

SENATE No. 474

The Commonwealth of Massachusetts

PRESENTED BY:

Adam G. Hinds

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 protect the voting rights of eligible incarcerated people.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>3/4/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/8/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/18/2021</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>3/29/2021</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>3/30/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/5/2021</i>

SENATE No. 474

By Mr. Hinds, a petition (accompanied by bill, Senate, No. 474) of Adam G. Hinds, Erika Uytterhoeven, James B. Eldridge, Joanne M. Comerford and other members of the General Court for legislation to protect the voting rights of eligible incarcerated people. Election Laws.

The Commonwealth of Massachusetts

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

An Act to protect the voting rights of eligible incarcerated people.

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. Chapter 127 of the General Laws is hereby amended by inserting after
2 section 150 the following section:—

3 Section 150A. Each superintendent of a state or county correctional facility and each
4 administrator of a county correctional facility shall, on or before the fifteenth day of each month,
5 transmit to the secretary of the commonwealth the following:—

6 A list containing information about persons convicted of a felony who, during the
7 preceding period, have become ineligible to vote because of their incarceration

8 A list containing information about persons convicted of a felony who, during the
9 preceding period, have become eligible to vote because of their discharge from incarceration

10 A list containing information about persons detained pre-trial or convicted of a
11 misdemeanor and eligible to vote

12 Each list shall include the following information on each person listed:

13 (i) Name;

14 (ii) Date of birth;

15 (iii) Incarcerated for a felony conviction, incarcerated but not disqualified, or recently
16 released;

17 (iv) Last 4 digits of social security number, or driver's license number, if available;

18 (v) Address on-file;

19 (vi) If held pretrial or serving a misdemeanor and eligible to vote, the name and address
20 of the jail, prison, or other facility where they are detained; and

21 (vii) Race/ethnicity for reporting purposes.

22 SECTION 2. Section 18 $\frac{3}{4}$ of Chapter 6A of the General Laws is hereby amended by
23 inserting at the end of subparagraph (i) of clause (12), the following:-

24 (I) and voter eligibility status and changes.

25 SECTION 3. Chapter 54 of the General Laws is hereby amended by inserting after
26 Section 89 the following new sections:-

27 Section 89A. The officer in charge of a correctional facility, house of correction, or jail,
28 in this section called a facility, shall:

29 (a) publish policies and procedures, developed in consultation with local and state
30 elections officials, community groups, and other stakeholders, that govern the facilitation of

31 voting and voter registration for eligible voters in their facilities. These policies and procedures
32 shall account for the following:

33 Distribution of voter education and election information, including but not limited to
34 through hanging posters and disseminating individualized written notices about voting rights and
35 procedures from the Secretary of the Commonwealth;

36 Providing assistance to eligible incarcerated persons to register as voters and apply for
37 mail ballots in all primaries and elections as specially qualified voters. This shall include
38 distributing forms prepared by the state secretary including, but not limited to:

39 Ballot request forms;

40 Voter registration forms;

41 Records that may serve as proof of residence for the purpose of voter registration and/or
42 provide voters with their last known address, such as intake forms, arrest records, or other forms
43 in the possession of the correctional facility; and

44 Voter information packets generated by the Secretary of the Commonwealth, community
45 groups, or other stakeholders.

46 Providing for the expeditious and timely receipt and return of mail ballots by eligible
47 incarcerated persons; the officer in charge may facilitate timely return of completed ballots by
48 providing a secured municipal drop box, by mailing the ballots to the appropriate city or town
49 clerk, or through any other secured means of delivery.

50 Establishing locations where persons may complete ballots and other paperwork in
51 private.

52 Providing means of tracking the incarcerated people’s complaints related to voting or
53 registration issues, numbers of voters who sought to vote, and the outcome of their requests.

54 Setting policies for collaborating with local elections officials, civic engagement
55 community groups, and other stakeholders.

56 (b) any informational posters or packets provided by the Secretary of the Commonwealth
57 shall be hung or distributed not later than July 15 of an even-numbered year, or, if received after
58 that date, immediately upon receipt; distribution and announcements shall be continued through
59 the conclusion of any primary and general election.

60 (c) appoint a subordinate officer at the facility to supervise the actions required by this
61 section;

62 (d) not later than 14 days before every presidential and regular state primary and biennial
63 state election, file a written report with the state secretary, detailing the actions taken under this
64 section, in a form prescribed by the state secretary. The report shall be a public record.

65 (e) The requirements detailed in sections a,b, and d shall apply to superintendents or the
66 officer in charge of a “facility” as described in Chapter 123, Section 35.

67 Section 89B. The State Secretary shall create and distribute voter information signs and
68 information to sheriffs and superintendents for their distribution not less than 90 days prior to all
69 state or presidential primary elections or general elections. The State Secretary shall create and
70 distribute to elections officers information on the qualifications and rights of eligible incarcerated
71 voters, regulations detailing the application process and how to process them in the Voter
72 Registration Information System (VRIS), and current law pertaining to those rights and

73 processes. By 90 days prior to any state or presidential primary or general election, the state
74 secretary shall promulgate those regulations to elections officers.

75 The state secretary shall issue a report not less than 6 months following each state or
76 presidential primary election and general election. Said report shall include information on:

77 the number of eligible incarcerated voters at the time of an election in each municipality;

78 the number of incarcerated voters who requested an absentee ballot and the outcome of
79 that request in each municipality, including the reasons for rejection if applicable;

80 the number of incarcerated voters who requested to register to vote and the outcome of
81 those requests in each municipality, including the reason for rejection if applicable; and

82 each municipality's policies and practices regarding outreach and enfranchisement of
83 eligible incarcerated voters if applicable.

84 SECTION 4. Section 91B of said chapter 54, as so appearing, is hereby amended by
85 inserting after the word "prepaid", the following words:- and with return postage guaranteed.

86 SECTION 5. Chapter 51 of the General Laws is hereby amended by adding after section
87 4A the following section:-

88 Section 4B. As part of the release process leading to the discharge of a person who has
89 been disenfranchised because of a felony conviction, the correctional facility shall provide that
90 person with a voter registration form and a declination form, and offer that person assistance in
91 filling out the appropriate form. Unless the registrant refuses to permit it to do so, the
92 correctional facility shall provide the registrant with a postage guaranteed envelope, or

93 otherwise the correctional facility shall transmit the completed voter registration form to the city
94 or town in the county where the registrant claims residence.

95 SECTION 6. Chapter 127 of the General Laws is hereby amended by inserting after
96 section 150 the following section:—

97 Section 150A. (a) Prior to the expiration of a prisoner’s term, the superintendent or
98 administrator of the state or county correctional facility shall, in writing, notify the prisoner
99 whose term is to expire that their voting rights shall be restored upon discharge; provided, that
100 such person’s right to vote was suspended while incarcerated pursuant to Article III of the
101 Articles of Amendment of the Constitution. If the person’s right to vote was not suspended while
102 incarcerated pursuant to Article III of the Articles of Amendment of the Constitution, the
103 superintendent or administrator of the state or county’s correctional facility shall, in writing,
104 notify the prisoner whose term expires that his or her voting rights shall be maintained upon
105 discharge, and that, if the incarcerated person requested or submitted a mail ballot application or
106 ballot, they maintain the right to vote in-person so long as their mail ballot has not been
107 processed.

108 SECTION 7. Section 1 of chapter 50 of the General Laws, as appearing in the 2018
109 Official Edition, is hereby amended by inserting after the definition of “Municipal party” the
110 following definition:-

111 “Offices of correction”, offices of the department of correction and offices of the houses
112 of correction.

113 SECTION 8. Section 1 of said chapter 50, as so appearing, is hereby amended by
114 inserting after the word “vehicles”, in line 124, the following words: -, offices of correction.

115 SECTION 9. Chapter 54 of the General Laws is hereby amended by inserting after
116 section 91C the following section:-

117 Section 91D: (a) Applications arriving from a specially qualified voter as defined in
118 section one of chapter fifty, who is confined in a correctional facility or jail, except if by reason
119 of a felony conviction, who cite their return address as a correctional facility or jail may be
120 presumed to maintain residence in that address for voting purposes should the applicant so
121 choose.

122 (b) Elections officers shall, prior to declining to execute the certificate of absentee ballot
123 applications submitted by a specially qualified voter who is confined in a correctional facility or
124 jail, except if by reason of a felony conviction for reasons concerning residency for voting
125 purposes or eligibility, verify the applicant's eligibility status and residence for voting purposes
126 with the jail or house of correction from where the applicant has applied.

127 (c) Elections officers shall, 30 days before any municipal, state, or presidential election,
128 post on their website and report to the state secretary any measures to facilitate voting for
129 incarcerated eligible voters.

130 (d) Elections officers shall make available by request as public record: the numbers of
131 ballot applications received from eligible incarcerated voters, the numbers of rejected ballot
132 applications sent by incarcerated and make note of reason for rejection, and the number of ballots
133 received from eligible incarcerated voters.

134 SECTION 10. Chapter 54 of the General Laws is hereby amended by inserting after
135 section 25C the following:-

136 (R) the Secretary shall direct that one or more early voting sites be available on at least
137 the last day of the early voting period to serve voters incarcerated in the county jails in counties
138 where the population numbers above 800,000. In order to ensure the greatest number of voters
139 possible will be served, the Secretary must consult with the relevant county sheriffs to ascertain
140 which towns and cities are most represented among the jail population. Once that determination
141 is made, the Secretary shall notify the cities or towns of their obligation to provide an early
142 voting site for voters in the relevant facility. The Secretary shall affect the mandates of this
143 subsection beginning in 2022 and shall review early voting plans for correctional facilities every
144 5 years thereafter to ensure they are up to date. The Secretary shall promulgate rules and
145 regulations to affect the purposes of this subsection.