

SENATE No. 390

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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 to extend early voting for all elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/22/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/23/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/29/2019</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/29/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/29/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/29/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/30/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/30/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/31/2019</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>1/30/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>2/1/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/1/2019</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/1/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2019</i>

SENATE No. 390

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 390) of Harriette L. Chandler, Elizabeth A. Malia, Andres X. Vargas, Jack Patrick Lewis and other members of the General Court for legislation to extend early voting for all elections. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to extend early voting for all elections.

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 47A 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:— Subsequent to such pre-registration, a pre-registrant who is 17
4 years of age, when pre-registered as provided in this section, shall be eligible to vote at any
5 preliminary or primary election to be held if he or she shall be the age of 18 years at the time of
6 the subsequent special or general election and no other pre-registrant shall be allowed to vote
7 until the pre-registrant obtains full age unless otherwise permitted by law.

8 SECTION 2. Chapter 54 of the General Laws is hereby amended by striking out section
9 25B, and inserting in place thereof the following section: —

10 Section 25B. (a) The election officers and registrars of every city or town shall allow any
11 qualified voter, as defined in section 1 of chapter 51, to cast a ballot for any biennial state

12 election, municipal election, or any primary during the early voting period as set forth in this
13 section including, but not limited to, any city or town election held at any time.

14 (b) Any qualified voter wanting to early vote by mail may file with his or her local
15 election official an application for an early voting ballot. Any form of written communication
16 evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be
17 given the same effect as an application made in the form prescribed by the state secretary. No
18 application shall be deemed to be seasonably filed unless it is received in the office of the city or
19 town clerk or registrars of voters before noon on the last day of the early voting period as
20 prescribed in subsection (c).

21 (c) The voting period for early voting shall run from the eleventh business day preceding
22 any election or primary in subsection (a) general election three days prior to the election or
23 primary; provided, however, that if the eleventh business day before the election or primary falls
24 on a legal holiday the early voting period shall begin on the first business day prior to the legal
25 holiday.

26 (d) Early voting shall be conducted during the usual business hours of each city or town
27 clerk. A city or town may, in its discretion, provide for additional early voting hours beyond the
28 hours required by this subsection, including weekend hours.

29 (e) All early voting ballots voted by mail shall be received by the city or town clerk
30 before the hour fixed for closing the polls.

31 (f) Each city and town shall establish an early voting site that shall include the election
32 office for the city or town; provided, however, that if the city or town determines that the office
33 is unavailable or unsuitable for early voting, the registrars of each city or town shall identify and

34 provide for an alternative centrally-located, suitable and convenient public building within each
35 city or town as an early voting site. A city or town may also provide for additional early voting
36 sites at the discretion of the registrars for that city or town. Each early voting site shall be
37 accessible to persons with disabilities.

38 (g) The designation of an early voting site shall be made not less than 14 days prior to the
39 beginning of the voting period established in subsection (b). Not less than 7 days prior to the
40 beginning of the early voting period and at least once during the voting period, the registrars for
41 each city or town shall publish the location of the early voting sites as well as the applicable
42 dates and hours. Notice shall be published in every newspaper listed for the city or town in the
43 New England Newspaper & Press Association and shall also be conspicuously posted in the
44 office of the city clerk or on the principal official bulletin board of each city or town, on any
45 other public building considered necessary, on the city or town's website, if any, and on the
46 website of the state secretary.

47 (h) At least 21 days prior to each election or primary referred to in subsection (a), the
48 state secretary shall deliver to each city or town, in quantities as the state secretary determines
49 necessary, the following papers: (1) official early voting ballots, similar to the official ballot to
50 be used at the election or primary; and (2) envelopes of sufficient size to contain the ballots
51 specified in clause (1) bearing on their reverse the voter's affidavit in compliance with the
52 requirements of subsection (j).

53 (i) An early voting ballot along with an envelope shall be provided to each qualified voter
54 who participates in early voting.

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

58 (k) Prior to the beginning of early voting, the registrars for each city or town shall prepare
59 a list for the early voting sites, containing the names and residences of all persons qualified to
60 vote at each voting site, as the names and residences appear upon the annual register, and shall
61 reasonably transmit the applicable list to the election officers at each early voting site designated
62 by the registrars.

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

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

68 (n) The counting of early voting ballots including, but not limited to, informing election
69 officers and any challengers present under section 85A shall be set by regulations promulgated
70 under this chapter. All envelopes referred to in this section shall be retained with the ballots cast
71 at the election and shall be preserved and destroyed in the manner provided by law for the
72 retention, preservation or destruction of official ballots.

73 (o) The state secretary shall promulgate regulations to implement this section including,
74 but not limited to, a process for establishing additional early voting locations and a process for
75 applying for, receiving, separating, compiling, recording and securing early voter ballots.

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

80 (q) No early voting ballot cast under this section shall be counted if the officer charged
81 with the duty of counting the ballot is cognizant of the fact that the voter has died prior to the
82 opening of the polls on the day of the election or primary.