

SENATE No. 2554

Senate, October 6, 2021 -- Text of the Senate Bill fostering voter opportunities, trust, equity and security (being the text of Senate, No. 2545, printed as amended)

The Commonwealth of Massachusetts

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

An Act fostering voter opportunities, trust, equity and security.

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 2020
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 section 26 shall be eligible to register
5 under section 34A.

6 SECTION 2. Section 1F of said chapter 51 is hereby repealed.

7 SECTION 3. Said chapter 51 is hereby further amended by striking out section 3, as
8 appearing in the 2020 Official Edition, 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 the voter resides; provided, however, that any registered voter of a city or
11 town who moves to any other precinct in the city or town or to another city or town may register
12 to vote at the voter’s new address by making written application to the city or town clerk not

13 later than the close of registration or in accordance with section 34A. A new resident of the city
14 or town may also be registered at the resident's new address by making written application to the
15 city or town clerk not later than the close of registration or in accordance with said section 34A.
16 The city or town clerk shall immediately notify each voter making any such written application
17 that the application has been received and that the voter may vote, subject to the provision of this
18 section regarding the close of registration, in the precinct into which the voter has moved or in
19 accordance with said section 34A.

20 SECTION 4. Section 26 of said chapter 51, as so appearing, is hereby further amended by
21 striking out, in lines 10 and 11, 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. Said section 26 of said chapter 51, as so appearing, is hereby further
24 amended by inserting after the word "elections", in line 28, the following words:- unless the
25 voter has registered pursuant to section 34A.

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

28 Section 28. Registrars shall hold a continuous session from 9:00 a.m. until 5:00 p.m. on
29 the last day for registration established under section 26; provided, however, that a town having
30 less than 1,500 voters may hold a session from 9:00 a.m. until 11:00 a.m. and from 3:00 p.m.
31 until 5:00 p.m.

32 SECTION 7. Said chapter 51 is hereby further amended by striking out section 34, as so
33 appearing, and inserting in place thereof the following 2 sections:-

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

40 Section 34A. (a) For purposes of this section, the term "proof of residence" shall mean
41 documentation that includes the name of the applicant and the address from which the applicant
42 is registering and is either:

43 (i) a valid photo identification including, but not limited to, a driver's license or other
44 identification card issued by the commonwealth; or

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

51 (b) An individual who is eligible to vote may register on the day of any municipal
52 preliminary or election or presidential or state primary or election by: (i) appearing in person:
53 (A) on the day of a preliminary, primary or election at the appropriate polling place for the
54 precinct in which the individual resides, during the hours in which polls are open for voting; or
55 (B) at an early voting site for the city or town in which the individual resides, during the hours it

56 is open for voting; (ii) completing a registration application in a form prescribed by the state
57 secretary that complies with identity requirements of 52 U.S.C. 21083; (iii) by presenting to the
58 appropriate local election official proof of residence; and (iv) making the following written oath:
59 “I certify that I: am a citizen of the United States; am at least 18 years old; am not under
60 guardianship that prohibits me from registering and/or voting or otherwise prohibited from
61 voting; am not temporarily or permanently disqualified by law because of corrupt practices in
62 respect to elections; have not and will not vote in any other location within the Commonwealth
63 or elsewhere; and have read and understand this statement. I further understand that giving false
64 information is a felony punishable by not more than 5 years imprisonment or a fine of not more
65 than \$10,000, or both.”.

66 (c) Upon meeting the requirements of subsection (b), the ballot clerk or a designee shall
67 permit the applicant to vote in the preliminary, primary or election. Any person who registers to
68 vote during the early voting period or on the day of a preliminary, primary or election in
69 accordance with this section shall, absent disqualification, be registered to vote at all subsequent
70 preliminaries, primaries and elections.

71 (d) An applicant who fails to present identification required by this section shall be
72 permitted to cast a provisional ballot pursuant to section 76C of chapter 54, but shall be required
73 to return within 2 business days after a municipal preliminary or presidential or state primary or
74 within 6 days following a municipal or state election to present the required identification to the
75 appropriate local election official for the local election official to determine whether the
76 applicant was qualified to vote in the preliminary, primary or election and whether to count the
77 provisional ballot.

78 (e) Not less than 7 days prior to any preliminary, primary or election, the registrars for
79 each city or town shall publish all polling locations and the applicable dates and hours. Such
80 notice shall be conspicuously posted: (i) in the office of the local election officials or on the
81 principal official bulletin board of each city or town; (ii) on any other public building considered
82 necessary; (iii) on the city or town's website, if any; and (iv) on the website of the state secretary.

83 (f) To the extent feasible, the state secretary shall make the statewide list of registered
84 voters contained in the central registry of voters established in section 47C available to the local
85 election officers at each polling location.

86 (g) The local election officials may correct information supplied by the applicant to the
87 extent necessary to maintain the integrity of their records. If a voter registration affidavit is
88 incomplete or if it appears from the facts set forth in the voter registration affidavit that the
89 applicant is not qualified to register as a voter, the local election officials shall proceed in
90 accordance with section 47.

91 (h) As soon as practicable after the preliminary, primary or election, but not more than 30
92 days thereafter, the registrars shall add the name, address and effective date of registration of an
93 individual registered under this section to the annual register of voters.

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

96 (j) A registered voter shall not be eligible to re-register on the day of a preliminary,
97 primary or election for the sole purpose of altering their party affiliation.

98 (k) (1) Upon receiving credible information or a credible allegation that an individual
99 who registered to vote or voted, or attempted to register to vote or vote, on the day of a
100 preliminary, primary or election pursuant to this section engaged in conduct in violation of
101 section 8 or section 26 of chapter 56, the attorney general or the district attorney having
102 jurisdiction over the municipality in which the alleged conduct occurred shall investigate the
103 merits of the information or allegation.

104 (2) An individual who engages in conduct in violation of section 8 or section 26 of
105 chapter 56 while registering to vote or voting, or attempting to register to vote or vote, on the day
106 of a preliminary, primary or election pursuant to this section shall be punished under said section
107 8 or said section 26 of said chapter 56, as applicable.

108 (3) Nothing in this subsection shall exclude enforcement of this section by any means
109 otherwise provided by law.

110 (l) The state secretary shall adopt rules or regulations to implement the relevant
111 provisions of this section, including, but not limited to, a procedure for registrars to update the
112 annual register of voters during an early voting period.

113 SECTION 8. Section 42G½ of said chapter 51, as so appearing, is hereby amended by
114 inserting after the word “vote”, in line 57, the following words:- under subsection (d) of section
115 65.

116 SECTION 9. Said section 42G½ of said chapter 51, as so appearing, is hereby further
117 amended by striking out subsection (d) and inserting in place thereof the following subsection:-

118 (d) In accordance with the memorandum of understanding required by subsection (b),
119 each eligible applicant for services at an automatic voter registration agency who meets the
120 qualifications to register to vote and does not decline to register to vote under subsection (d) of
121 section 65 shall be registered as a voter under said section 65 as of the date the registrars add the
122 person's name and address to the register of voters, pursuant to paragraph (4) of said subsection
123 (d) of said section 65; provided, however, that an applicant who meets the qualifications to
124 register to vote, does not decline to register to vote under said subsection (d) of said section 65
125 and completes a qualifying transaction with an automatic voter registration agency not less than
126 21 days before an election shall be entitled to vote in that election. If necessary to comply with
127 federal law, the division of medical assistance and the commonwealth health insurance connector
128 authority may allow an applicant to decline to register to vote at the time of application.
129 Otherwise, all automatic voter registration agencies, including the registry of motor vehicles,
130 shall transmit records of all eligible applicants as provided in subsection (e), and these applicants
131 may decline to register to vote only after receiving notice from the registrars under paragraph (3)
132 of said subsection (d) of said section 65.

133 SECTION 10. Chapter 54 of the General Laws is hereby amended by striking out section
134 14, as so appearing, and inserting in place thereof the following section:-

135 Section 14. For any primary or election, if the city or town clerk determines in writing
136 that there is a deficiency in the number of required election officers within 6 weeks of the
137 primary or election, the appointing authority may appoint election officers without regard to
138 political party membership, voter status, residence in the city or town or inclusion on a list filed
139 by a political party committee pursuant to said sections 11B and 12. If the position of warden,
140 clerk or inspector, or deputy of any such officer, if any, is vacant within the 3 weeks preceding

141 any primary or election, the city or town clerk may fill the vacancy by appointing a competent
142 person willing to serve, without regard to political party membership, voter status, residence in
143 the city or town or inclusion on a list filed by a political party committee pursuant to said
144 sections 11B and 12.

145 SECTION 11. Said chapter 54 is hereby further amended by striking out section 25B, as
146 so appearing, and inserting in place thereof the following section:-

147 Section 25B. (a)(1) The election officers and registrars of every city or town shall allow
148 any registered voter, as defined in section 1 of chapter 51, to vote early by mail for any
149 municipal preliminary or election or presidential or state primary or election.

150 (2) Any registered voter wanting to vote early by mail may file with the voter's local
151 election official an application for an early voting ballot for an election or for all elections during
152 a calendar year. Any form of written communication evidencing a desire to have an early voting
153 ballot sent for use for voting at a preliminary, primary or election shall be given the same effect
154 as an application made in the form prescribed by the state secretary. No application shall be
155 deemed to be seasonably filed unless it is received in the office of the city or town clerk or
156 registrars of voters before 5 P.M. on the seventh day preceding the preliminary, primary or
157 election.

158 (3) A family member of a person qualified to vote early by mail may apply in the manner
159 described under paragraph (2) on behalf of such person. Such applicant shall state the applicant's
160 relationship to the early voter, shall sign the application under the pains and penalties of perjury
161 and shall transmit the application to the clerk of the city or town of the early voter's residence.

162 (4) A voter wishing to apply to vote early by mail in a preliminary, primary or election
163 and who needs accommodation by reason of disability and is unable to independently mark a
164 paper ballot may apply for such accommodations in a form and manner prescribed by the state
165 secretary. Accommodations shall include, but not be limited to: (i) clear and accessible electronic
166 instructions for completion, printing and returning of the ballot; (ii) an accessible blank
167 electronic application that can be: (A) completed by the voter electronically; (B) signed with a
168 wet signature, a hand drawn electronic signature or the voter’s typewritten name as a signature if
169 the voter is unable to independently insert a hand-drawn signature on the application due to a
170 disability; and (C) submitted electronically, by mail or by delivering it, in person or by a family
171 member, to the office of the appropriate city or town clerk; (iii) an authorized accessible blank
172 electronic ballot that can be filled out electronically, printed and signed; provided, however, that
173 the accessible electronic ballot marking system the voter utilizes to access their blank electronic
174 ballot shall not collect or store any personally identifying information obtained in the process of
175 filling out the ballot; (iv) an accessible electronic affidavit that may be used for certification of
176 an accessible electronic ballot and signed with a wet signature, a hand-drawn electronic
177 signature, or the voter’s typewritten name as a signature if the voter is unable to independently
178 insert a hand-drawn signature on the ballot due to a disability; (v) an envelope to return the ballot
179 to the voter’s town or city clerk with postage guaranteed; and (vi) hole punched markers in place
180 of a wet signature required for certification if an electronic affidavit of certification is not
181 utilized; provided, however, the electronic instructions and accommodations in this section shall
182 comply with requirements contained in Title II of the federal Americans with Disabilities Act
183 and shall conform to the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA and the
184 National Institute of Standards and Technology report titled “Principles and guidelines for

185 remote ballot marking systems.” Upon printing the ballot, the voter shall place the ballot in the
186 envelope provided by the state secretary. A voter with accommodations in receipt of a ballot
187 pursuant to this section may complete and return the ballot by: (i) submitting it electronically; (ii)
188 delivering it, in person or by a family member, to the office of the appropriate city or town clerk
189 or a secured municipal drop box; or (iii) mailing it to the appropriate city or town clerk.

190 (5) A voter wishing to apply to vote early by mail in a municipal preliminary or election
191 and who needs accommodation by reason of disability and is unable to independently mark a
192 paper ballot may request an accommodation from their local election official. The request shall
193 be received by the local election official not later than the seventh business day preceding the
194 preliminary or election. Upon receiving such a request from a registered voter by phone or
195 electronically, the local election official shall grant reasonable accommodations to the voter.

196 (6) The state secretary shall establish, maintain and implement an internet portal on the
197 secretary’s website to allow a voter to request an early voting ballot for preliminaries, primaries
198 and elections to be mailed to the voter’s home address or a different mailing address as
199 designated by the voter or to be provided electronically to voters approved to utilize an
200 accessible electronic ballot as an accommodation under this section. Any request under this
201 paragraph shall not require the voter’s signature.

202 (7) The state secretary shall, not later than July 15 of every even-numbered year and not
203 later than March 1 of every odd-numbered year, mail to all registered voters who registered to
204 vote before July 1 at their residential addresses, or mailing addresses if different from their
205 residential address listed in the central registry, an application for an early voting ballot for the
206 presidential or state primary or biennial state election, as applicable, and any city or town

207 election held on the same day as the presidential or state primary or biennial state election. Each
208 application shall be pre-addressed to the city or town clerk with return postage guaranteed. Every
209 such application shall be provided in any language required by the bilingual election
210 requirements of the federal Voting Rights Act, 52 U.S.C. 10503. Every such application mailed
211 to a voter in the city of Boston shall include an option, which shall appear prominently on the
212 application, to request a ballot printed in any language available at the voter's polling location
213 pursuant to chapter 166 of the acts of 2014. The state secretary need not mail an application to a
214 voter whose previous application for an absentee ballot or early voting ballot for all elections in
215 the calendar year has been accepted. The state secretary shall, to minimize mailings and costs,
216 seek to include said applications in any other mailings required by this chapter or otherwise
217 issued to such registered voters at such time; provided, however, that such a mailing shall clearly
218 indicate that applications to vote early by mail are contained therein and that any voter who
219 previously returned an accepted application to vote early by mail in the calendar year need not
220 return an additional application.

221 (8) Upon receipt of an early voting application, the election officers shall verify the
222 voter's information and, if confirmed, shall record the voter as "EV" on the voting list. If the
223 election officers find that the person signing the application is not a duly registered voter or the
224 family member of a voter, they shall send the voter written notice to that effect and shall preserve
225 the application during the time fixed by law for the preservation of ballots cast in the coming
226 election, after which time the application shall be destroyed.

227 (9) Early voting ballots authorized pursuant to this section shall be mailed by the
228 appropriate local election officials as soon as such materials are available, but not later than 28
229 days before any primary or election, where feasible. The mailing of an early voting ballot shall

230 include: (i) instructions for early voting; (ii) instructions for completing the ballot; (iii) an inner
231 envelope where the ballot shall be placed after voting that contains an affidavit of compliance to
232 be filled out by the voter and notice of the penalties under section 26 of chapter 56; and (iv) an
233 outer envelope that is pre-addressed to the local election official with postage guaranteed.

234 (10) The provisions of section 81 relative to spoiled ballots shall apply to early voting
235 ballots under this section; provided, however, that a request for a substitute ballot from a voter
236 who has received a ballot by mail shall not be valid unless it is accompanied by the spoiled ballot
237 and received in the office of the city or town clerk or the registrars before 5 p.m. on the fifth day
238 preceding the election for which such substitute voting ballot is requested.

239 (11) An early voting ballot received by mail may be returned by the voter or a family
240 member by: (i) delivering it in person to the office of the appropriate city or town clerk; (ii)
241 delivering it to an early voting location for the appropriate city or town during the early voting
242 in-person hours; (iii) dropping it in a secured municipal drop box; or (iv) mailing it to the
243 appropriate city or town clerk.

244 All early voting ballots submitted by mail, delivered in person to the office of the city or
245 town clerk, returned to a secured municipal drop box or returned electronically pursuant to the
246 accommodations granted to a voter by reason of disability under paragraph (4) shall be received
247 by the city or town clerk before the hour fixed for closing the polls on the day of a preliminary,
248 primary or election; provided, however, that an early voting ballot mailed on or before the day of
249 an election shall be received until 5 p.m. on the third day after the election and shall be processed
250 in accordance with section 95. A postmark, if legible, shall be evidence of the time of mailing.

251 (12) Upon receipt of a completed early voting ballot, the local election official shall open
252 the outer mailing envelope and examine the inner secrecy envelope without opening it, compare
253 the signature thereon with the signature on the application therefor, except if a family member
254 signed the application, the voter received assistance in signing the application or the envelope, or
255 the voter applied for the ballot under paragraph (6), and examine the affidavit on each such
256 envelope. If the affidavit has been improperly executed or does not sufficiently indicate that the
257 ballot was marked and mailed or delivered as required by this section, the local election official
258 shall mark across the face thereof "Rejected as defective" and shall notify the voter and send the
259 voter a new ballot. If the early voting ballot is accepted, the local election official shall record the
260 date and secure the ballot in its envelope until processing in accordance with law.

261 (b)(1) The local election officers and registrars of every city and town shall allow any
262 voter, as defined in section 1 of chapter 51, to vote early in person for any presidential or state
263 primary or biennial state election and any city or town election held on the same day as a
264 presidential or state primary or biennial state election. Any voter wishing to vote early in person
265 in such elections may do so at the time, manner and location prescribed in this section.

266 (2) Early voting in-person shall be conducted:

267 (i) from the seventeenth day through the fourth day, inclusive, preceding a biennial state
268 election and any city or town election held on the same day as a biennial state election; and

269 (ii) from the tenth day through the fourth day, inclusive, preceding a presidential or state
270 primary and any city or town election held on the same day as a presidential or state primary.

271 Early voting weekend hours shall be conducted as follows: (i) for municipalities with less
272 than 5,000 registered voters, for not less than 4 hours each weekend, with at least 1 day per

273 weekend, for not less than 2 hours on a weekend day in which voting is conducted; (ii) for
274 municipalities with not less than 5,000 registered voters but less than 25,000 registered voters,
275 for not less than 6 hours each weekend, with at least 1 day per weekend, for not less than 3 hours
276 on a weekend day in which voting is conducted; (iii) for municipalities with not less than 25,000
277 registered voters but less than 40,000 registered voters, for not less than 4 hours each weekend
278 day; (iv) for municipalities with not less than 40,000 registered voters but less than 75,000
279 registered voters, for not less than 6 hours each weekend day; and (v) for municipalities with not
280 less than 75,000 registered voters, for not less than 8 hours each weekend day.

281 For each other day during the early voting period, early voting shall be conducted as
282 follows: (i) for municipalities with less than 5,000 registered voters the city council of a city or
283 board of selectmen or select board of a town may, at a public meeting held not less than 20 days
284 before the first day of the early voting period, vote to provide early voting hours of not less than
285 25 per cent of the usual business hours of the town clerk; (ii) for municipalities with more than
286 5,000 registered voters but less than 40,000 registered voters: (A) for the fifteenth day to the
287 eleventh day, inclusive, preceding a biennial state election, the city council of a city or board of
288 selectmen or select board of a town may, at a public meeting held not less than 20 days before
289 the first day of the early voting period, vote to provide early voting hours of not less than 50 per
290 cent of the usual business hours of the city or town clerk; and (B) for the eighth day to the fourth
291 day, inclusive, during the usual business hours of each city or town clerk; and (iii) for
292 municipalities with more than 40,000 registered voters, during the usual business hours of the
293 city or town clerk. A city or town may provide for additional early voting hours beyond the hours
294 required by this paragraph.

295 (3) Each city and town shall establish an early voting site that shall include the local
296 election office for the city or town; provided, however, that if the city or town determines that
297 the office is unavailable or unsuitable for early voting, the registrars of each city or town shall
298 identify and provide for an alternative centrally-located, suitable and convenient public building
299 within the city or town as an early voting site. A city or town may also provide for additional
300 early voting sites at the discretion of the registrars for that city or town. Each early voting site
301 shall be accessible to persons with disabilities.

302 (4) The designation of an early voting site shall be made not less than 14 days prior to the
303 beginning of the early voting period established in this section. Not less than 7 days prior to the
304 beginning of the early voting period and at least once during the voting period, the registrars for
305 each city and town shall publish notice of the location of the early voting sites as well as the
306 applicable dates and hours. Such notice shall be conspicuously posted: (i) in the office of the
307 local election official and on the principal official bulletin board of each city or town; (ii) on any
308 other public building considered necessary; (iii) on the city or town's website, if any; and (iv) on
309 the website of the state secretary.

310 (5) Prior to the beginning of in-person early voting, the local election officials for each
311 city and town shall prepare a list for the early voting sites, containing the names and residences
312 of all persons qualified to vote at each voting site as the names and residences appear upon the
313 annual register, and shall reasonably transmit the applicable list to the local election officers at
314 each early voting site designated by the registrars.

315 (6) A voter seeking to vote in person at an early voting site shall provide their name and
316 address to the local election officer who shall, upon finding the voter's name and address upon

317 the list, repeat it loudly and clearly, mark the list and provide the voter with an early voting ballot
318 and an envelope containing an affidavit, which shall include a notice of penalties under section
319 26 of chapter 56.

320 The registrar or presiding election officer at the early voting site shall cause to be placed
321 on the voting list opposite the name of a qualified voter who participates in early voting, the
322 letters "EV" designating an early voter.

323 (7) Upon marking their early voting ballot, enclosing it in the secrecy envelope and
324 executing the affidavit, the voter shall return the ballot envelope to a local election officer who
325 shall review the envelope to ensure the affidavit has been signed by the voter. After a ballot
326 envelope has been accepted, it shall be securely stored at the early voting site until such time as it
327 is transported to the office of the local election official, but not later than the close of early
328 voting for that day.

329 (c) The registrars shall prepare lists of all voters casting ballots during the early voting
330 period and update the voter list in a manner prescribed by the state secretary. Once an early
331 voting ballot is cast, the voter shall not vote again.

332 (d) The early voting ballot of any voter who was eligible to vote at the time the ballot was
333 cast shall not be invalid solely because the voter became ineligible to vote by reason of death
334 after casting the ballot. For purposes of this subsection, the term "cast" shall mean that the voter
335 has: (i) deposited the early voting ballot in the mail for ballots mailed; (ii) returned the early
336 voting ballot to the appropriate local election official either by hand or by depositing it in the
337 municipal drop box, where available; (iii) completed voting in person at an early voting location;

338 or (iv) the ballot is returned electronically pursuant to the accommodations granted to a voter by
339 reason of disability under paragraph (4) of subsection (a).

340 (e) Sections 37 and 38 of chapter 53 shall apply to unenrolled voters and voters enrolled
341 in political designations voting early in primaries. The registrar or presiding election official at
342 the early voting site shall cause the name of the party of the ballot being voted to be recorded on
343 the voting list. Once the party selection has been recorded on the voting list, a voter shall not
344 request or vote on the ballot of another party.

345 (f) Not less than 30 days prior to each presidential primary, state primary and state
346 election, the state secretary shall deliver to each city and town, in quantities as the state secretary
347 determines necessary, pre-addressed and with postage prepaid: (i) official early voting ballots
348 similar to the official ballot to be used at the election; and (ii) envelopes of sufficient size to
349 contain the ballots specified in clause (i) bearing on their reverse the voter's affidavit in
350 compliance.

351 (g) Any early voting ballot cast pursuant to this section may be opened and deposited into
352 a tabulator in advance of the date of the primary or election in accordance with regulations
353 promulgated by the state secretary; provided, however, that municipalities that do not have a
354 tabulator may open and deposit early voting ballots into a ballot box; provided further, that such
355 ballots shall be kept secured, locked and unexamined and that no results shall be determined or
356 announced until after the time polls close on the date of the primary or election; and provided
357 further, that notice of the date, time and location of any such opening or depositing shall be
358 posted not less than 2 business days in advance of the opening or depositing and the opening or

359 depositing shall be open to the public. Disclosing any such result before such time shall be
360 punished as a violation of section 14 of chapter 56.

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

364 (h) The state secretary shall promulgate regulations to implement this section including,
365 but not limited to, a process for establishing additional early voting sites and a process for
366 applying for, receiving, separating, compiling, recording and securing early ballots and advance
367 depositing.

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

372 (j)(1) The select board, board of selectmen, town council or city council of each city and
373 town may vote to authorize early in-person voting for any other city or town election not
374 included in subsection (b). Such vote may only be taken after a request from the city or town
375 clerk or authorized local election official recommending in-person early voting; provided,
376 however, that such vote shall occur not less than 5 business days prior to the proposed beginning
377 of early voting.

378 (2) As part of the vote to allow early in-person voting under this subsection, a city or
379 town shall set the early voting period to begin not sooner than 17 days before the election and
380 end not later than 2 business days preceding the election.

381 (3) Early voting under this subsection shall be conducted during the usual business hours
382 of the city or town clerk unless different hours are set as part of the vote to allow early in-person
383 voting, including any weekend hours.

384 (4) The city or town clerk shall establish an early voting site for early in-person voting
385 under this subsection that is centrally-located, suitable and in a convenient public building.
386 Notice of the early voting location, dates and hours shall be posted not less than 48 weekday
387 hours before the early voting period begins.

388 (5) A voter voting early in person under this subsection shall be provided with a ballot
389 and an envelope where the ballot is placed after voting that contains an affidavit of compliance to
390 be filled out by the voter. A voter voting early in person shall complete an affidavit under the
391 regulations promulgated by the state secretary for the administration of early voting, as
392 applicable, which shall include a notice of penalties under section 26 of chapter 56.

393 SECTION 12. Section 31 of said chapter 54, as so appearing, is hereby amended by
394 striking out the second paragraph.

395 SECTION 13. Section 65 of said chapter 54, as so appearing, is hereby amended by
396 adding the following paragraph:-

397 This section shall apply to early voting locations under section 25B while voting is being
398 conducted.

399 SECTION 14. Said chapter 54 is hereby further amended by striking out section 67, as so
400 appearing, and inserting in place thereof the following section:-

401 Section 67. One voting list shall be delivered to the ballot clerks and another may be
402 delivered to the officer in charge of the ballot box; provided, however, that the city or town clerk
403 may opt to use only 1 voting list at the check in. When a ballot is delivered to a voter, the voter's
404 name shall be checked on the voting list and, except where the city or town clerk has opted to not
405 use a check-out list, it shall be checked on the second voting list when the voter deposits the
406 ballot. Where a check-out list is used, the officer in charge of the ballot box and the officer in
407 charge of the voting list shall be of different political parties. No person shall vote if the person's
408 name is not on the voting list, nor until the local election officer shall check the person's name
409 thereon, unless the person presents a certificate from the registrars of the city or town as
410 provided by section 51 or section 59 of chapter 51 or unless the person is voting by provisional
411 ballot under section 76C. A city or town may vote to use electronic poll books rather than paper
412 voting lists in accordance with section 33I.

413 SECTION 15. Section 72 of said chapter 54, as so appearing, is hereby amended by
414 striking out, in line 2, the word "shall" and inserting in place thereof the following word:- may.

415 SECTION 16. Said chapter 54 is hereby further amended by striking out section 83, as so
416 appearing, and inserting in place thereof the following section:-

417 Section 83. In a precinct at which a check-out table is used, a voter, after marking the
418 voter's ballot, shall give the voter's name, and, if requested, residence, to an officer in charge of
419 the ballot box, who shall distinctly announce the voter's name and, if requested, residence. If the
420 name is found on the voting list by the local election officer, the local election officer shall
421 distinctly repeat the name and check it on the voting list. The voter may then deposit the ballot in
422 the ballot box with the official endorsement uppermost and in sight. No ballot without the

423 official endorsement, except as provided in section 61, shall be deposited in the ballot box. A
424 city or town clerk may opt to eliminate the use of a voting list at the check-out table but shall
425 maintain an officer in charge of the ballot box.

426 SECTION 17. Section 89 of said chapter 54, as so appearing, is hereby amended by
427 striking out the second sentence and inserting in place thereof the following sentence:-

428 No application for an absent voting ballot to be sent by mail shall be deemed to be
429 seasonably filed unless it is received in the office of the city or town clerk or registrars before 5
430 p.m. on or before the seventh day preceding the election for which the ballot is being requested.

431 SECTION 18. Said chapter 54 is hereby further amended by inserting after section 89 the
432 following section:-

433 Section 89B. (a) For the purposes of this section, “facility” shall include a correctional
434 facility, house of correction, jail or department of youth services.

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

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

441 (ii) for all municipal preliminaries and elections and primaries and elections, assist an
442 individual who is incarcerated at the facility and who may be eligible to vote in registering as a
443 voter and in applying for a mail ballot, including as specially qualified voters, and distribute

444 forms prepared by the state secretary for those purposes; provided, however, that assistance shall
445 include, but not be limited to, providing an individual with access to a writing implement
446 sufficient to properly complete the registration and application forms;

447 (iii) ensure the receipt, private voting, where possible, and return of mail ballots by an
448 eligible individual who is incarcerated at the facility, including access to a writing implement
449 sufficient to properly complete the ballots; provided, however, that an employee, contractor,
450 agent, official or representative of the department of correction shall not open or inspect any
451 completed mail ballot unless it is to investigate reasonable suspicion of a prohibited activity; and
452 provided further, that the officer in charge of the facility shall ensure the mailing of completed
453 mail ballots as soon as practicable;

454 (iv) provide means of tracking: (A) complaints by an individual who is incarcerated at the
455 facility related to voting or registration issues; (B) numbers of individuals who are incarcerated
456 who sought to vote; and (C) the outcome of their requests;

457 (v) appoint a subordinate officer at the facility to supervise the actions required by this
458 section; and

459 (vi) not later than 14 days before every presidential and regular state primary and biennial
460 state election, file a written report with the state secretary, in a form prescribed by the state
461 secretary, that details the actions taken under this section; provided, however, that the report
462 shall be a public record.

463 (c)(1) Prior to the expiration of the term for a person who is incarcerated in a correctional
464 facility, the officer in charge of the facility shall provide, in writing, a document prepared by the
465 state secretary explaining: (i) the voting rights of a person who is incarcerated in a correctional

466 facility upon discharge from a correctional facility; and (ii) instructions for the individual to
467 register to vote following discharge from the facility. The officer in charge of the facility shall
468 provide the person with a voter registration form with a postage guaranteed envelope, and
469 assistance, if requested, to complete such form.

470 (2) The state secretary shall transmit the document prepared pursuant to paragraph (1) to
471 the local election officials for each city and town.

472 (d)(1) Not less than quarterly, the officer in charge of a facility, except for the department
473 of youth services, shall transmit to the state secretary: (i) a list containing information about
474 persons who are newly incarcerated in the correctional facility due to a felony conviction since
475 the time of last reporting under this section; and (ii) a list containing information about persons
476 who were incarcerated in the correctional facility due to a felony conviction but were discharged
477 since the time of last reporting under this section.

478 (2) The lists required by paragraph (1) shall include, for each person listed: (i) name; (ii)
479 date of birth; (iii) last 4 digits of social security number or driver's license number, if available;
480 (iv) address on-file, including street, city or town and state; and (v) race or ethnicity, for
481 reporting purposes.

482 SECTION 19. Section 91B of said chapter 54, as appearing in the 2020 Official Edition,
483 is hereby amended by inserting after the word "prepaid", in line 5, the following words:- and
484 with return postage guaranteed.

485 SECTION 20. Said chapter 54 is hereby further amended by striking out section 91C, as
486 so appearing, and inserting in place thereof the following section:-

487 Section 91C. (a) For the purposes of this section, “voter” shall mean an individual voting
488 pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act.

489 (b) Upon receipt of a properly executed application for an absentee ballot from a voter, a
490 city or town clerk shall retain the application and, without delay, enter the application in the
491 voter registration information system.

492 (c) The application for an absentee ballot shall permit a voter to request, receive, mark,
493 verify and cast a ballot electronically, using an electronic system approved by the state secretary.
494 A voter may electronically return a marked ballot to the city or town clerk to be counted, subject
495 to the regulations promulgated by the state secretary.

496 Any electronic system approved by the state secretary under this section shall:

497 (i) not store personal identifying information beyond the time necessary to confirm the
498 identity of the voter, but may maintain personal identifying information on the voter’s local
499 device;

500 (ii) facilitate a process for verification of voter identity;

501 (iii) generate an anonymous, auditable copy of the voter ballot that is received, marked,
502 verified and cast via electronic transmission; and

503 (iv) provide a method for voters to verify that their ballots are received by the appropriate
504 local election officials.

505 (d) The city or town clerk shall expeditiously transmit a ballot or access to an electronic
506 ballot to all voters for whom an application was received in accordance with subsections (b) and
507 (c) and shall enter the date of transmission into the voter registration information system.

508 (e) If a request for an absentee ballot is received from a voter 45 or more days before a
509 federal election, the city or town clerk shall send the ballot and instructions to the applicant not
510 later than 45 days prior to the federal election using either mail or electronic transmission, as
511 requested by the voter.

512 (f) If a request for an absentee ballot is received from a voter less than 45 days before a
513 federal election, the city or town clerk shall send the ballot and instructions without delay using
514 either mail or electronic transmission, as requested by the voter.

515 (g) If a request for an absentee ballot is received from a voter 45 or more days before a
516 federal election and the state secretary has determined that the city or town clerk is unwilling or
517 unable to transmit the ballot not less than 45 days before the election, the state secretary may, on
518 behalf of the city or town clerk, after notice to the city or town clerk and in accordance with the
519 voter's choice, electronically transmit or mail the appropriate absentee ballot and instructions to
520 the voter not later than the day 45 days prior to the federal election.

521 The state secretary shall enter in the voter registration information system the
522 transmission date on which absentee voters were sent ballots by the state secretary pursuant to
523 this subsection.

524 (h) The state secretary shall promulgate regulations to implement this section.

525 SECTION 21. Section 92 of said chapter 54, as so appearing, is hereby amended by
526 adding the following subsection:-

527 (d) The absent voting ballot of any voter who was eligible to vote at the time the ballot
528 was cast shall not be deemed invalid solely because the voter became ineligible to vote by reason

529 of death after casting the ballot. For purposes of this subsection, the term “cast” shall mean that
530 the voter has: (i) deposited the absent voting ballot in the mail for ballots mailed; or (ii) returned
531 the absent voting ballot to the appropriate local election official either by hand or by depositing it
532 in the municipal drop box, where available.

533 SECTION 22. Said chapter 54 is hereby further amended by striking out section 93, as so
534 appearing, and inserting in place thereof the following section:-

535 Section 93. All absent voting ballots submitted by mail, delivered in person to the office
536 of the city or town clerk, returned to a secured municipal drop box shall be received by the city
537 or town clerk before the hour fixed for closing the polls on the day of a primary or election;
538 provided, however, that an absent voting ballot mailed on or before the day of a biennial state
539 election shall be received until 5 p.m. on the third day after the election and shall be processed in
540 accordance with section 95. A postmark, if legible, shall be evidence of the time of mailing.

541 SECTION 23. Section 95 of said chapter 54, as so appearing, is hereby amended by
542 striking out the first paragraph and inserting in place thereof the following 2 paragraphs:-

543 Any absent voter ballot cast pursuant to section 86 may be opened and deposited into a
544 tabulator in advance of the date of the primary or election in accordance with regulations
545 promulgated by the state secretary; provided, however, that municipalities that do not have a
546 tabulator may open and deposit early voting ballots into a ballot box; provided further, that such
547 ballots shall be kept secured, locked and unexamined and that no results shall be determined or
548 announced until after the time polls close on the date of the primary or election; and provided
549 further, that notice of the date, time and location of any such opening or depositing shall be
550 posted 2 business days in advance of the opening or depositing and the opening or depositing

551 shall be open to the public. Disclosing any such result before such time shall be punished as a
552 violation of section 14 of chapter 56.

553 If not advance deposited, the city or town clerk, on the day of the election but not later
554 than 1 hour after the hour for the closing of the polls, shall transmit all envelopes purporting to
555 contain official absent voting ballots received on or before the close of business on the day
556 preceding the day of the election, and that have not been marked “Rejected as Defective” as
557 provided in section 94, to the local election officers in the several precincts where the voters
558 whose names appear on such envelopes assert the right to vote or to a central tabulation facility
559 designated in accordance with regulations promulgated by the state secretary. The local election
560 officer in charge of the polling place or central tabulation facility shall immediately, after receipt
561 of any such envelopes, distinctly announce the name and residence of each such voter and check
562 the voter’s name on the voting lists referred to in section 60 of chapter 51, on the voter’s
563 certificate of supplementary registration attached to such lists as provided in section 51 of said
564 chapter 51 or on the copy of the lists of specially qualified voters, disposition list required by
565 section 91A, as the case may be, if it has not already been so checked. The city or town clerk
566 shall open the envelopes in which the ballot is enclosed in such a manner as not to destroy the
567 affidavit thereon, take the ballot therefrom without opening it or permitting it to be examined and
568 deposit it in the ballot box. All envelopes referred to in this section shall be retained with the
569 ballots cast at the election and shall be preserved and destroyed in the manner provided by law
570 for the retention, preservation or destruction of official ballots.

571 SECTION 24. Section 100 of said chapter 54 is hereby repealed.

572 SECTION 25. Not later than July 1, 2022, the state secretary shall: (i) implement the
573 portal required by paragraph (6) of subsection (a) of section 25B of chapter 54 of the General
574 Laws, as inserted by section 11; and (ii) enter into the agreement with the Electronic Registration
575 Information Center, Inc. as required by section 47C of chapter 51 of the General Laws.

576 SECTION 26. Not later than June 10, 2022, the state secretary shall conduct a public
577 awareness campaign to inform voters in the commonwealth of the provisions of this act,
578 including, but not limited to: (i) measures to promote public awareness of election day
579 registration in all elections; (ii) options for expanded mail voting; (iii) the availability of
580 accommodations for voters with a disability; (iii) the availability of accommodations under
581 section 79 of chapter 54 of the General Laws for voters who have limited English proficiency;
582 and (iv) information explaining that the processing of mail ballots and the tabulating of the
583 results of the election may extend a few days past the day of the election. The public awareness
584 campaign shall: (i) be linguistically diverse and culturally competent; (ii) shall include, but not
585 be limited to, outreach through digital and social media; and (iii) ensure specific outreach is done
586 for groups and communities that have historically underused mail voting and early voting.

587 SECTION 27. The state secretary shall promulgate regulations necessary to implement
588 section 91C of chapter 54 of the General Laws, as inserted by section 20, within 120 days of the
589 effective date of this act.

590 SECTION 28. Sections 3 and 7 shall take effect on July 1, 2022.