

**HOUSE . . . . . No. 689**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Steven M. Walsh**

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*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 passage of the accompanying bill:

An Act to establish early voting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven M. Walsh	11th Essex
Carl M. Sciortino, Jr.	34th Middlesex
Patricia D. Jehlen	Second Middlesex
Denise Provost	27th Middlesex
Thomas M. Stanley	9th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 711 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT TO ESTABLISH EARLY VOTING.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 54 of the Massachusetts General Laws, as appearing in the 2006 Official Edition, is  
2 hereby amended by inserting the following provisions:

3 (a) Pursuant to a request, in person, by a qualified voter, as defined by Section 1 of Chapter 51 of the  
4 General Laws, the local election officers and registrars of every city or town shall allow any qualified  
5 voter to cast a ballot for any biennial state election, special state election, primary, or special primary  
6 prior to an election day. Cities and towns may also provide for early voting in elections not held in  
7 conjunction with State elections.

8 (b) Early voting shall begin on the 14<sup>th</sup> day preceding an election. The early  
9 voting period shall end on the day preceding an election. In case of a special election the early voting  
10 period shall begin on the 8<sup>th</sup> day preceding an election and shall end on the day preceding an election.

11 (c) In order to allow for early voting, the registrars of each city or town shall identify and provide for at  
12 least one centrally-located and convenient polling location within each city or town for use during the  
13 early voting period. The designation of an early voting polling location must be made 30 days in

14 advance of the election. The location and hours of the polling location are within the discretion of the  
15 registrars of each city or town. However, each early voting polling location must be open for eight hours  
16 on each weekday during the early voting period. The polling location must be open for an aggregate of  
17 eight hours each weekend during the early voting period. Further, the polling location shall be accessible  
18 to persons with disabilities and  
19 suitable voting machines shall be made available to all qualified voters.

20 (d) The registrars for each city or town shall publish the location of the early voting polling place as well  
21 as the applicable dates and hours. Said publication shall occur during the week prior to the  
22 commencement of the early voting period and at least once a week during the early voting period. Notice  
23 of the dates and hours of early voting shall be sent to every newspaper listed in the Directory of New  
24 England Newspapers and Periodicals, located in such town or city. Notice of the dates and hours of early  
25 voting shall also be conspicuously posted in the office of the city clerk or on the principal official bulletin  
26 board of each city or town and any other public building deemed necessary.

27 (e) The secretary of state must provide a sufficient number of early voting ballots and Early Voting  
28 Certificates to the registrars of each city or town for use during the early voting period. The early voting  
29 ballots shall be similar to the official ballots used on the Election Day with the exception that they shall  
30 be printed on paper differing in color from that used for the official or absentee ballot. The ballots and  
31 Early Voting Certificates must be delivered to the registrars of each city or town 30 days in advance of  
32 the early voting period.

33 (f) Early voting ballots and Early Voter Certificates shall be provided to each qualified voter who  
34 participates in early voting.

35 (g) Qualified voters shall sign, under the pains of perjury, an Early Voter Certificate, swearing that they  
36 are voting under their legal name and address and that they will not partake in any fraudulent activities  
37 while participating in the early voting period. The Early Voting Certificate will also require qualified

38 voters to provide their ward and precinct information. In order to facilitate the organization of ballots by  
39 ward and precinct on election night, the Early Voting Certificate shall be attached to the sealed early  
40 voting ballot. The Early Voting Certificate shall have the following form:

41 EARLY VOTING VOTER CERTIFICATE

42 I, \_\_\_\_\_, am a qualified elector in this election and registered voter of \_\_\_\_\_ County, Massachusetts. I do  
43 solemnly swear or affirm that I am the person so listed on the voter registration rolls of \_\_\_\_\_ County and  
44 that I reside at the listed address. I understand that if I commit or attempt to commit fraud in connection  
45 with voting, vote a fraudulent ballot, or vote more than once in an election I could be convicted of a  
46 felony of the third degree and both fined up to \$5,000 and imprisoned for up to 5 years. I understand that  
47 my failure to sign this certificate invalidates my ballot.

48 (h) In compliance with Section 60 of Chapter 51 of the General Laws, before the commencement of the  
49 early voting period, the registrars for each city or town shall prepare a list for the early voting polling  
50 location, containing the names and residences of all persons qualified to vote therein, as the same appear  
51 upon the annual register, and shall reasonably transmit the same to the election officers at every polling  
52 location designated by the registrars.

53 (i) The presiding election officer at the early voting polling location shall cause to be placed on the  
54 voting lists opposite the name of any qualified voter who participates in early voting the letters in capital  
55 EV designating an early voter.

56 (j) At the end of each day during the early voting period, the presiding election officer must separate,  
57 compile, and record the early ballots cast at each polling location into the appropriate ward and precinct.  
58 The resulting list of early voters shall be updated daily and saved electronically. By 5:00 pm on the day  
59 before the Election Day, the list shall be forwarded to the appropriate ward and precinct location.

60 (k) Sections 65, 66, 72, 73 and 75 of chapter 54, governing the conduct of elections shall apply to the  
61 conduct of polling locations during early elections.

62 (l) The ballot boxes for early voting shall be sealed and locked each night and maintained securely by the  
63 election officers.

64 (m) The registrars for each city or town shall designate a location for the counting of early and absentee  
65 ballots. The early and absentee ballots shall be opened at the close of all polling locations on Election  
66 Day. All totals shall be added to the totals at the relevant wards and precincts.