HOUSE DOCKET, NO. 3066 FILED ON: 1/18/2013

HOUSE . . . . . No. 636

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo M. Scaccia

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 passage of the accompanying:

An Act relative to advance voting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Angelo M. Scaccia	*14th Suffolk*
William F. Galvin	*Secretary of the Commonwealth*
Michael D. Brady	*9th Plymouth*

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HOUSE . . . . . No. 636

By Mr. Scaccia of Boston, a petition (accompanied by bill, House, No. 636) of Angelo M. Scaccia, William F. Galvin and Michael D. Brady relative to provide for advance voting by mail or at certain locations for primaries or elections. Election Laws.

The Commonwealth of Massachusetts

An Act relative to advance voting.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of Chapter 50 of the General Laws is hereby amended by adding the following after the word "appears" in the first sentence:-

"Advance Voting" means casting a ballot prior to Election Day by mail or at a location determined in accordance with regulations promulgated by the secretary of the commonwealth and shall apply to any state primary or election.

SECTION 2. Chapter 53 of the General Laws is hereby amended by adding the following:-

Section 23A.

Advance voting, as provided for in section 76A of chapter 54, shall be conducted before each state and presidential primary, including special primary elections.

SECTION 3.

Chapter 54 of the General Laws is hereby amended by adding the following:-

Section 76A.

(1) Advance voting shall be conducted before each state election, including special state elections.

(2) Advance voting shall be conducted on the twentieth day before each election in each city and town from nine o'clock am until eight o'clock in the evening, provided, however, that in towns having less than fifteen hundred voters, such sessions shall be sufficient if it includes the

time from two to four o'clock in the afternoon and from seven to eight o'clock in the evening. Local election officials may determine up to at least three additional advance voting days.

(3) The secretary of the commonwealth shall promulgate regulations relating to advance voting procedures which will set out the process by which local elections officials may designate, subject to the secretary's approval, advance voting locations, the hours these locations must be open for advance voting, and the process by which a voter may cast an advance voting ballot by mail. Advance voting may begin no earlier than forty-five days before an election and must end at least three business days before such election.

(4)(a) Any qualified voter casting a ballot at an advance voting location must complete an Advance Voting Voter Certificate in accordance with the regulations promulgated pursuant to this chapter.

(b) Any qualified voter wanting to advance vote by mail may file with his or her local election official an application for an advance voting ballot. Any form of written communication evidencing a desire to have an advance voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. No application shall be deemed to be seasonably filed unless it is received in the office of the city or town clerk or registrars of voters before noon on the seventh day preceding the election for which such advance voting ballot is requested; provided, however, that if the day preceding such election is a Sunday or legal holiday, then it shall be received by such clerk or registrars before five o'clock post meridian on the last previous weekday.

The provisions of section eighty-one relative to spoiled ballots shall apply to advance voting ballots; provided, however, that no request for a substitute ballot from a voter who has received his advance ballot by mail shall be valid unless it is accompanied by the spoiled ballot and received in the office of the city or town clerk or the registrars of voters before noon on the second business day preceding the election for which such substitute advance voting ballot is requested.

No advance ballot shall be mailed or delivered until an application has first been filed and certified by the registrars and returned to the clerk, as provided in section ninety-one. Said application may request an advance voting ballot for each regular or special primary and regular or special election which occurs within the calendar year in which the application is received by the city or town clerk or registrars.

No voter who has been recorded as voting using the advanced voting procedures shall be allowed to cast a ballot on election day, except that upon claim of an error, such voter shall be provided with a provisional ballot.