

SENATE No. 397

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 privacy and expansion.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/30/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/30/2019</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/30/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/31/2019</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/31/2019</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>1/31/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/1/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/1/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>2/1/2019</i>

SENATE No. 397

By Ms. Creem, a petition (accompanied by bill, Senate, No. 397) of Cynthia Stone Creem, David M. Rogers, Mike Connolly, Daniel M. Donahue and other members of the General Court for legislation relative to early voting privacy and expansion. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to early voting privacy and expansion.

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, as appearing in the 2016 Official Edition,
2 is hereby amended by striking section 25B and inserting in its place thereof the following
3 section:-

4 Section 25B. (a) The election officers and registrars of every city or town shall allow any
5 qualified voter, as defined in section 1 of chapter 51, to cast a ballot for any biennial state
6 election, primary, or presidential primary during the early voting period as set forth in this
7 section including, but not limited to, any city or town election held at the same time.

8 (b) The voting period for early voting shall run from the eleventh business day preceding
9 the general election or primary until the close of business on the business day preceding the
10 business day before the election; provided, however, that if the eleventh business day before the
11 election falls on a legal holiday the early voting period shall begin on the first business day prior
12 to the legal holiday.

13 (c) Early voting shall be conducted during the usual business hours of each city or town
14 clerk. A city or town may, in its discretion, provide for additional early voting hours beyond the
15 hours required by this subsection, including weekend hours.

16 (d) Each city and town shall establish an early voting site that shall include the election
17 office for the city or town; provided, however, that if the city or town determines that the office
18 is unavailable or unsuitable for early voting, the registrars of each city or town shall identify and
19 provide for an alternative centrally-located, suitable and convenient public building within each
20 city or town as an early voting site. A city or town may also provide for additional early voting
21 sites at the discretion of the registrars for that city or town. Each early voting site shall be
22 accessible to persons with disabilities.

23 (e) The designation of an early voting site shall be made not less than 30 days prior to the
24 beginning of the voting period established in subsection (b). Not less than 14 days prior to the
25 beginning of the early voting period and at least once during the voting period, the registrars for
26 each city or town shall publish the location of the early voting sites as well as the applicable
27 dates and hours. Notice shall be published in every newspaper listed for the city or town in the
28 New England Newspaper & Press Association and shall also be conspicuously posted in the
29 office of the city clerk or on the principal official bulletin board of each city or town, on any
30 other public building considered necessary, on the city or town's website, if any, and on the
31 website of the state secretary.

32 (f) At least 21 days prior to each biennial state election or other election covered by this
33 section, the state secretary shall deliver to each city or town, in quantities as the state secretary

34 determines necessary, official early voting ballots, similar to the official ballot to be used at the
35 election.

36 (g) An early voting ballot shall be provided to each qualified voter who participates in
37 early voting.

38 (h) A qualified voter casting a ballot at an early voting site shall complete an affidavit
39 under the regulations promulgated pursuant to this chapter, which shall include a notice of
40 penalties under section 26 of chapter 56.

41 (i) Prior to the beginning of early voting, the registrars for each city or town shall prepare
42 a list for the early voting sites, containing the names and residences of all persons qualified to
43 vote at each voting site, as the names and residences appear upon the annual register, and shall
44 reasonably transmit the applicable list to the election officers at each early voting site designated
45 by the registrars.

46 (j) The registrar or presiding official at the early voting site shall cause to be placed on
47 the voting lists opposite the name of a qualified voter who participates in early voting the letters
48 "EV" designating an early voter.

49 (k) The registrars shall prepare lists of all voters casting ballots during the early voting
50 period and update the voter list in a manner prescribed by the state secretary. Early voting ballots
51 are considered cast ballots and are not a public record as outlined in section 109 of Chapter 54.

52 (l) The state secretary shall promulgate regulations to implement this section including,
53 but not limited to, a process for establishing additional early voting locations and a process for
54 receiving, separating, compiling, recording, securing, and tabulating early voter ballots.

55 (m) Section 72 shall not apply to this section; provided, however, that a city or town may
56 opt to detail a sufficient number of police officers or constables for each early voting site at the
57 expense of the city or town to preserve order, protect the election officers and supervisors from
58 any interference with their duties and aid in enforcing the laws relating to elections.

59 (n) No early voting ballot cast under this section shall be counted if the officer charged
60 with the duty of counting the ballot is cognizant of the fact that the voter has died prior to the
61 opening of the polls on the day of the election.

62 (o) After marking their early voting ballot, voters shall deposit ballots directly into a
63 ballot box or tabulator. Tabulation of results will be in accordance with sections 105 and 105A of
64 Chapter 54.

65 (p) Any city or town may at its discretion conduct early voting for a municipal election in
66 accordance with this section.