

SENATE No. 2549

Senate, October 6, 2021 -- Text of amendment (Senator Tarr) to the Senate Bill fostering voter opportunities, trust, equity and security (Senate, No. 2545)

The Commonwealth of Massachusetts

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

1 by striking the bill its entirety and inserting in place thereof the following:-

2 SECTION 1. Section 1F of chapter 51 as appearing in the 2020 official edition is hereby
3 amended by inserting at the end thereof the following:-“ The Secretary of State shall annually
4 notify every registered voter by mail of their registration status, including the address at which
5 the voter is registered to vote. Such communication shall also include comprehensive
6 information as to how a registration may be changed or revoked

7 The Secretary of State shall establish and maintain a toll free telephone line through
8 which any person may ascertain their voter registration status and information as to how to
9 register to vote or change a registration, provided that such line shall be operational for not less
10 than 30 days preceding any state or federal election .”

11 SECTION 2. Section 26 of chapter 51 of the general laws as appearing in the 2020
12 official edition is hereby amended by striking in line 10 the following:-“twentieth day preceding
13 such election” and inserting in place thereof the following:-“ fifth day preceding such election,
14 provided that a voter shall not be eligible to vote until the fifth day following their registration”

15 SECTION 3. Said section 26 of chapter 51 is hereby amended by striking in line 12 the
16 following:-“tenth” and inserting in place thereof the following:-“fifth ”

17 SECTION 4. Section 34 of chapter 51 as appearing in the 2020 official edition is hereby
18 amended by inserting at the end thereof the following:-“Not less than 14 days prior to any
19 primary or election, the registrars for each city or town shall publish all polling locations and the
20 applicable dates and hours. Such notice shall be conspicuously posted: (i) in the office of the
21 local election officials or on the principal official bulletin board of each city or town; (ii) on any
22 other public building considered necessary; (iii) on the city or town's website, if any; and (iv) on
23 the website of the state secretary .”

24 SECTION 5. section 42G½ of said chapter 51, as so appearing, is hereby further
25 amended by striking out subsection (d) and inserting in place thereof the following subsection:-

26 (d) In accordance with the memorandum of understanding required by subsection (b),
27 each eligible applicant for services at an automatic voter registration agency who meets the
28 qualifications to register to vote and does not decline to register to vote under subsection (d) of
29 section 65 shall be registered as a voter under said section 65 as of the date the registrars add the
30 person’s name and address to the register of voters, pursuant to paragraph (4) of said subsection
31 (d) of said section 65; provided, however, that an applicant who meets the qualifications to
32 register to vote, does not decline to register to vote under said subsection (d) of said section 65
33 and completes a qualifying transaction with an automatic voter registration agency not less than
34 21 days before an election shall be entitled to vote in that election. If necessary to comply with
35 federal law, the division of medical assistance and the commonwealth health insurance connector
36 authority may allow an applicant to decline to register to vote at the time of application.

37 Otherwise, all automatic voter registration agencies, including the registry of motor vehicles,
38 shall transmit records of all eligible applicants as provided in subsection (e), and these applicants
39 may decline to register to vote only after receiving notice from the registrars under paragraph (3)
40 of said subsection (d) of said section 65 .

41 SECTION 6. Chapter 54 of the General Laws is hereby amended by striking out section
42 14, as so appearing, and inserting in place thereof the following section:-

43 Section 14. For any primary or election, if the city or town clerk determines in writing
44 that there is a deficiency in the number of required election officers within 6 weeks of the
45 primary or election, the appointing authority may appoint election officers without regard to
46 political party membership, voter status, residence in the city or town or inclusion on a list filed
47 by a political party committee pursuant to said sections 11B and 12. If the position of warden,
48 clerk or inspector, or deputy of any such officer, if any, is vacant within the 3 weeks preceding
49 any primary or election, the city or town clerk may fill the vacancy by appointing a competent
50 person willing to serve, without regard to political party membership, voter status, residence in
51 the city or town or inclusion on a list filed by a political party committee pursuant to said
52 sections 11B and 12 .

53 SECTION 7. Subsection (d) of Section 25B of chapter 54 is hereby amended by inserting
54 at the end thereof the following:- Early voting weekend hours shall be conducted as follows: (i)
55 for municipalities with fewer than 5,000 registered voters, for not less than 2 hours each
56 weekend day; (ii) for municipalities with not less than 5,000 registered voters but fewer than
57 20,000 registered voters, for not less than 4 hours each weekend day; (iii) for municipalities with
58 not less than 20,000 registered voters but fewer than 40,000 registered voters, for not less than 5

59 hours each weekend day; (iv) for municipalities with not less than 40,000 registered voters but
60 fewer than 75,000 registered voters, for not less than 6 hours each weekend day; and (v) for
61 municipalities with not less than 75,000 registered voters, for not less than 8 hours each weekend
62 day. For each other day during the early voting period, early voting shall be conducted during the
63 usual business hours of each city or town clerk. A city or town may provide for additional early
64 voting hours beyond the hours required by this paragraph, provided that a city or town provided
65 at least one weekday for early voting hours to go from 5 pm to 8 pm

66 SECTION 8. Subsection (o) of Section 25B of chapter 54 is hereby amended by inserting
67 at the end thereof the following: -“ “including the means to seek, process and approve
68 reimbursement subject to subsection (r)

69 SECTION 9. Section 25B of chapter 54 is hereby amended by inserting the following
70 new subsection:- (r) The Commonwealth shall reimburse each city and town to the full extent of
71 the amounts expended for mandated early voting procedures and operations. The state treasurer
72 shall annually, on or before July 1st of the year following the election for which reimbursement
73 is being sought, pay to cities and towns, the sums required for such reimbursement and approved
74 by the secretary of state pursuant to section 2 herein. Each city and town may establish an Early
75 Voting Reimbursement Fund. Reimbursements made by the commonwealth pursuant to this
76 section may be deposited into the fund and may carry forward for 1 fiscal year.

77 SECTION 10. Section 25B of chapter 54 is hereby amended by inserting the following
78 new subsection:- (s) Any early voting ballot cast in person pursuant to this section may be
79 opened and deposited into a tabulator in advance of the date of the primary or election in
80 accordance with regulations promulgated by the state secretary; provided, however, that such

81 ballots shall be kept secured, locked and unexamined and that no results shall be determined or
82 announced until after the time polls close on the date of the primary or election. Disclosing any
83 such result before such time shall be punished as a violation of section 14 of chapter 56.

84 All envelopes referred to in this section shall be retained with the ballots cast at the
85 primary or election and shall be preserved and destroyed in the manner provided by law for the
86 retention, preservation or destruction of official ballots .

87 SECTION 11. Said section 25B of chapter 54 is hereby amended by inserting the
88 following new subsection:- (t) (i) The election officers and registrars of every city or town shall
89 allow any registered voter, as defined in section 1 of chapter 51, to vote early by mail for any
90 primary or election.

91 Any registered voter wanting to vote early by mail may file with the voter's local election
92 official an application for an early voting ballot for an election or for all elections during a
93 calendar year. Any form of written communication evidencing a desire to have an early voting
94 ballot sent for use for voting at an election shall be given the same effect as an application made
95 in the form prescribed by the state secretary. No application shall be deemed to be seasonably
96 filed unless it is received in the office of the city or town clerk or registrars of voters before 5
97 P.M. on the seventh business day preceding the election.

98 (ii) A voter wishing to apply to vote early by mail in a presidential or state primary or
99 state election and who needs accommodation by reason of disability and is unable to
100 independently mark a paper ballot may apply for such accommodations in a form and manner
101 prescribed by the state secretary. Accommodations shall include, but not be limited to: (i) clear
102 and accessible electronic instructions for completion, printing and returning of the ballot; (ii) an

103 accessible blank electronic application that can be: (A) completed by the voter electronically; (B)
104 signed with a wet signature, a hand drawn electronic signature or the voter's typewritten name as
105 a signature if the voter is unable to independently insert a hand-drawn signature on the
106 application due to a disability; and (C) submitted electronically, by mail or by delivering it, in
107 person or by a family member, to the office of the appropriate city or town clerk; (iii) an
108 authorized accessible blank electronic ballot that can be filled out electronically, printed and
109 signed; provided, however, that the accessible electronic ballot marking system the voter utilizes
110 to access their blank electronic ballot shall not collect or store any personally identifying
111 information obtained in the process of filling out the ballot; (iv) an accessible electronic affidavit
112 that may be used for certification of an accessible electronic ballot and signed with a wet
113 signature, a hand-drawn electronic signature, or the voter's typewritten name as a signature if the
114 voter is unable to independently insert a hand-drawn signature on the ballot due to a disability;
115 (v) an envelope to return the ballot to the voter's town or city clerk with postage guaranteed; and
116 (vi) hole punched markers in place of a wet signature required for certification if an electronic
117 affidavit of certification is not utilized; provided, however, the electronic instructions and
118 accommodations in this section shall comply with requirements contained in Title II of the
119 federal Americans with Disabilities Act and shall conform to the Web Content Accessibility
120 Guidelines (WCAG) 2.1 Level AA and the National Institute of Standards and Technology
121 report titled "Principles and guidelines for remote ballot marking systems." Upon printing the
122 ballot, the voter shall place the ballot in the envelope provided by the state secretary. A voter
123 with accommodations in receipt of a ballot pursuant to this section may complete and return the
124 ballot by: (i) submitting it electronically; (ii) delivering it, in person or by a family member, to

125 the office of the appropriate city or town clerk or a secured municipal drop box; or (iii) mailing it
126 to the appropriate city or town clerk.

127 A voter wishing to apply to vote early by mail in a municipal election and who needs
128 accommodation by reason of disability and is unable to independently mark a paper ballot may
129 request an accommodation from their local election official. The request shall be received by the
130 local election official not later than the seventh business day preceding the election. Upon
131 receiving such a request from a registered voter by phone or electronically, the local election
132 official shall grant reasonable accommodations to the voter.

133 (iii) The state secretary shall establish, maintain and implement an internet portal on the
134 secretary's website to allow a voter under the pains and penalty of perjury to request an early
135 voting ballot for presidential and state primaries and state elections to be mailed to the voter's
136 home address or a different mailing address as designated by the voter or to be provided
137 electronically to voters approved to utilize an accessible electronic ballot as an accommodation
138 under this section.

139 SECTION 12. Section 72 of chapter 54 is hereby amended by inserting at the end of
140 thereof the following:-

141 A city or town may detail a sufficient number of police officers or constables for each
142 early voting site at the expense of the city or town to preserve order, protect local election
143 officers and supervisors from any interference with their duties and aid in enforcing the laws
144 relating to elections .

145 SECTION 13. Said chapter 54 is hereby further amended by inserting after section 89 the
146 following section:-

147 Section 89B. (a) For the purposes of this section, “facility” shall include a correctional
148 facility, house of correction or jail.

149 (b) The officer in charge of a facility shall:

150 (i) not later than 30 days prior to a presidential primary or July 15 of other even-
151 numbered years: (A) display in prominent locations visible to individuals who are incarcerated at
152 the facility, a poster of voting rights and procedures prepared by the state secretary; and (B)
153 distribute to all individuals who are incarcerated who may be eligible to vote, written
154 information about voting rights and procedures prepared by the state secretary;

155 (ii) for all primaries and elections, assist an individual who is incarcerated who may be
156 eligible to vote in registering as a voter and in applying for a mail ballot, including as specially
157 qualified voters, and distribute forms prepared by the state secretary for those purposes;

158 (iii) ensure the receipt, private voting, where possible, and return of mail ballots by an
159 eligible individual who is incarcerated;

160 (iv) appoint a subordinate officer at the facility to supervise the actions required by this
161 section; and

162 (v) not later than 14 days before every presidential and regular state primary and biennial
163 state election, file a written report with the state secretary, in a form prescribed by the state
164 secretary, that details the actions taken under this section. The report shall be a public record .

165 SECTION 14. Section 8 of chapter 56 as appearing in the 2020 official edition is hereby
166 amended striking in line 13 the following:-“ten” and inserting in place thereof the following:-
167 “twenty ”

168 SECTION 15. Section 26 of said chapter 56 is hereby amended by striking in line 10 the
169 following:- “ten” and inserting in place thereof the following:-“twenty ”

170 SECTION 16. Section 27 of said chapter 56 is hereby amended by striking in line 5 the
171 following:-“ten” and inserting in place thereof the following:-“twenty ”

172 SECTION 17. Section 27A of said chapter 56 is hereby amended by striking in line 5 the
173 following:-“ten” and inserting in place thereof the following:-“twenty ”

174 SECTION 18. Section 28 of said chapter 56 is hereby amended by striking in line 5 the
175 following:-“ten” and inserting in place thereof the following:-“twenty ”

176 SECTION 19. Said chapter 56 is hereby amended by inserting at the end thereof the
177 following new section:-“Section 70. Upon receiving credible information or a credible allegation
178 that an individual or individuals engaged in any conduct in violation of chapter 56, the attorney
179 general or the district attorney having jurisdiction over the municipality in which the alleged
180 conduct occurred shall investigate the merits of the information or allegation .”

181 SECTION 20. Said chapter 56 is hereby amended by inserting at the end thereof the
182 following new section:-“Section 71. Any person who is found to have conspired with one or
183 more other persons to violate the provisions of Chapters 50-56 respectively in a systemic fashion
184 shall be found guilty of Conspiracy and punished by a fine of not more than fifty thousand
185 dollars or by imprisonment for not more than ten years, or both .”

186 SECTION 21. Notwithstanding any general or special law to the contrary there shall be a
187 special Commission to Increase Voter Participation in the Commonwealth to consist of 19
188 members, consisting of: the Secretary of State or a designee; the Attorney General or a designee;

189 8 members to be appointed by the Governor: 3 of which represent organizations that advocate for
190 minority populations, 2 of which represent institutions of higher learning in Massachusetts, 1 of
191 whom shall be an attorney with experience in elections laws, and 1 whom shall represent the
192 citizens of the commonwealth, 1 of whom representing an organization in the commonwealth
193 that advocates for increased voter participation; 3 members from the Massachusetts State Senate,
194 2 members shall be appointed by the President, 1 member shall be appointed by the minority
195 leader of the senate; 3 members of the Massachusetts House of Representatives 1 of which is
196 from the minority party; and 3 municipal clerks from diverse areas of the commonwealth, at least
197 one of whom shall be from a city with a population of more than 70,000 and at least one of
198 whom shall be from a rural community with a population of less than 10,000.

199 The commission shall study the causes of low voter registration and voting and
200 recommend means to address the issues to the clerks of the Massachusetts General Court. The
201 commission shall meet not less than once each year, provided that all of its meetings shall be
202 open to, and accessible by, the public, and that any recordings, minutes, or other such
203 documentation of meetings shall be posted electronically so as to enable public inspection.

204 The commission shall, on an ongoing basis, seek to identify, study, document, and
205 analyze factors negatively impacting voter registration and voter participation in elections in the
206 commonwealth, and shall, not less than annually, make recommendations to effectively address
207 those factors so as to increase voter participation throughout the state, provided, that in carrying
208 out its mission, the commission may focus as necessary on individual regions or municipalities
209 with low rates of voter participation. Such recommendations shall be reported in writing to the
210 governor, the secretary of state, and the attorney general, and filed with the Joint Committee on

211 election Laws, and the clerks of the House and Senate, whom shall post them electronically in a
212 manner accessible to the public.

213 The provisions of this section shall expire five years following the passage of this act,
214 unless otherwise terminated, modified, or extended

215 SECTION 22. The secretary of state is hereby authorized and directed to identify
216 municipalities, regions, and precincts in the commonwealth with low amounts of voter
217 registration, and to conduct, on an ongoing basis, targeted efforts to increase such registration,
218 provided, that such efforts may include grants, subject to appropriation, for municipal and
219 regional initiatives for this purpose. The secretary shall file a report annually on efforts
220 undertaken, the effectiveness of such efforts, and any recommended regulatory or statutory
221 changes that would serve to support increased voter registration, which shall be posted
222 electronically in a means accessible to the public and filed with the clerks of the House and
223 Senate, the Joint Committee on Election Laws, and the House and Senate Committee on Ways
224 and Means.

225 SECTION 23. Notwithstanding any general or special laws to the contrary the secretary
226 of state shall conduct public service announcements throughout the commonwealth to encourage
227 maximum voter participation

228 SECTION 24. Notwithstanding any general or special law to the contrary any ballots cast
229 under this act shall be subject to Subsection (b) of section 109(A) of chapter 54

230 SECTION 25. SECTION 21 is hereby repealed

231 SECTION 26. SECTION 22 is hereby repealed

232 SECTION 27. SECTION 25 shall go into effect on five years following the passage of
233 this act

234 SECTION 28. SECTION 26 shall go into effect on five years following the passage of
235 this act