

# HOUSE . . . . . No. 4762

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, June 1, 2020.

The committee on Election Laws to whom were referred the petition (accompanied by bill, Senate, No. 2653) of Cynthia Stone Creem, Michael J. Barrett, Rebecca L. Rausch, Julian Cyr and other members of the General Court for legislation relative to voting by mail and early voting, the petition (accompanied by bill, Senate, No. 2654) of Rebecca L. Rausch, Adrian C. Madaro, Adam G. Hinds, Nika C. Elugardo and other members of the General Court for legislation to establish vote by mail in 2020, the petition (accompanied by bill, Senate, No. 2709) of Paul R. Feeney for legislation for safe, healthy and inclusive elections, the joint petition (accompanied by bill, House, No. 4699) of Jeffrey N. Roy and Adam G. Hinds for legislation to protect elections, the petition (accompanied by bill, House, No. 4721) of Jeffrey N. Roy, Jon Santiago and Nika C. Elugardo relative to elections and voting, and the petition (accompanied by bill, House, No. 4737) of John J. Lawn, Jr., Michael J. Moran and others relative to safety and participation in the 2020 state elections in response to COVID-19, reports recommending that the accompanying bill (House, No. 4762) ought to pass.

For the committee,

JOHN J. LAWN, JR..

**HOUSE . . . . . No. 4762**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act relative to voting options in response to COVID-19.

*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. Subsection (b) of section 25B of chapter 54 of the General Laws, as  
2 appearing in the 2018 Official Edition, is hereby amended by striking out the last sentence and  
3 inserting in place thereof the following:-

4           No application shall be deemed to be seasonably filed unless it is received in the office of  
5 the city or town clerk or registrars of voters before 5 P.M. on the seventh day preceding the  
6 election.

7           SECTION 2. Said section 25B of said chapter 54, as so appearing, is hereby further  
8 amended by striking out subsection (c) and inserting in place thereof the following subsection:-

9           (c) The voting period for in person early voting shall run from the eleventh business day  
10 preceding the general election until the close of business on the business day preceding the  
11 business day before the election; provided, however, that if the eleventh business day before the  
12 election falls on a legal holiday the early voting period shall begin on the first business day prior  
13 to the legal holiday. The voting period for early voting by mail shall begin as soon as all

14 necessary early voting materials have been received by the local election official pursuant to  
15 subsection (h).

16 SECTION 3. Section 89 of said chapter 54, as so appearing, is hereby amended by  
17 striking out the first paragraph and inserting in place thereof the following paragraph:-

18 Any form of written communication evidencing a desire to have an absent voting ballot  
19 be sent for use for voting at an election shall be given the same effect as an application made in  
20 the form prescribed by the state secretary. No application for an absent voting ballot to be sent by  
21 mail shall be deemed to be seasonably filed unless it is received in the office of the city or town  
22 clerk or registrars of voters on or before the seventh day preceding the election for which the  
23 ballot is being requested; provided, however, that if the seventh day preceding such election is a  
24 Sunday or a legal holiday, then it shall be received by such clerk or registrars before 5 P.M. on  
25 the last previous day on which such office is open. No application for an absent voting ballot to  
26 be voted in person shall be deemed to be seasonably filed unless it is received in the office of the  
27 city or town clerk or registrars of voters on or before noon on the day preceding the election for  
28 which such absent voting ballot is requested; provided, however, that if the day preceding such  
29 election is a Sunday or legal holiday, then it shall be received by such clerk or registrars before 5  
30 P.M. on the last previous day on which such office is open. An application by a voter admitted to  
31 a health care facility after noon of the seventh day before the relevant election, as provided in  
32 subsection (c) of section 91B, may be received up until the time the polls close.

33 SECTION 4. Section 91B of said chapter 54, as so appearing, is hereby amended by  
34 striking out, in line 21, the words “after noon of the fifth” and inserting in place thereof the  
35 following words:- on or after the seventh.

36 SECTION 5. Section 92 of said chapter 54, as so appearing, is hereby amended by  
37 striking out, in line 11, the words “eighty-seven, or” and inserting in place thereof the following  
38 words:- 87; via a secured municipal drop box, where provided; or.

39 SECTION 6. (a) As used in sections 6 to 14, inclusive, the following words shall, unless  
40 the context clearly requires otherwise, have the following meanings:-

41 “Application”, an application to vote early by mail.

42 “Central registry”, the central registry of voters established pursuant to section 47C of  
43 chapter 51 of the General Laws.

44 “General election” or “election”, the general election scheduled for November 3, 2020.

45 “Primary election” or “primary”, the primary election scheduled for September 1, 2020.

46 “Qualified voter” or “voter”, a voter qualified pursuant to section 1 of chapter 51 of the  
47 General Laws.

48 “State secretary,” the secretary of the commonwealth.

49 (b) Notwithstanding section 25B of chapter 54 of the General Laws or any other general  
50 or special law to the contrary, there shall be early voting by mail for the primary election and  
51 general election.

52 (c) The election officers and registrars of every city or town shall allow any qualified  
53 voter to cast an early ballot by mail for the primary election and general election and any city or  
54 town election held at the same time.

55 (d)(1) The state secretary shall, no later than July 15, 2020, mail to all registered voters  
56 who registered to vote before July 15 at their residential addresses listed in the central registry an  
57 application for said voter to be permitted to vote early by mail for the primary election and to  
58 vote early by mail in the general election.

59 (2) The state secretary or the election officers and registrars of every city or town shall  
60 mail to any person registering to vote on or after July 15, 2020 and before October 14, 2020, an  
61 application for said voter to be permitted to vote early by mail for the primary election and to  
62 vote early by mail for the general election.

63 (3) The application required pursuant to this subsection shall be in a form prescribed by  
64 the state secretary in accordance with state and federal law; provided, however, that said  
65 application shall include: (i) clear instructions for completing and returning the application; and  
66 (ii) an envelope that is addressed to the local election official.

67 (4) The application required pursuant to this subsection shall be made available on the  
68 websites of the state secretary and the election officers and registrars of every city or town.

69 (e)(1) A voter wishing to vote early by mail in the primary election shall complete the  
70 application to vote early by mail and shall return said application to the appropriate city or town  
71 clerk. Any form of written communication evidencing a desire to have an early voting ballot be  
72 sent for use for voting for the primary election shall be given the same effect as an application  
73 made in the form prescribed by the state secretary. Applications to vote early by mail for the  
74 primary election shall be acceptable if they are signed or submitted electronically.

75 (2) No application to vote early by mail in the primary election shall be deemed to be  
76 seasonably filed unless it is received in the office of the local election official before noon on  
77 Tuesday, August 25, 2020.

78 (f)(1) A voter wishing to vote early by mail in the general election shall complete the  
79 application and shall return said application to the appropriate city or town clerk. Applications to  
80 vote early by mail for the general election shall be acceptable if they are signed or submitted  
81 electronically.

82 (2) No application to vote early by mail in the general election shall be deemed to be  
83 seasonably filed unless it is received in the office of the local election official before noon on  
84 October 27, 2020.

85 (g) Early voting ballots authorized pursuant to this section shall be mailed by the city or  
86 town clerk to voters as soon as such materials are available; provided, however, that said mailing  
87 shall include: (i) instructions for early voting; (ii) instructions for completing the ballot; (iii) an  
88 inner envelope where the ballot is placed after voting which contains an affidavit of compliance  
89 to be filled out by the voter; and (iv) an outer envelope that is addressed to the local election  
90 official; provided, that a voter who has seasonably filed an application may receive an early  
91 voting ballot in person at the office of the city or town clerk.

92 (h)(1) A voter in receipt of an early voting ballot for the primary election pursuant to this  
93 section may complete and return the ballot by: (i) delivering it in person to the office of the  
94 appropriate city or town clerk; (ii) dropping it in a secured municipal drop box; or (iii) mailing it  
95 to the appropriate city or town clerk.

96 (2) A voter in receipt of an early voting ballot for the general election pursuant to this  
97 section may complete and return the ballot by: (i) delivering it in person to the office of the  
98 appropriate city or town clerk; (ii) dropping it in a secured municipal drop box; or (iii) mailing it  
99 to the appropriate city or town clerk.

100 (i) All early voting ballots submitted by mail, delivered in person to the office of the city  
101 or town clerk or to a secured municipal drop box as provided by this section shall be received by  
102 the city or town clerk before the hour fixed for closing the polls on the day of the primary  
103 election or general election.

104 SECTION 7. (a) Notwithstanding section 25B of chapter 54 of the General Laws or any  
105 other general or special law to the contrary, there shall be early voting in person for the primary  
106 election and the general election.

107 (b) (1) The election officers and registrars of every city or town shall allow any qualified  
108 voter to cast an early ballot in person for the primary election during the early voting period,  
109 which shall begin on Saturday, August 22, 2020 and end on Friday, August 28, 2020. Early  
110 voting in person shall also apply to any city or town election held at the same time.

111 (2) The election officers and registrars of every city or town shall allow any qualified  
112 voter to cast a ballot in person for the general election during the early voting period, which shall  
113 begin on Saturday, October 17, 2020 and end on Friday, October 30, 2020. Early voting in  
114 person shall also apply to any city or town election held at the same time.

115 (3) Any qualified voter wishing to vote early in person in the primary or general election  
116 may do so at the time, manner and location prescribed in this section.

117 (c)(1) Early voting in person for the primary election shall be conducted on Saturday,  
118 August 22, 2020 and Sunday, August 23, 2020, as follows: (i) for municipalities with fewer than  
119 5,000 registered voters, for a period of a minimum of 2 hours each day; (ii) for municipalities  
120 with 5,000 or more registered voters but fewer than 20,000 registered voters, for a period of a  
121 minimum of 4 hours each day; (iii) for municipalities with 20,000 or more registered voters but  
122 fewer than 40,000 registered voters, for a period of a minimum of 5 hours each day; (iv) for  
123 municipalities with 40,000 or more registered voters but fewer than 75,000 registered voters, for  
124 a period of a minimum of 6 hours each day; and (v) for municipalities with 75,000 or more  
125 registered voters, for a period of a minimum of 8 hours each day. For each other day during the  
126 early voting period, early voting shall be conducted during the usual business hours of each city  
127 or town clerk. A city or town may, in its discretion, provide for additional early voting hours  
128 beyond the hours required by this paragraph.

129 (2) Early voting for the general election shall be conducted on Saturday, October 17,  
130 2020, Sunday, October 18, 2020, Saturday, October 24, 2020 and Sunday, October 25, 2020 as  
131 follows: (i) for municipalities with fewer than 5,000 registered voters, for a period of a minimum  
132 of 2 hours each day; (ii) for municipalities with 5,000 or more registered voters but fewer than  
133 20,000 registered voters, for a period of a minimum of 4 hours each day; (iii) for municipalities  
134 with 20,000 or more registered voters but fewer than 40,000 registered voters, for a period of a  
135 minimum of 5 hours each day; (iv) for municipalities with 40,000 or more registered voters but  
136 fewer than 75,000 registered voters, for a period of a minimum of 6 hours each day; and (v) for  
137 municipalities with 75,000 or more registered voters, for a period of a minimum of 8 hours each  
138 day. For each other day during the early voting period, early voting shall be conducted during the



139 usual business hours of each city or town clerk. A city or town may, in its discretion, provide for  
140 additional early voting hours beyond the hours required by this paragraph.

141 (d)(1) Each city and town shall establish an early voting site for the primary election and  
142 an early voting site for the general election that shall include the election office for the city or  
143 town; provided, however, that if the city or town determines that the office is unavailable or  
144 unsuitable for early voting in either the primary election or general election, the registrars of each  
145 city or town shall identify and provide for an alternative centrally-located, suitable and  
146 convenient public building within that city or town as an early voting site. A city or town may  
147 also provide for additional early voting sites for the primary election or general election at the  
148 discretion of the registrars for that city or town. Each early voting site shall be accessible to  
149 persons with disabilities.

150 (2) The designation of early voting sites for the primary election shall be made no later  
151 than August 7, 2020. No later than August 14, 2020, and at least once during the voting period,  
152 the registrars for each city or town shall post the location of the early voting sites as well as the  
153 applicable dates and hours. Notice shall be conspicuously posted: (i) in the office of the city or  
154 town clerk or on the principal official bulletin board of each city or town (ii); on any other public  
155 building considered necessary; (iii) on the city or town's website, if any; and (iv) on the website  
156 of the state secretary.

157 (3) The designation of early voting sites for the general election shall be made no later  
158 than October 2, 2020. No later than October 9, 2020, and at least once during the voting period,  
159 the registrars for each city or town shall post the location of the early voting sites as well as the  
160 applicable dates and hours. Notice shall be conspicuously posted: (i) in the office of the city or

161 town clerk or on the principal official bulletin board of each city or town; (ii) on any other public  
162 building considered necessary; (iii) on the city or town's website, if any; and (iv) on the website  
163 of the state secretary.

164 (e) A qualified voter voting early in person shall be provided with a ballot and an  
165 envelope where the ballot is placed after voting which contains an affidavit of compliance to be  
166 filled out by the voter. A qualified voter voting early in person shall complete an affidavit under  
167 the regulations promulgated pursuant to this act, which shall include a notice of penalties under  
168 section 26 of chapter 56 of the General Laws.

169 (f) Prior to the beginning of early voting, the registrars for each city or town shall prepare  
170 a list for the early voting sites, containing the names and residences of all persons qualified to  
171 vote at each voting site, as the names and residences appear upon the annual register, and shall  
172 reasonably transmit the applicable list to the election officers at each early voting site designated  
173 by the registrars.

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

177 (h) The registrars shall prepare lists of all voters casting ballots pursuant to this section or  
178 section 6 during the early voting period and update the voter list in a manner prescribed by the  
179 state secretary.

180 (i) A city or town may opt to detail a sufficient number of police officers or constables  
181 for each early voting site for the primary election at the expense of the city or town to preserve

182 order, protect the election officers and supervisors from any interference with their duties and aid  
183 in enforcing the laws relating to elections.

184 (j) No early voting ballot cast under this section or section 6 shall be counted if the  
185 officer charged with the duty of counting the ballot is cognizant of the fact that the voter has died  
186 prior to the opening of the polls on the day of the primary election.

187 SECTION 8. (a) No later than August 3, 2020, the state secretary shall deliver to each  
188 city or town, in quantities as the state secretary determines necessary, the following papers: (i)  
189 official absentee and early voting ballots for the primary election, similar to the official ballot to  
190 be used at the primary election; (ii) envelopes of sufficient size to contain the ballots specified in  
191 clause (i) bearing on their reverse the voter's affidavit in compliance with the requirements of  
192 subsection (j) of section 25B of chapter 54 of the General Laws; (iii) return envelopes for any  
193 ballot requested for voting by mail pre-addressed to the local election official; and (iv)  
194 instructions for voting by mail to be sent to each voter who requests to cast a ballot by mail.

195 (b) No later than October 9, 2020, the state secretary shall deliver to each city or town, in  
196 quantities as the state secretary determines necessary, the following papers: (i) official absentee  
197 and early voting ballots, for the general election, similar to the official ballot to be used at the  
198 general election; (ii) envelopes of sufficient size to contain the ballots specified in clause (i)  
199 bearing on their reverse the voter's affidavit in compliance with the requirements of subsection  
200 (j) of said section 25B of said chapter 54; (iii) return envelopes for any ballot requested for  
201 voting by mail pre-addressed to the local election official; and (iv) instructions for voting by mail  
202 to be sent to each voter who requests to cast a ballot by mail.

203 SECTION 9. (a) Sections 37 and 38 of chapter 53 of the General Laws shall apply to  
204 unenrolled voters and voters enrolled in political designations voting early in the primary  
205 election. The registrar or presiding official at the early voting site shall cause the name of the  
206 party of the ballot being voted to be recorded on the voting list. Once the party selection has been  
207 recorded on the voting list, a voter cannot request or vote on the ballot of another party.

208 (b) The counting of early voting ballots including, but not limited to, informing election  
209 officers and any challengers present under section 85A of chapter 54 of the General Laws shall  
210 be set by 950 C.M.R. § 47.00, so far as applicable. All envelopes referred to in this section shall  
211 be retained with the ballots cast at the primary election and shall be preserved and destroyed in  
212 the manner provided by law for the retention, preservation or destruction of official ballots.

213 (c) The provisions of 950 C.M.R. § 47.00 shall apply to early voting at the primary  
214 election to the extent feasible; provided, however, that the state secretary shall promulgate rules  
215 to accommodate the dates set forth herein.

216 SECTION 10. Notwithstanding section 25B of chapter 54 of the General Laws or any  
217 other general or special law to the contrary, the election officers and registrars of every city or  
218 town shall allow any qualified voter to vote early by mail for any city or town election held on or  
219 before December 31, 2020.

220 SECTION 11. Notwithstanding section 24 of chapter 54 of the General Laws or any other  
221 general or special law to the contrary, the select board, board of selectmen, town council or city  
222 council may vote to change any polling place to be used at the primary election or the general  
223 election at least 10 days prior to the date of the primary election or general election. If the select  
224 board, board of selectmen, town council or city council determine that the public convenience

225 would be better served, they may house all polling places in a single building within the  
226 municipality, if such building is suitably equipped. In cities, the city council may designate  
227 polling places in non-adjacent precincts if they determine the public convenience would be better  
228 served. When the polling places have been designated pursuant to this section, the board of  
229 registrars shall post on the municipal website and at other such places as it may determine, a  
230 description of the polling places and shall notify voters by using an electronic means, to the  
231 extent available, such as via email or reverse 911 call.

232 SECTION 12. Notwithstanding section 29 of chapter 53 of the General Laws and  
233 sections 11, 11B, 12 and 13 of chapter 54 of the General Laws or any other general or special  
234 law to the contrary, for the primary election and general election, the town or city clerk, mayor,  
235 select board, board of selectmen or other appointing authority may appoint election officers  
236 without regard to political party membership, voter status, residence in the city or town or  
237 inclusion on a list filed by a political party committee pursuant to said sections 11B and 12 of  
238 said chapter 54.

239 SECTION 13. Notwithstanding sections 67 and 83 of chapter 54 of the General Laws or  
240 any other general or special law to the contrary, for the primary election and general election, the  
241 city or town clerk may eliminate the requirement that a voter provide their name or residence to  
242 an election officer at the ballot box and that the election officer mark the name off a voting list  
243 before the voter may deposit the ballot in the ballot box.

244 SECTION 14. Notwithstanding any general or special law to the contrary, the state  
245 secretary, in consultation with the registry of motor vehicles, shall implement a system to allow a  
246 qualified voter to request an early or absentee ballot on the secretary of state's website, to be

247 mailed to the qualified voter's home address or, at the qualified voter's request, to receive at the  
248 office of the town or city clerk. No later than August 15, 2020, if the state secretary is unable to  
249 complete such a system, the state secretary shall submit to the house and senate chairs of the  
250 joint committee on election laws, a report detailing the efforts taken and progress made on the  
251 implementation of such system for qualified voters.

252 SECTION 15. For an election held on or before December 31, 2020, any person taking  
253 precaution related to COVID-19 in response to a declared state of emergency or from guidance  
254 from a medical professional, local or state health official or any civil authority shall be deemed  
255 to be unable by reason of physical disability to cast their vote in person at a polling location.

256 SECTION 16. Notwithstanding sections 25B and 89 of chapter 54 of the General Laws or  
257 any other general or special law to the contrary, applications for early and absentee ballots for all  
258 elections held on or before December 31, 2020 shall be acceptable if they are signed or  
259 submitted electronically; provided, that any electronic signature shall be written in substantially  
260 the same manner as a handwritten signature.

261 SECTION 17. Notwithstanding any other general or special law to the contrary,  
262 subsection (c) of section 91B of chapter 54 of the General Laws shall apply to voters who have  
263 been instructed by a medical professional or a local or state health official to self-quarantine in  
264 their home beginning after noon on the seventh day before the any election held on or before  
265 December 31, 2020.

266 SECTION 18. The state secretary shall promulgate emergency regulations for the  
267 administration and enforcement of this act including, after consulting with the commissioner of  
268 the department of public health, regulations requiring public health safeguards at early voting

- 269 sites and polling places, including required distancing of voters and election officers, frequent
- 270 use of sanitizers, appropriate clothing and use of marking pens.