

SENATE No. 1975

The committee on Ways and Means, to whom was referred the House Bill relative to election laws (House, No. 3788); reports,- recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1975.

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Fourteen
—————

1 SECTION 1. Section 4 of chapter 51 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking subsection (c) and inserting in place thereof the
3 following subsection:-

4 (c) Registrars, assistant registrars or boards in cities or towns communicating with
5 residents by mail for the purpose of obtaining such information may require a response under the
6 penalties of perjury.

7 SECTION 2. Said chapter 51 is hereby amended by inserting after section 17 the
8 following section:-

9 Section 17A. In each municipality, the city or town clerk and a registrar or election
10 commissioner, as designated by the board of registrars or the board of election commissioners,
11 shall attend an annual training conducted by the office of the state secretary on the applicable
12 state and federal election laws and regulations. Upon completion of the training, they shall
13 inform the board of registrars and election commissioners.

14 SECTION 3. Said chapter 51 is hereby further amended by inserting after section 33 the
15 following section:-

16 Section 33A. The state secretary shall create and maintain an online portal allowing a
17 citizen to complete an affidavit of registration online. The registration shall be transmitted by the
18 state secretary to the appropriate local registrar. The online affidavit shall use the citizen's
19 signature from the registry of motor vehicles records and the registrar of motor vehicles shall
20 make appropriate provisions to facilitate the electronic transfer of the image of the signature to
21 the central voter registry. If the citizen's signature cannot be found using the online affidavit of
22 registration form, the citizen shall be so informed and given the option to print the affidavit of
23 registration, append the citizen's signature and mail it directly to the appropriate registrar of
24 voters. Nothing in this section shall be construed to change any registration deadline or
25 qualification of voting.

26 SECTION 4. Section 37 of said chapter 51, as appearing in the 2012 Official Edition, is
27 hereby amended by striking out the sixth through eighth sentences, inclusive, and inserting in
28 place thereof the following 3 sentences:- They shall, on or before the first Monday of June
29 subsequent to a general election for federal office, send notice in writing to each voter who has
30 not voted in the preceding 2 general elections for federal office that the name of the voter (i)
31 shall be placed on an inactive voters list if the voter fails to respond to the notice and (ii) may be
32 removed from the voting list after the voter fails to respond to the notice and does not vote in the
33 next 2 general elections for federal office following the mailing of the notice. The notice shall (i)
34 be postage prepaid; (ii) contain a preaddressed and postage prepaid return card; (iii) be sent by
35 forwardable mail; (iv) instruct the voter to return the card before the last day to register if the
36 voter did not change residence from the city or town; and (v) contain additional information

37 about remaining eligible to vote, as prescribed by the state secretary. The registrars shall prepare
38 an inactive voters list, which shall be open to public inspection in their principal offices, and
39 shall be posted by copy under the same schedule of times and in the places where copies of
40 voting lists are required to be posted under section 57.

41 SECTION 5. Said chapter 51 is hereby further amended by striking out section 37A, as
42 so appearing, and inserting in place thereof the following section:-

43 Section 37A. The name and address of a voter that has failed to vote in 2 consecutive
44 general elections for federal office shall be maintained on an inactive voters list until the voter
45 has failed to vote in 2 consecutive general elections for federal office subsequent to receiving the
46 notice required by section 37 and has thereafter been notified by mail of removal from the
47 inactive voters list.

48 SECTION 6. Section 42 of said chapter 51, as so appearing, is hereby amended by
49 inserting after the word “chapter”, in line 2, the following words:- by any person at least 16 years
50 of age or older.

51 SECTION 7. Section 42H of said chapter 51, as so appearing, is hereby amended by
52 inserting after the word “mail”, in line 4, the following words:- , through the online portal.

53 SECTION 8. Said chapter 51 is hereby further amended by striking out section 47A, as
54 so appearing, and inserting in place thereof the following section:-

55 Section 47A. If, after examination of an affidavit of registration, it appears to the
56 registrars that the person has all the qualifications to be registered as a voter except that of age
57 and the person has obtained the age of 16, then they shall enter the person’s name in the current

58 annual register of voters with the designation “pre-registrant” or other term or code as specified
59 by the state secretary. The designation shall be removed when the person will, on or before the
60 day of the next preliminary, primary, special or general election or town meeting, attain full age.
61 No pre-registrant shall be allowed to vote until the pre-registrant obtains full age unless
62 otherwise permitted by law.

63 SECTION 9. Said chapter 51 is hereby further amended by adding the following section:-

64 Section 64. The state secretary shall create and maintain an online portal through which a
65 member of the public may check to determine whether they are registered to vote. The portal
66 shall allow a member of the public to enter the person’s name, date of birth and residential zip
67 code. The portal shall subsequently display whether a voter with that name, date of birth and
68 residential zip code is registered to vote, whether the registration of the voter is active or inactive
69 pursuant to section 37A, the polling location for the voter and state and federal elected officials
70 who represent the voter. The portal shall not display any other biographical information about
71 the voter except the information provided by the user of the site. If there is no voter in the central
72 registry of voters matching the information submitted to the portal or if the voter’s registration is
73 inactive, the website shall inform the user how the user may obtain a voter registration form or
74 restore the user’s registration to active status.

75 SECTION 10. Section 38 of chapter 53 of the General Laws, as appearing in the 2012
76 Official Edition, is hereby amended by inserting after the word “primary”, in line 19, the
77 following words:- ; provided further, that a voter registered with a party or political designation
78 which does not run a candidate shall be considered unenrolled and shall be eligible to receive a
79 ballot of a political party of the voter’s choosing.

80 SECTION 11. Chapter 54 of the General Laws is hereby amended by inserting after
81 section 25A the following section:-

82 Section 25B. (a) The election officers and registrars of every city or town shall allow any
83 qualified voter, as defined in section 1 of chapter 51, to cast a ballot for any biennial state
84 election or primary during the early voting period as set forth in this section including, but not
85 limited, to any city or town election held at the same time. Cities and towns may also provide for
86 early voting in elections not held in conjunction with state elections.

87 (b) The voting period for early voting shall run: (i) from the tenth business day preceding
88 a primary or general election; provided, however, that if the tenth business day before the
89 primary or election falls on a legal holiday the early voting period shall begin on the first
90 business day prior to the legal holiday, until the close of business on the day preceding the day
91 before the primary or election; and (ii) a total of not less than 10 hours on the Saturday and
92 Sunday immediately preceding the day of the primary or election.

93 (c) Early voting shall be conducted during the usual business hours of each city or town
94 clerk, except as otherwise provided in subsection (b). A city or town may, in its discretion,
95 provide for additional early voting hours beyond the hours required by this subsection.

96 (d) Each city and town shall establish an early voting site that shall include a city hall
97 election office or a town hall clerk's office; provided, however, that if the city or town
98 determines that the office is unavailable or unsuitable for the purposes of early voting, the
99 registrars of each city or town shall identify and provide for an alternative centrally-located,
100 suitable and convenient public building, which may include any building open to the public and
101 used for voting on the day of the primary or election, within each city or town as an early voting

102 site. A city or town may also provide for additional early voting sites at the discretion of the
103 registrars for that city or town. Each early voting site shall be accessible to persons with
104 disabilities.

105 (e) The designation of an early voting site shall be made not less than 14 days prior to the
106 beginning of the voting period established in subsection (b). Not less than 7 days prior to the
107 commencement of the early voting period and at least once during the period, the registrars for
108 each city or town shall publish the location of the early voting sites as well as the applicable
109 dates and hours. Notice shall be published in every newspaper listed for the city or town in the
110 New England Newspaper & Press Association and shall also be conspicuously posted in the
111 office of the city clerk or on the principal official bulletin board of each city or town, on any
112 other public building considered necessary, on the city or town's website, if any, and on the
113 website of the state secretary.

114 (f) At least 21 days prior to each biennial state election or primary, the state secretary
115 shall deliver to each city or town in quantities as the state secretary determines necessary the
116 following papers: (i) official early voting ballots, similar to the official ballot to be used at the
117 election; and (ii) envelopes of sufficient size to contain the ballots specified in clause (i) bearing
118 on their reverse the voter's affidavit of compliance with the requirements of subsection (h).

119 (g) An early voting ballot along with an envelope shall be provided to each qualified
120 voter who participates in early voting.

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

124 (i) Prior to the commencement of early voting, the registrars for each city or town shall
125 prepare a list for the early voting sites, containing the names and residences of all persons
126 qualified to vote therein, as the same appear upon the annual register, and shall reasonably
127 transmit the same to the election officers at every early voting site designated by the registrars.

128 (j) The registrar or presiding official at the early voting site shall cause to be placed on
129 the voting lists opposite the name of a qualified voter who participates in early voting the letters
130 “EV” designating an early voter.

131 (k) The registrars shall prepare lists of all voters casting ballots during the early voting
132 period and update the voter list in a manner prescribed by the state secretary.

133 (l) The city or town clerk, on the day of the election, but not later than 3 hours after the
134 opening of the polls, shall transmit all envelopes purporting to contain official early voter ballots
135 to the election officers in the several precincts where the voters whose names appear on the
136 envelopes assert the right to vote. The warden or a deputy shall immediately, after receipt of any
137 envelopes, distinctly announce the name and residence of each voter and check the voter’s name
138 on the voting lists referred to in section 60 of chapter 51, or on the voter’s certificate of
139 supplementary registration attached to the lists as provided in section 51 of said chapter 51 or on
140 the list of specially qualified voters required by section 91A, as the case may be, if it has not
141 already been so checked. The warden or a deputy shall open the envelopes in which the ballot is
142 enclosed in such a manner as not to destroy the affidavit on the envelope, take the ballot from the
143 envelope without opening it or permitting it to be examined and deposit it in the ballot box. All
144 envelopes referred to in this section shall be retained with the ballots cast at the election and shall

145 be preserved and destroyed in the manner provided by law for the retention, preservation or
146 destruction of official ballots.

147 (m) The state secretary shall promulgate regulations to implement this section.

148 (n) Section 72 shall not apply to this section.

149 SECTION 12. Section 33 of said chapter 54, as appearing in the 2012 Official Edition, is
150 hereby amended by striking out, in line 10, the words “, registering and cancelling” and inserting
151 in place thereof the following words:- and registering.

152 SECTION 13. Section 72 of said chapter 54, as so appearing, is hereby amended by
153 inserting after the word “elections”, in line 6, the following words:- ; provided, however, that this
154 section shall not apply to section 25B.

155 SECTION 14. (a) There shall be established an elections task force. The task force shall
156 undertake a study of election issues which shall include, but not be limited to: (i) the state and
157 local costs of providing early voting under section 25B of chapter 54 of the General Laws; (ii)
158 the administrative requirements of implementing and providing early voting, including their
159 impact on municipal clerks offices during the early voting period; (iii) violations of laws
160 prohibiting fraudulent voting or voter impersonation; (iv) reductions in the length of lines,
161 waiting in lines and congestion at polling places on election day; (v) the feasibility of requiring
162 additional early voting sites and hours based on population size or the number of registered
163 voters; (vi) processes for early voting in other states; (vii) voter turnout; and (viii) the efficacy of
164 checking names at early voting sites under section 67 of said chapter 54, notwithstanding the use
165 of voting machines in that city or town.

166 (b) The task force shall consist of the house of representatives and senate chairs of the
167 joint committee on election laws or their designees, who shall serve as co-chairs; the minority
168 leader of the house of representatives or a designee; the minority leader of the senate or a
169 designee; the state secretary or a designee; a representative of the Massachusetts Town Clerks'
170 Association; a representative of the Massachusetts City Clerks' Association; and a representative
171 of the election laws advocacy community designated by the house and senate chairs of the joint
172 committee on election laws.

173 (c) The task force shall submit its report and recommendations, together with drafts of
174 legislation to carry its recommendations into effect, with the clerks of the house and senate not
175 later than April 1, 2017.

176 SECTION 15. The first training session under section 17A of said chapter 51 of the
177 General Laws shall occur not later than October 1, 2014.

178 SECTION 16. The online portal established under section 33A of said chapter 51 shall be
179 accessible not later than August 1, 2015.

180 SECTION 17. The online portal established under section 64 of said chapter 51 shall be
181 accessible not later than August 1, 2014.

182 SECTION 18. The secretary of state shall promulgate regulations under section 25B of
183 chapter 54 of the General Laws not later than August 1, 2015.

184 SECTION 19. Section 11 shall take effect January 1, 2015 and shall be implemented for
185 the 2016 biennial state election and the 2016 presidential primary.