

HOUSE No. 765

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel Cahill

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 increasing voting opportunities in Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>2/18/2021</i>

HOUSE No. 765

By Mr. Cahill of Lynn, a petition (accompanied by bill, House, No. 765) of Daniel Cahill relative to increasing voting opportunities and establishing an advisory committee (including members of the General Court) on the implementation of accessible vote by mail. Election Laws.

The Commonwealth of Massachusetts

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

An Act relative to increasing voting opportunities in Massachusetts.

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. Section 1 of chapter 51 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out the last sentence and inserting in place
3 thereof the following sentence:- A person otherwise qualified to vote for national or state
4 officers, but who has not registered in accordance with the provisions of section 26 of this
5 chapter shall be eligible to register under section 34A.

6 SECTION 2. Section 1F of chapter 51 of the General Laws is hereby repealed.

7 SECTION 3. Said chapter 51, as so appearing, is hereby amended, by striking out section
8 3, as so appearing, and inserting in place thereof the following section: -

9 Section 3. For all elections and primaries, a person shall be registered and may vote in the
10 voting precinct where he resides; provided, however, that any registered voter of a city or town
11 who moves to any other precinct in said city or town or to another city or town may register to

12 vote at his new address by making written application to the city or town clerk no later than the
13 close of registration or in accordance with the provisions of section 34A of this chapter. A new
14 resident of the city or town may also, upon like application, be registered at the new address by
15 making written application to the city or town clerk no later than the close of registration or in
16 accordance with the provisions of section 34A. The city or town clerk shall forthwith notify each
17 voter making any such written application that the same has been received and that he may vote,
18 subject to the provision of this section regarding the close of registration, in the precinct into
19 which he has moved or in accordance with provisions of section 34A.

20 SECTION 4. Section 26 of said chapter 51, as so appearing, is hereby amended by
21 striking out, in lines 9 and 10, the words “eight o’clock in the evening” and inserting in place
22 thereof, in each instance, the following figure:- 5:00 p.m.

23 SECTION 5. Section 26 of said chapter 51, as so appearing, is hereby further amended by
24 striking the last sentence.

25 SECTION 6. Said chapter 51 is hereby further amended by striking out section 28, as so
26 appearing, and inserting in place thereof the following section: -

27 Section 28. Registrars shall hold a continuous session from 9:00 a.m. until 5:00 p.m. on
28 the last day for registration prescribed under section 26. For those towns having less than 1,500
29 voters, such session shall be sufficient if it includes the time from 9:00 a.m. until 11:00 a.m. and
30 from 3:00 p.m. until 5:00 p.m.

31 SECTION 7. Said chapter 51 is hereby further amended by striking out section 34, as
32 appearing in the 2016 Official Edition, and inserting in place thereof the following section: -

33 Section 34. Except as otherwise provided in section 34A, after 5:00 p.m. of a day on
34 which registration is to cease, the registrars shall not register any person to vote in the next
35 election, except that they shall furnish, or cause to be furnished, to each person waiting in line at
36 the hour of 5:00 pm for the purpose of being registered, a card or slip of identification bearing
37 such person's name and shall, before registration ceases, permit such person to register.

38 SECTION 8. Said chapter 51 is hereby further amended by inserting after section 34 the
39 following section: -

40 Section 34A. (a) An individual who is eligible to vote may register on the day of an
41 election by appearing in person at the appropriate polling place for the precinct in which they
42 reside, during the hours in which polls are open for voting, by completing a registration
43 application in a form prescribed by the state secretary which complies with identity requirements
44 of 52 U.S.C. section 21083, by presenting to the appropriate election official proof of residency
45 and by making a written oath which shall be as follows: I certify that I: am a citizen of the United
46 States; am at least 18 years old; am not under guardianship that prohibits me from registering
47 and/or voting or otherwise prohibited from voting; am not temporarily or permanently
48 disqualified by law because of corrupt practices in respect to elections; have not and will not vote
49 in any other location within the Commonwealth or elsewhere; have read and understand this
50 statement: I further understand that giving false information is a felony punishable by not more
51 than 5 years imprisonment or a fine of not more than \$10,000, or both.

52 (b) For purposes of this section, the term "proof of residence" shall mean 1 of the
53 following, so long as it includes the name of the applicant and the address from which he or she
54 is registering:

55 (i) a valid photo identification including, but not limited to, a Massachusetts driver's
56 license or other state-issued identification card; or

57 (ii) other documentation demonstrating the name and address where the applicant
58 maintains residence and seeks to register including, but not limited to, a copy of a current utility
59 bill, bank statement, government check, residential lease agreement, wireless telephone
60 statement, paycheck, other government document or correspondence, a current student fee
61 statement or other document from a post-secondary educational institution that verifies the
62 student's current address.

63 (c) Upon meeting the identity requirements of subsection (a), production of proof of
64 residence, and the making of an oath sufficient to support registration, the ballot clerk or his
65 designee shall permit the applicant to vote in that election. Any person who registers to vote on
66 the day of an election in accordance with this section shall, absent disqualification, be registered
67 to vote at all subsequent primaries and elections.

68 (d) A registrant who fails to present suitable identification shall be permitted to cast a
69 provisional ballot pursuant to the provisions of section 76C of chapter 54, but shall be required to
70 return within two business days after a state primary or municipal election or within six days
71 following a state election to present sufficient identification to the local election officials in order
72 for the local election officials to determine that the registrant is qualified to vote in such election
73 and whether to count the provisional ballot.

74 (e) Not less than seven days prior to any election, the registrars for each city or town
75 shall publish all polling locations and the applicable dates and hours. Notice shall be
76 conspicuously posted in the office of the local election officials or on the principal official

77 bulletin board of each city or town, on any other public building considered necessary, on the
78 city or town's website, if any, and on the website of the state secretary.

79 (f) The state secretary shall make available to the election officers at each polling
80 location, to the extent possible, access to the statewide list of registered voters as contained in the
81 central registry of voters set forth in section 47C.

82 (g) The local election officials may correct information supplied by the registrant to
83 the extent necessary to maintain the integrity of their records. If an affidavit is incomplete or if it
84 appears from the facts set forth in the affidavit that the registrant is not qualified to register as a
85 voter, the local election officials shall proceed in accordance with the provisions of section forty-
86 seven.

87 (h) As soon as practicable after the election, but not more than thirty days after the
88 election, the registrars shall add the registrant's name, address, and effective date of registration
89 to the annual register of voters.

90 (i) This section shall not apply to an individual seeking to register to vote in any
91 town for the purposes of voting at annual town meeting or special town meeting.

92 (j) A registered voter shall not re-register on the day of a primary or election for the
93 exclusive purpose of altering his party affiliation.

94 (k) The state secretary shall adopt regulations to implement the relevant provisions of
95 this chapter.

96 (l) Upon credible information or allegation of illegal voter registration, or credible
97 information or allegation of illegal multiple voting, there shall be an investigation upon the

98 merits of said information or allegation by the attorney general, or by the district attorney having
99 jurisdiction over the municipality in which the alleged illegal registration or illegal multiple
100 voting occurred. Nothing in this subsection shall be construed as excluding enforcement of this
101 section by any means otherwise provided by law.

102 (m) Violations of this section shall be punishable under sections 8, 26 and 27, of
103 chapter 56.

104 SECTION 9. Said chapter 51 is hereby further amended by striking out section 47C, as so
105 appearing, and inserting in place thereof the following section: -

106 Section 47C. Subject to appropriation, the state secretary shall maintain a central registry
107 of voters which shall contain the names, addresses and effective dates of registration of all
108 registered voters in the commonwealth and which shall contain the name, date of birth,
109 occupation, veteran status, nationality, if not a citizen of the United States, for street list purposes
110 only, and residence on January first in the preceding year and in the current year, of every person
111 three years of age or older in the commonwealth as provided by registrars. The registrars shall
112 enter and maintain all the information required. The secretary of the commonwealth shall adopt
113 regulations governing the operation of said central registry. The names and addresses of voters
114 and any other information contained in said central registry shall not be a matter of public record;
115 provided however, that such information shall be available upon execution of a license
116 agreement to state party committees, statewide candidate committees, state ballot question
117 committees, the jury commissioner, adjutant general and any other individual, agency or entity
118 that the state secretary shall designate by regulation consistent with the purposes of this section,

119 at a fair and reasonable cost not to exceed the cost of printing or preparing computer readable
120 documents.

121 SECTION 10. Section 28 of chapter 53 of the General Laws, as appearing in the 2018
122 Official Edition, is hereby amended by striking the first two sentences and inserting in place
123 thereof the following: -

124 State primaries shall be held on the third Tuesday in August preceding biennial state
125 elections and on the fourth Tuesday preceding special state elections, except that primaries
126 before special elections for senator or representative in congress shall be held on the eighth
127 Tuesday preceding said elections. If a religious holiday falls on or immediately before the third
128 Tuesday in August in an even-numbered year, the state primary shall be held on a date set by the
129 state secretary within 7 days of the third Tuesday in August.

130 SECTION 11. Chapter 54 of the General Laws, as appearing in the 2018 Official Edition,
131 is hereby amended by striking section 14 and inserting in place thereof the following: -

132 Section 14. For any primary or election, if the city or town clerk determines in writing
133 that there is a deficiency in the number of required election officers within six weeks of the
134 primary or election, then the appointing authority may appoint election officers without regard to
135 political party membership, voter status, residence in the city or town or inclusion on a list filed
136 by a political party committee pursuant to said sections 11B and 12 of said chapter 54. If the
137 position of the warden, clerk or inspector, or the deputy of any such officer, if any, is vacant
138 within the 3 weeks preceding any primary or general election, the city or town clerk may fill the
139 vacancy by appointing a competent person willing to serve, without regard to political party

140 membership, voter status, residence in the city or town or inclusion on a list filed by a political
141 party committee pursuant to said sections 11B and 12 of said chapter 54.

142 SECTION 12. Section 24 of chapter 54 of the General Laws, as appearing in the 2018
143 Official Edition, is hereby amended by striking and inserting in place thereof the following: -

144 Section 24. The select board, board of selectmen, town council or city council shall, by
145 recorded and public vote, except where charters provide otherwise, designate the polling place
146 for each voting precinct twenty days at least before the biennial state or annual or biennial city
147 election and ten days at least before any special election of a state or city officer therein and
148 cause it to be suitably fitted up and prepared therefor. It shall be in a public, orderly, and
149 convenient portion of the precinct; provided, however that if the aldermen or selectmen
150 determine that the public convenience would be better served, the city council may designate a
151 polling place in an adjacent precinct of a city, and the selectmen may designate a polling place in
152 another precinct of a town or may house all polling places in a single building within the town.

153 In any city or town, if the polling places for two or more precincts are located in the same
154 building and the total number of registered voters in any such two or more precincts does not
155 exceed three thousand, only one set of election officers need be appointed for such precincts, but
156 separate ballot boxes and voting lists for each precinct shall be used. If the select board, board of
157 selectmen or town council determines that the public convenience or public health would be
158 better served, they may house all polling places in a single building within the municipality, if
159 such building is suitably equipped. If, in a town of five precincts or less, all of which are located
160 in one building, the selectmen so vote, only one warden need be appointed to supervise all such
161 precincts, and the number of inspectors shall be determined by the selectmen, without disturbing

162 the balance between the political parties. There shall, however, be one clerk appointed for each
163 such precinct.

164 In cities, the city council may designate polling places in non-adjacent precincts if they
165 determine the public convenience or public health would be better served.

166 When the polling places have been designated pursuant to this section, the board of
167 registrars shall post on the municipal website and at other such places as it may determine, a
168 description of the polling places and shall notify voters by sending notices by mail to each
169 household effected and using an electronic means, to the extent available, such as via email or
170 reverse 911 call.

171 Alcoholic beverages shall not be served or consumed in that portion of a building used as
172 a polling place, during voting hours or while ballots are being counted therein.

173 If an existing polling place becomes unavailable within 20 days of a regular election or
174 within 10 days of a special election, the select board, board of selectmen, town council or city
175 council shall make every effort to locate a suitable location as close to the existing location as
176 possible and shall notify the state secretary as soon as possible. When the polling places have
177 been changed pursuant to this paragraph, the board of registrars shall post on the municipal
178 website and at other such places as it may determine, a description of the polling places and shall
179 notify voters using an electronic means, to the extent available, such as via email or reverse 911
180 call.

181 SECTION 13. Section 25B of chapter 54 of the General Laws, as appearing in the 2018
182 Official Edition, is hereby amended by striking and inserting in place thereof the following:

183 Section 25B. (a)(1) The election officers and registrars of every city or town shall allow
184 any qualified voter, as defined in section 1 of chapter 51, to vote early by mail for any election.

185 (2) Any qualified voter wanting to early vote by mail may file with his or her local
186 election official an application for an early voting ballot for an election or for all elections during
187 a calendar year. Any form of written communication evidencing a desire to have an early voting
188 ballot be sent for use for voting at an election shall be given the same effect as an application
189 made in the form prescribed by the state secretary. No application shall be deemed to be
190 seasonably filed unless it is received in the office of the city or town clerk or registrars of voters
191 before 5 P.M. on the seventh day preceding the election.

192 A family member of a person qualified to vote early by mail may apply in the same
193 manner on behalf of such person. Such applicant shall state his relationship to the early voter,
194 shall sign the application under the pains and penalties of perjury, and shall transmit the
195 application to the clerk of the city or town of the early voter's residence.

196 (3) Upon receipt of an early voting application, the election officers shall verify the
197 voter's information and, if found, shall record the voter as "EV" on the voting list. If the election
198 officers find the person signing the application not to be a duly registered voter or the family
199 member of an voter, they shall send the voter written notice to that effect and shall preserve the
200 application during the time fixed by law for the preservation of ballots cast in the coming
201 election, after which time said application shall be destroyed.

202 (3) Early voting ballots authorized pursuant to this section shall be mailed by the city
203 or town election officer as soon as such materials are available, but in no event later than 28 days
204 before any election. Said mailing shall include: (i) instructions for early voting; (ii) instructions

205 for completing the ballot; (iii) an inner envelope where the ballot is placed after voting which
206 contains an affidavit of compliance to be filled out by the voter and notice of the penalties under
207 section 26 of chapter 56; and (iv) an outer envelope that is pre-addressed to the local election
208 official.

209 (4) The provisions of section eighty-one relative to spoiled ballots shall apply to early
210 voting ballots by mail; provided, however, that no request for a substitute ballot from a voter
211 who has received his ballot by mail shall be valid unless it is accompanied by the spoiled ballot
212 and received in the office of the city or town clerk or the registrars of voters before 5 P.M. on the
213 fifth day preceding the election for which such substitute absent voting ballot is requested.

214 (5) An early voting ballot received by mail may be returned by the voter or a family
215 member by:

216 (i) delivering it in person to the office of the appropriate city or town clerk; (ii) delivering
217 to an early voting location for the appropriate city or town during the early voting in person
218 hours; (iii) dropping it in a secured municipal drop box; or (iv) mailing it to the appropriate city
219 or town clerk.

220 All early voting ballots submitted by mail, delivered in person to the office of the city or
221 town clerk or returned to a secured municipal drop box shall be received by the city or town
222 clerk before the hour fixed for closing the polls on the day of a primary or election; provided,
223 however, that an early voting ballot cast for any federal general election that is received not later
224 than 5 P.M. on third day after the election and postmarked on or before election day shall be
225 processed in accordance with section 95 of chapter 54 of the General Laws.

226 (6) Upon receipt of a completed ballot, the election officers shall open the outer mailing
227 envelope and examine the inner secrecy envelope, without opening it, compare the signature
228 thereon with the signature on the application therefor, except if a family member signed the
229 application or if the voter received assistance in signing the application or the envelope, and
230 examine the affidavit on each such envelope. If the affidavit has been improperly executed, or
231 does not sufficiently indicate that the ballot was marked and mailed or delivered as required by
232 this section, the election officer shall mark across the face thereof "Rejected as defective," and
233 shall notify the voter including sending a new ballot. If the early voting ballot is accepted, the
234 election officer shall record the date and secure the ballot, in its envelope, until processing in
235 accordance with law.

236 (b)(1) The election officers and registrars of every city or town shall allow any qualified
237 voter, as defined in section 1 of chapter 51, to vote early in person for any state general election.

238 (2) Any qualified voter wishing to vote early in person in the general election may do
239 so at the time, manner and location prescribed in this section.

240 (3) Early voting for state general elections shall be conducted beginning on the
241 second Saturday preceding the election until the close of business on the Friday preceding the
242 election. Early voting weekend hours shall be conducted as follows: (i) for municipalities with
243 fewer than 5,000 registered voters, for a period of a minimum of 2 hours each weekend day; (ii)
244 for municipalities with 5,000 or more registered voters but fewer than 20,000 registered voters,
245 for a period of a minimum of 4 hours each weekend day; (iii) for municipalities with 20,000 or
246 more registered voters but fewer than 40,000 registered voters, for a period of a minimum of 5
247 hours each weekend day; (iv) for municipalities with 40,000 or more registered voters but fewer

248 than 75,000 registered voters, for a period of a minimum of 6 hours each weekend day; and (v)
249 for municipalities with 75,000 or more registered voters, for a period of a minimum of 8 hours
250 each weekend day. For each other day during the early voting period, early voting shall be
251 conducted during the usual business hours of each city or town clerk. A city or town may, in its
252 discretion, provide for additional early voting hours beyond the hours required by this paragraph.

253 (4) Each city and town shall establish an early voting site that shall include the
254 election office for the city or town; provided, however, that if the city or town determines that
255 the office is unavailable or unsuitable for early voting, the registrars of each city or town shall
256 identify and provide for an alternative centrally-located, suitable and convenient public building
257 within each city or town as an early voting site. A city or town may also provide for additional
258 early voting sites at the discretion of the registrars for that city or town. Each early voting site
259 shall be accessible to persons with disabilities.

260 (5) The designation of an early voting site shall be made not less than 14 days prior to
261 the beginning of the voting period established in section. Not less than 7 days prior to the
262 beginning of the early voting period and at least once during the voting period, the registrars for
263 each city or town shall publish notice of the location of the early voting sites as well as the
264 applicable dates and hours in the office of the local election official. Such notice shall also be
265 posted on the principal official bulletin board of each city or town, on any other public building
266 considered necessary, on the city or town's website, if any, and on the website of the state
267 secretary.

268 (6) Prior to the beginning of the in person early voting, the local election officials for
269 each city or town shall prepare a list for the early voting sites, containing the names and

270 residences of all persons qualified to vote at each voting site, as the names and residences appear
271 upon the annual register, and shall reasonably transmit the applicable list to the election officers
272 at each early voting site designated by the registrars.

273 (7) A qualified voter seeking to vote in person at an early voting location shall
274 provide their name and address to the election officer, who shall, upon finding the voter's name
275 and address upon the list, repeat it loudly and clearly, mark the list and provide the voter with an
276 early voting ballot and an envelope containing an affidavit under the regulations promulgated
277 pursuant to this chapter, which shall include a notice of penalties under section 26 of chapter 56.

278 The registrar or presiding official at the early voting site shall cause to be placed on the
279 voting lists opposite the name of a qualified voter who participates in early voting the letters
280 "EV" designating an early voter.

281 (8) Upon marking their early ballot and enclosing it in the secrecy envelope and
282 execution of the affidavit, the voter shall return the ballot envelope to an election officer who
283 must review the envelope to ensure the affidavit has been signed by the voter. After a ballot
284 envelope has been accepted, it must be securely stored at the early voting location until such time
285 as it is transported to the office of the local election official and no later than after the close of
286 early voting for that day.

287 (c) The registrars shall prepare lists of all voters casting ballots during the early
288 voting period and update the voter list in a manner prescribed by the state secretary. Once an
289 early voting ballot cast, the voter may not vote again. For the purposes of this section, the term
290 "cast" shall mean that the voter has returned the ballot to the local election official and that ballot
291 has been accepted.

292 (d) Sections 37 and 38 of chapter 53 of the General Laws shall apply to unenrolled
293 voters and voters enrolled in political designations voting early in primary elections. The
294 registrar or presiding official at the early voting site shall cause the name of the party of the
295 ballot being voted to be recorded on the voting list. Once the party selection has been recorded
296 on the voting list, a voter cannot request or vote on the ballot of another party.

297 (e) At least 30 days prior to each presidential primary, state primary and state
298 election, the state secretary shall deliver to each city or town, in quantities as the state secretary
299 determines necessary, the following papers: (1) official early voting ballots, similar to the official
300 ballot to be used at the election; and (2) envelopes of sufficient size to contain the ballots
301 specified in clause (1) bearing on their reverse the voter's affidavit in compliance.

302 (f) Any early voting ballot cast pursuant to this section may be opened and deposited
303 into a tabulator in advance of the date of the primary or the general election, in accordance with
304 regulations promulgated by the state secretary; provided, however, that such ballots shall be kept
305 secured, locked and unexamined, and that no results shall be determined or announced until after
306 the time polls close on the date of the primary or the general election. Disclosing any such result
307 before such time shall be punished as a violation of section 14 of chapter 56 of the General
308 Laws.

309 All envelopes referred to in this section shall be retained with the ballots cast at the
310 election and shall be preserved and destroyed in the manner provided by law for the retention,
311 preservation, or destruction of official ballots

312 (g) The state secretary shall promulgate regulations to implement this section
313 including, but not limited to, a process for establishing additional early voting locations and a

314 process for applying for, receiving, separating, compiling, recording, securing early voter ballots
315 and advance depositing.

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

320 (i) Upon a recorded and public vote by the select board, board of selectmen, town
321 council or city council authorizing early in-person voting, any eligible voter of such municipality
322 may vote early in-person for any annual or special municipal election. Such vote may only be
323 taken after a request from the city or town clerk or authorized local election official
324 recommending in-person early voting and provided that such vote occurs not less than five
325 business days prior to the proposed beginning of early voting election and that such early in-
326 person voting complies with the following:

327 (i) A city or town, as part of the vote to allow early voting in-person, may set the
328 early voting period to begin no sooner than 10 days before the election and end no later than The
329 voting period for in person early voting shall run from the sixth business day preceding the
330 special election until the close of business on the business day preceding the business day before
331 the election; provided, however, that if the sixth business day before the election falls on a legal
332 holiday the early voting period shall begin on the first business day prior to the legal holiday.

333 (ii) Early voting shall be conducted during the usual business hours of the city or
334 town clerk unless different hours are set as part of the vote, including any weekend hours.

335 (iii) The city or town clerk shall establish an early voting site that is centrally located,
336 suitable and in a convenient public building. Notice of the early voting location, dates and hours
337 must be will be posted at least 48 weekday hours before the early voting period begins.

338 (iv) A qualified voter voting early in person shall be provided with a ballot and an
339 envelope where the ballot is placed after voting which contains an affidavit of compliance to be
340 filled out by the voter. A qualified voter voting early in person shall complete an affidavit under
341 the regulations promulgated by the state secretary for the administration of early voting and
342 appearing at 950 CMR 47.00, as applicable, which shall include a notice of penalties under
343 section 26 of chapter 56 of the General Laws.

344 SECTION 14. Chapter 54 of the General Laws, as appearing in the 2018 Official Edition,
345 is hereby amended by striking section 67 and inserting in place thereof the following: -

346 Section 67. One voting list shall be delivered to the ballot clerks and another may be
347 delivered to the officer in charge of the ballot box; except that, the city or town clerk may opt to
348 use only one voting list at the check in. When a ballot is delivered to a voter, his name shall be
349 checked on the voting list and, except where the city or town clerk has opted to not use a check-
350 out list, it shall be checked on the second when he deposits his ballot. Where a check-out list is
351 used, the officer in charge of the ballot box and the officer in charge of the voting list shall be of
352 different political parties. No person shall vote if his name is not on the voting list, nor until the
353 election officer shall check his name thereon, unless he presents a certificate from the registrars
354 of voters as provided by section fifty-one or section fifty-nine of chapter fifty-one, or unless he is
355 voting by provisional ballot under section 76C. A city or town may vote to use electronic poll
356 books rather than paper voting lists in accordance with section 33I.

357 SECTION 15. Chapter 54 of the General Laws, as appearing in the 2018 Official Edition,
358 is hereby amended by striking section 83 and inserting in place thereof the following: -

359 In a precinct at which a check-out table is used, a voter after marking his ballot shall give
360 his name and, if requested, his residence, to one of the officers in charge of the ballot box who
361 shall distinctly announce the same. If the name is found on the voting list by the election officer,
362 he shall distinctly repeat the name and check it on the voting list; and the voter may then deposit
363 his ballot in the ballot box with the official endorsement uppermost and in sight. No ballot
364 without the official endorsement, except as provided in section sixty-one, shall be deposited in
365 the ballot box. A city or town clerk may opt to eliminate the use of a voting list at the check-out
366 table but shall maintain an officer in charge of the ballot box.

367 SECTION 16. Section 89 of said chapter 54, as so appearing, is hereby amended by
368 striking out the second sentence and inserting in place thereof the following sentence: -

369 No application for an absent voting ballot to be sent by mail shall be deemed to be
370 seasonably filed unless it is received in the office of the city or town clerk or registrars of voters
371 on or before the seventh day preceding the election for which the ballot is being requested.

372 SECTION 17. Chapter 54 of the General Laws, as appearing in the 2018 Official Edition,
373 is hereby amended by striking section 93 and replacing with the following: -

374 Section 93. All absentee ballots submitted by mail, delivered in person to the office of the
375 city or town clerk or returned to a secured municipal drop box shall be received by the city or
376 town clerk before the hour fixed for closing the polls on the day of a primary or election;
377 provided, however, that an absentee ballot cast for any federal general election that is received

378 not later than 5 P.M. on third day after the election and postmarked on or before election day
379 shall be processed in accordance with section 95 of chapter 54 of the General Laws.

380

381 SECTION 18. Section 95 of chapter 54 of the General Laws, as appearing in the 2018
382 Official Edition, is hereby amended by striking the first paragraph and inserting in place thereof
383 the following two paragraphs: -

384 Section 95. Any absentee ballots cast pursuant to section 86 may be opened and
385 deposited into a tabulator in advance of the date of the primary or the general election, in
386 accordance with regulations promulgated by the state secretary; provided, however, that such
387 ballots shall be kept secured, locked and unexamined, and that no results shall be determined or
388 announced until after the time polls close on the date of the primary or the general election.
389 Disclosing any such result before such time shall be punished as a violation of section 14 of
390 chapter 56 of the General Laws.

391 If not advance deposited, the city or town clerk, on the day of the election, but no later
392 than one hour after the hour for the closing of the polls, shall transmit all envelopes purporting to
393 contain official absent voting ballots received on or before the close of business on the day
394 preceding the day of the election and which have not been marked "Rejected as Defective," as
395 provided in section ninety-four, to the election officers in the several precincts where the voters
396 whose names appear on such envelopes assert the right to vote or to a central tabulation facility
397 as designated in accordance with regulations promulgated by the state secretary. The election
398 officer in charge of the polling place or central tabulation facility shall forthwith, after receipt of
399 any such envelopes, distinctly announce the name and residence of each such voter and check his

400 name on the voting lists referred to in section sixty of chapter fifty-one, or on his certificate of
401 supplementary registration attached to such lists, as provided in section fifty-one of chapter fifty-
402 one, or on the copy of the lists of specially qualified voters, disposition list required by section
403 ninety-one A, as the case may be, if it has not already been so checked. He shall open the
404 envelopes in which the ballot is enclosed in such a manner as not to destroy the affidavit thereon,
405 take the ballot therefrom without opening it or permitting it to be examined and deposit it in the
406 ballot box. All envelopes referred to in this section shall be retained with the ballots cast at the
407 election and shall be preserved and destroyed in the manner provided by law for the retention,
408 preservation, or destruction of official ballots.

409 SECTION 19. Section 100 of chapter 54 of the General Laws is hereby repealed.

410 SECTION 20. There shall be an advisory committee on the implementation of accessible
411 vote by mail. Among other issues it may consider, the advisory committee shall study the
412 resources necessary for, costs associated with, and feasibility of providing an online accessible
413 vote by mail process, including the application process, electronic delivery and electronic return
414 of ballots for voters with disabilities who are unable to mark a paper ballot. The advisory
415 committee shall be comprised of the secretary of state, or a designee, who shall chair the
416 advisory committee, the attorney general, or a designee, the house and senate chairs of the joint
417 committee on election laws, or their designees, the director of the Massachusetts Office on
418 Disability or a designee, the Commissioner for the Blind or a designee, a representative of the
419 Disability Law Center, 2 local election officials and at least 6 other members of the disability
420 community. The advisory committee shall complete its study on the implementation of
421 accessible vote by mail and submit an interim report and recommendations for legislation, in

422 writing, to the joint committee on election laws and the senate and house committees on ways
423 and means on or before February 1, 2022.

424 SECTION 21. There shall be an advisory committee on the implementation of Election
425 Day registration. Among other issues it may consider, the advisory committee shall study the
426 resources necessary for, costs associated with, and feasibility of providing every polling location
427 with real-time electronic access to the statewide database of registered voters. The advisory
428 committee shall be comprised of the secretary of state, or a designee, who shall chair the
429 advisory committee, the attorney general, or a designee, the house and senate chairs of the joint
430 committee on election laws, or their designees, 2 representatives of the Massachusetts Town
431 Clerks Association, at least 1 of whom shall be a town clerk from a town of under 5,000
432 residents, and 2 representatives of the Massachusetts City Clerks Association. The advisory
433 committee shall complete its study on the implementation of election day registration and submit
434 an interim report and recommendations for improving administration of election day registration,
435 in writing, to the joint committee on election laws and the senate and house committees on ways
436 and means on or before June 30, 2022, and the advisory committee shall submit its final report in
437 writing to the joint committee on election laws and the senate and house committees on ways and
438 means on or before June 30, 2023.

439 SECTION 22. Sections 3, 7 and 8 of this act shall take effect on July 1, 2022.