276 a person whose regular duties require that such person's time be devoted to the service of the
277 commonwealth, county, city, town, district or authority during regular business hours.

278 (b) This section shall not apply to individuals retired under a general or special law on
279 disability.

280 SECTION 8A. (a) Notwithstanding section 13 of chapter 39 of the General Laws or any
281 other general or special law, charter provision or by-law to the contrary, a town may act by vote
282 of its select board or board of selectmen, in consultation and with the approval of the town
283 moderator, to prescribe the number of voters necessary to constitute a quorum at any town
284 meeting held during the outbreak of the 2019 novel coronavirus, also known as COVID-19, and
285 subsequent variants, at a number that is less than the number that would otherwise be required by
286 law, town by-law or town charter; provided, however, that the number of voters necessary to
287 constitute a quorum shall not be less than 10 per cent of the number that would otherwise be
288 required.

289 (b) The select board or board of selectmen shall publish notice of its intention to consider
290 an adjustment of town meeting quorum requirements under this section not less than 7 days
291 before the vote of the select board or board of selectmen. The select board or board of selectmen

292 shall provide for adequate means of public access that will allow interested members of the
293 public to clearly follow the deliberations of the select board or board of selectmen on making a
294 quorum adjustment as those deliberations are occurring.

295 (c) Not less than 10 days after a vote of the select board or board of selectmen to adjust
296 the quorum requirement under this section, the town clerk shall notify the attorney general of the
297 adjusted quorum requirement.

298 (d) All actions taken pursuant to this section are hereby ratified, validated and confirmed
299 to the same extent as if the town meeting had been conducted in accordance with all other
300 applicable laws, charter provisions, ordinances and by-laws.

301 SECTION 8B. (a) Notwithstanding any general or special law, charter provision,
302 ordinance or by-law to the contrary, during the outbreak of the 2019 novel coronavirus, also
303 known as COVID-19, and subsequent variants, if the moderator in a town having a
304 representative town meeting form of government determines that it is not possible to safely
305 assemble the town meeting members and interested members of the public in a common location
306 while complying with any applicable state or local orders, directives or guidance concerning
307 public assemblies, the moderator may request that the select board or board of selectmen of the
308 town call for a representative town meeting to be held through remote participation, including,
309 but not limited to, by means of a video or telephone conferencing platform. Such a request by the
310 moderator to the select board or board of selectmen shall be in writing and shall include, but
311 shall not be limited to: (i) the moderator's determination and request to hold a town meeting
312 through remote participation in accordance with this section; (ii) the video or telephone
313 conferencing platform the moderator has determined to use to hold the town meeting; (iii)

314 confirmation that the moderator has consulted with the local disability commission or
315 coordinator for federal Americans with Disabilities Act compliance; and (iv) a certification by
316 the moderator that: (A) the moderator has tested the video or telephone conferencing platform;
317 and (B) the platform satisfactorily enables the town meeting to be conducted in substantially the
318 same manner as if the meeting occurred in person at a physical location and in accordance with
319 the operational and functional requirements set forth in this section.

320 A video or telephone conference platform used by a town meeting for remote
321 participation under this section shall, at minimum, provide for the ability for: (i) the moderator,
322 town meeting members, town officials and any other interested members of the public to identify
323 and hear the moderator and each town meeting member who attends and participates in the
324 remotely-held town meeting, as well as any other individuals who participate in the remotely-
325 held town meeting; (ii) the ability to determine whether a quorum is present; (iii) a town meeting
326 member, town official or other individual to request recognition by the moderator without prior
327 authorization; provided, however, that to the extent technologically feasible, the request is visible
328 or audible to the public in real time and upon review of the recording of the town meeting
329 proceedings, preserved according to subsection (h); (iv) the moderator to determine when a town
330 meeting member wishes to be recognized to speak, make a motion, raise a point of order or
331 object to a request for unanimous consent; (v) the moderator to recognize a town meeting
332 member, town official or other individual to speak and to enable that person to speak; (vi) the
333 ability to conduct a roll call vote; (vii) any interested members of the public to access the
334 meeting remotely for purposes of witnessing the deliberations and actions taken at the town
335 meeting; and (viii) the town meeting to be recorded. Registered voters residing in the town
336 wishing to participate in a remote town meeting conducted pursuant to this section shall submit a

337 request to participate to the town clerk not less than 48 hours in advance of the town meeting.
338 Upon receipt of the request and verification of the requester's voter registration status, the clerk
339 shall provide to the requester instructions for participating in the remote town meeting.

340 (b) Not later than 10 business days following receipt of a written request by the
341 moderator for remote participation at a town meeting pursuant to subsection (a), the select board
342 or board of selectmen shall vote to determine if the town meeting shall be held remotely by
343 means of the video or telephone conferencing platform requested by the moderator.

344 (c) If the select board or board of selectmen votes to approve the request of the moderator
345 for remote participation at a town meeting and the select board or board of selectmen has already
346 issued a warrant pursuant to section 10 of chapter 39 of the General Laws calling a town meeting
347 to be held not later than July 15, 2022, the select board or board of selectmen shall, at the same
348 meeting of the board, approve and issue, in consultation with the moderator, a notice that
349 expressly states: (i) that the town meeting shall be held remotely by means of the video or
350 telephone conferencing platform requested by the moderator; (ii) the date and time of the
351 meeting; and (iii) any information necessary for the moderator, town meeting members, town
352 officials and interested members of the public to access and witness the deliberations and actions
353 taken at the town meeting remotely.

354 The notice issued by the select board or board of selectmen shall be: (i) accompanied by
355 the written request of the moderator submitted to the select board or board of selectmen under
356 subsection (a); (ii) filed and posted in accordance with the requirements of subsection (b) of
357 section 10A of chapter 39 of the General Laws; (iii) distributed to each town meeting member;
358 and (iv) publicly posted not less than 10 days before the scheduled date of the remote town

359 meeting. The notice may include a date, time and place for the town meeting to be resumed if the
360 town meeting does not vote to continue the town meeting remotely pursuant to subsection (f).

361 (d) If the select board or board of selectmen votes to approve the request of the moderator
362 for remote participation at a town meeting and the select board or board of selectmen has not yet
363 issued a warrant for a town meeting, the select board or board of selectmen shall approve and
364 issue a warrant pursuant to section 10 of said chapter 39 for the town meeting that expressly
365 states: (i) that the town meeting shall be held remotely by means of the video or telephone
366 conferencing platform requested by the moderator; (ii) the date and time of the meeting; and (iii)
367 any information necessary for the moderator, town meeting members, town officials and
368 interested members of the public to access and witness the deliberations and actions taken at the
369 town meeting remotely.

370 The warrant issued by the select board or board of selectmen shall be: (i) accompanied by
371 the written request of the moderator submitted to the select board or board of selectmen under
372 subsection (a); and (ii) filed in accordance with said section 10 of said chapter 39, all other
373 applicable laws and any relevant provisions of the town charter or by-laws. The warrant may
374 include a date, time and place for the town meeting to be resumed if the town meeting does not
375 vote to continue the town meeting remotely pursuant to subsection (f).

376 (e) Not later than 5 business days after a vote of the select board or board of selectmen to
377 approve the request of the moderator to hold a town meeting remotely pursuant to subsection (c)
378 or (d), the town clerk shall submit certified copies of the vote of the select board or board of
379 selectmen and the written request of the moderator to the attorney general.

380 (f) Prior to taking up any business at a representative town meeting held through remote
381 participation under this section, the town meeting members present and voting at the meeting
382 shall vote on whether or not to commence business at the town meeting remotely by means of
383 the chosen video or telephone conferencing platform. If the town meeting votes to continue
384 conducting the town meeting remotely, then the town meeting shall proceed by remote
385 participation to address the articles included in the warrant. If the town meeting does not vote to
386 continue conducting the town meeting remotely, then the town meeting shall be adjourned to the
387 date, time and place specified in the notice or warrant under subsection (c) or (d). If no date, time
388 and place has been specified in the notice or warrant, the town meeting shall immediately be
389 dissolved without taking any votes on any other matters and the select board or board of
390 selectmen may call the town meeting pursuant to a new warrant that provides for the town
391 meeting to be held in person at a physical location in accordance with said section 10 of said
392 chapter 39, all other applicable laws and provisions of the town charter and by-laws.

393 (g) Any roll call vote taken at a representative town meeting held through remote
394 participation pursuant to this section shall be taken by any means that the moderator determines
395 accurately and securely records the votes of those entitled to vote at the meeting, including, but
396 not limited to, roll call vote, electronic voting, voting by ballot, voting by phone or any
397 combination thereof. The vote of each town meeting member on a roll call vote shall be recorded
398 and kept with the minutes of the town meeting.

399 (h) A representative town meeting held remotely pursuant to this section shall be
400 recorded and the recording shall be preserved and made publicly available on the town's website
401 for not less than 90 days after the conclusion of the remote town meeting.

402 (i) All actions taken during a remote town meeting held pursuant to this section are
403 hereby ratified, validated and confirmed to the same extent as if the town meeting had been
404 conducted in person and such actions are in accordance with all other applicable laws, charter
405 provisions, ordinances and by-laws.

406 SECTION 9. Notwithstanding section 28 of chapter 53 of the General Laws or any other
407 general or special law to the contrary, the state primary in 2022 shall be held on Tuesday,
408 September 6, 2022.

409 SECTION 10. Notwithstanding section 3 of chapter 53 of the General Laws or any other
410 general or special law to the contrary, a person whose name is not printed on the September 6,
411 2022 state primary ballot as a candidate for an office, but who receives sufficient votes to
412 nominate the person for the office, shall file in the office of the state secretary a written
413 acceptance of the nomination and a receipt from the state ethics commission verifying that a
414 statement of financial interest has been filed pursuant to chapter 268B of the General Laws not
415 later than 5:00 P.M. on Thursday, September 8, 2022.

416 SECTION 11. Notwithstanding sections 11, 13 and 53A of chapter 53 of the General
417 Laws and section 5 of chapter 55B of the General Laws or any other general or special law to the
418 contrary, objections to and withdrawals from nominations made at the September 6, 2022 state
419 primary shall be filed with the state secretary not later than 12:00 P.M. on Friday, September 9,
420 2022.

421 SECTION 12. Notwithstanding section 14 of chapter 53 of the General Laws or any other
422 general or special law to the contrary, any vacancies from the September 6, 2022 state primary
423 caused by death, withdrawal or ineligibility under section 11 shall be filled by an executive

424 committee, determined by the state party committee of the same political party who made the
425 original nomination.

426 SECTION 13. Notwithstanding section 15 of chapter 53 of the General Laws or any other
427 general or special law to the contrary, when a nomination is made to fill a vacancy caused by the
428 death, withdrawal or ineligibility of a candidate from the September 6, 2022 state primary, the
429 certificate of nomination shall be on a form prescribed by the state secretary, signed by the
430 executive committee appointed by the state committee of the same political party as provided for
431 in section 12 and filed with the state secretary not later than 5:00 P.M. on Monday, September
432 12, 2022.

433 SECTION 14. Notwithstanding section 135 of chapter 54 of the General Laws or any
434 other general or special law to the contrary, a petition for a recount of the September 6, 2022
435 state primary shall be filed with the appropriate local election officials not later than 5:00 P.M.
436 on Friday, September 9, 2022 and all recounts shall be completed and notice of the results shall
437 be sent to the state secretary not later than 5:00 P.M. on Saturday, September 17, 2022.

438 Petitions for districtwide and statewide recounts of the September 6, 2022 state primary
439 shall be submitted to the appropriate local election officials for certification not later than 12:00
440 P.M. on Friday, September 9, 2022 and local election officials shall complete certification not
441 later than 10:00 A.M. on Tuesday, September 13, 2022. Thereafter, certified petitions shall be
442 filed with the secretary of state not later than 5:00 P.M. on Tuesday, September 13, 2022. If the
443 state secretary determines that the contest is eligible for a statewide or districtwide recount, the
444 state secretary shall notify the local election officials who shall complete the recount and shall

445 notify the state secretary of the results of the recount not later than 5:00 P.M. on Saturday,
446 September 17, 2022.

447 Notwithstanding the provisions of section 135 of chapter 54 of the General Laws, a board
448 of registrars must only provide 2 days' notice of the date, time and location of the recount to
449 each candidate for the office for which the recount has been petitioned. Electronic notice shall be
450 sufficient.

451 SECTION 15. Notwithstanding sections 8 to 10, inclusive, of chapter 55B of the General
452 Laws or any other general or special law to the contrary, the state ballot law commission shall
453 notify candidates of any objections filed to nominations at the September 6, 2022 state primary
454 not later than 5:00 P.M. on Friday, September 9, 2022. Notice of the commission hearings shall
455 be given by telephone and electronic mail. Hearings on objections shall be held on Wednesday,
456 September 14, 2022 and decisions shall be rendered not later than 5:00 P.M. on Monday,
457 September 19, 2022.

458 SECTION 15A. Notwithstanding section 7.08 of chapter 156D of the General Laws or
459 any other general or special law to the contrary, as a result of the outbreak of the 2019 novel
460 coronavirus, also known as COVID-19 and subsequent variants, a public corporation, as
461 referenced in said section 7.08 of said chapter 156D and otherwise consistent with the other
462 provisions of said section or a corporation as defined in section 2 of chapter 180 of the General
463 Laws, may conduct an annual or special meeting of the shareholders solely by means of remote
464 communication.

465 SECTION 15B. Notwithstanding any general or special law or any bylaw of the
466 corporation to the contrary, as a result of the outbreak of the 2019 novel coronavirus, also known

467 as COVID-19, and subsequent variants, and unless the articles of organization provide otherwise,
468 the board of directors of a corporation defined in section 2 of chapter 180 of the General Laws
469 may: (i) provide notice of a meeting of the board of directors: (A) only to those directors it is
470 practicable to reach; and (B) in any practicable manner; (ii) cancel a meeting of the members, as
471 defined in section 2 of said chapter 180, with notice of cancellation given in any practicable
472 manner; (iii) allow a director or officer to continue to serve during the outbreak of COVID-19
473 and subsequent variants and until the director's or officer's successor is elected, appointed or
474 designated; provided, that directors and officers whose term is extended pursuant to this section
475 shall continue to serve until the director's or officer's successor takes office, despite the
476 expiration of a director's or officer's term; (iv) allow a director to participate in a regular or
477 special meeting by, or conduct the meeting through the use of, any means of communication by
478 which all directors participating are able to simultaneously communicate with each other during
479 the meeting; (v) allow members at a meeting of the members to vote in person or by proxy;
480 provided that any member voting by proxy shall be considered present at the meeting for
481 purposes of any quorum requirement; (vi) appoint successors to any of the officers, directors,
482 employees or agents; (vii) relocate the principal office or designate alternative offices; and (viii)
483 allow members to participate in any meeting of members by remote participation, even if not
484 physically present at the meeting. Participation by remote communication at any meeting of the
485 members shall constitute presence at such meeting only if: (i) reasonable measures are
486 implemented to verify that each person deemed present and permitted to vote at the meeting by
487 means of remote communication is a member or proxyholder; (ii) reasonable measures are
488 implemented to provide such members and proxyholders a reasonable opportunity to participate
489 in the meeting and to vote on matters submitted to the members, including an opportunity to read

490 or hear to the proceedings of the meeting substantially concurrently with such proceedings, pose
491 questions and make comments, regardless of whether the members can simultaneously
492 communicate with each other during the meeting; and (iii) if any member or proxyholder votes
493 or takes other action at the meeting by means of remote communication, a record of such vote or
494 other action shall be maintained by the corporation.

495 Directors who participate in a meeting of the board of directors pursuant to this section
496 shall constitute a quorum. In a corporation with members, the corporation shall notify the
497 members, as soon as reasonably practicable, of any action taken by the board of directors
498 pursuant to this section.

499 SECTION 16. Notwithstanding section 7A of chapter 167E of the General Laws, section
500 65C1/2 of chapter 171 of the General Laws or any other general or special law to the contrary,
501 due to the outbreak of the 2019 novel coronavirus, also known as COVID-19, and subsequent
502 variants, written certification from a counselor with a third-party organization that a mortgagor
503 has received counseling via a synchronous, real-time video conference or by telephone in lieu of
504 counseling in person shall satisfy the requirements of clause (ii) of subsection (b) of said section
505 7A of said chapter 167E or clause (ii) of subsection (b) of said section 65C1/2 of said chapter
506 171; provided, however, that the third-party organization shall have been approved by the
507 executive office of elder affairs for purposes of such counseling.

508 SECTION 17. Notwithstanding any general or special law to the contrary, local election
509 officials shall transmit absentee ballots to voters covered under the federal Uniformed and
510 Overseas Citizens Absentee Voting Act, 52 U.S.C. section 20302 et seq., whose applications

511 were received at least 45 days before the November 8, 2022 state election, not later than
512 Saturday, September 24, 2022.

513 SECTION 18. Notwithstanding any general or special law to the contrary, the state
514 secretary may add or change any dates relating to the nominations made at the September 6,
515 2022 state primary that the state secretary considers necessary for the orderly administration of
516 the November 8, 2022 state election by providing notice of the change to the state parties and
517 any affected person, by filing notice with the state secretary's rules and regulations division, by
518 posting on the state secretary's website and by whatever other means the state secretary
519 considers appropriate.

520 SECTION 18A. The special legislative commission established by section 106 of chapter
521 227 of the acts of 2020, as amended by section 93 of chapter 24 of the acts of 2021, is hereby
522 revived and continued to March 1, 2022. The special commission shall file its report pursuant to
523 said section 106 of said chapter 227 with the clerks of the house of representatives and the
524 senate, the house and senate committees on ways and means, the joint committee on education
525 and the joint committee on economic development not later than March 1, 2022.

526 SECTION 19. Section 7 shall take effect as of December 15, 2021. Virtual affirmation,
527 acknowledgment or other notarial acts under chapter 222 of the General Laws that occurred on
528 or after December 15, 2021 and until the effective date of this act shall be deemed valid;
529 provided, that each requirement of chapter 71 of the acts of 2020 was satisfied at the time of the
530 affirmation, acknowledgement or other notarial act.

531 SECTION 19A. Section 7A shall take effect as of November 22, 2021 and shall apply to
532 claims based on acts or omissions that occur or have occurred during the outbreak of COVID-19
533 and shall terminate on February 28th, 2022.

534 SECTION 19B. If sections 8A and 8B are not in effect at least 15 days prior to the date of
535 a scheduled representative town meeting to be held during the outbreak of COVID-19 the actions
536 of a town moderator, select board and town meeting that are substantially consistent with the
537 requirements hereof shall be ratified, validated and confirmed in all respects as if this act had
538 been in place prior thereto.

539 SECTION 19C. Sections 15A and 15B shall take effect as of December 15, 2021.
540 Actions taken at meetings of shareholders and boards of directors on or after December 15, 2021
541 and until the effective date of this act shall be deemed valid; provided, that meetings of
542 shareholders and boards of directors are consistent with sections 15A and 15B.

543 SECTION 20. Sections 7, 8A, 8B, 15A, 15B and 16 are hereby repealed.

544 SECTION 21. Section 20 shall take effect on July 15, 2022.