

SENATE No. 348

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 bill:

An Act Ensuring the Freedom to Vote in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	Middlesex and Worcester
Pam Richardson	6th Middlesex
Susan C. Tucker	Second Essex and Middlesex
Carl M. Sciortino, Jr.	34th Middlesex
Steven J. D'Amico	4th Bristol
Ellen Story	3rd Hampshire
Denise Provost	27th Middlesex
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Kay Khan	11th Middlesex
Susan C. Fargo	Third Middlesex
Tom Sannicandro	7th Middlesex
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Sean Garballey	23rd Middlesex
Cory Atkins	14th Middlesex
Kay Khan	11th Middlesex
Willie Mae Allen	6th Suffolk
Geraldo Alicea	6th Worcester
Steven M. Walsh	11th Essex
Thomas P. Conroy	13th Middlesex

Katherine Clark

32nd Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ENSURING THE FREEDOM TO VOTE IN THE COMMONWEALTH.

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 50 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by inserting, in line 65, before the word “ballot” the word:-
3 paper.

4 SECTION 2. Said section 1 of chapter 50 is hereby amended by striking out, in lines 66
5 and 67, the words “and where voting machines are used shall include ballot labels,” and inserting
6 in place thereof the following words:- and shall be the sole record of the vote used for counting
7 and tallying purposes.

8 SECTION 3. Section 1 of chapter 51 of the General Laws, as appearing in the 2006
9 Official Edition, is hereby amended by striking out the last sentence and inserting in place
10 thereof the following sentence:- A person otherwise qualified to vote for national or state
11 officers shall not, by reason of a change of residence within the commonwealth, be disqualified
12 from voting for such national or state officers in the city or town from which he has removed his
13 residence until the expiration of 6 months from such removal, provided further, that a person
14 having changed his residence shall be eligible to register under section 34A..

15 SECTION 4. Section 3 of said chapter 51, as so appearing, is hereby amended, by
16 inserting, after the word, “registration” in lines 7 and 16, the following words:- , or in accordance
17 with the provisions of section 34A.

18 SECTION 5. Section 26 of said chapter 51, as so appearing, is hereby amended by
19 striking out, in lines 9 and 10, the words “eight o’clock in the evening” and inserting in place
20 thereof, in each instance, the following figure:- 5:00 pm.

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

23 Section 28. Registrars shall hold a continuous session from 9:00 am until 5:00 pm on the last
24 day for registration prescribed under section 26. For those towns having less than 1,500 voters,
25 such session shall be sufficient if it includes the time from 9:00 until 11:00 am and from 2:00
26 until 5:00 pm.

27 SECTION 7. Said chapter 51 is hereby further amended by striking out section 34, as
28 appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

29 Section 34. Except as otherwise provided in section 34A, after 5:00 pm of a day on which
30 registration is to cease, the registrars shall not register any person to vote in the next election,
31 except that they shall furnish, or cause to be furnished, to each person waiting in line at the hour
32 of 5:00 pm for the purpose of being registered, a card or slip of identification bearing such
33 person’s name and shall, before registration ceases, permit such person to register. The registrars
34 may, however, enter or correct on the registers the names of persons who have registered as
35 voters between December 31st preceding and the close of registration.

36 SECTION 8. Said chapter 51 is hereby further amended by inserting after section 34 the
37 following section:-

38 Section 34A.

39 (a) An individual who is eligible to vote may register on the day of an election by appearing
40 in person at the polling place, during the hours it is open for voting, for the precinct in
41 which the individual maintains residence, by completing a registration application in a
42 form prescribed by the state secretary which complies with identity requirements of 42
43 U.S.C. section 15483, by presenting to the appropriate election official proof of residency
44 and by making a written oath which shall be as follows: I certify that I: am a citizen of
45 the United States; am at least 18 years old; am not under guardianship or otherwise
46 prohibited from voting; am not temporarily or permanently disqualified by law because
47 of corrupt practices in respect to elections; have read and understand this statement: I
48 further understand that giving false information is a felony punishable by not more than 5
49 years imprisonment or a fine of not more than \$10,000, or both.

50 (b) For purposes of this section, the term “proof of residence” shall mean 1 of the following,
51 so long as it includes the name of the applicant and the address from which he or she is
52 registering:

53 (i) a valid photo identification including, but not limited to, a Massachusetts’ driver’s license
54 or other state-issued identification card; or

55 (ii) other documentation demonstrating the name and address where the applicant maintains
56 residence and seeks to register including, but not limited to, a copy of a current utility
57 bill, residential lease agreement, bank statement, government check, paycheck, other

58 government document or a current student fee statement or other document from a post-
59 secondary educational institution that verifies the student's current address.

60 (c) Upon meeting the identity requirements of subsection (a), production of proof of
61 residence, and the making of an oath sufficient to support registration, the ballot clerk or
62 his designee shall permit the applicant to vote on the day of an election and the registrar
63 or his or her designee shall place the applicant's name and address on the annual register
64 of voters as soon as reasonably practicable following the date of the election as
65 prescribed by the state secretary. Any person who registers to vote on the day of an
66 election in accordance with this section shall, absent disqualification, be registered to
67 vote at all subsequent primaries and elections.

68 (d) The state secretary shall make available, to the election officers, to the extent possible, at
69 each polling place, access to the central registry of voters set forth in section 47C. For
70 the purposes of this section, a printed copy of all voters registered to vote in that precinct
71 as of the last day of the registration period, as required by sections 55 and 60, shall be
72 sufficient.

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

75 (f) A registered voter shall not re-register on the day of an election for the exclusive purpose
76 of altering his party affiliation.

77 (g) The state secretary shall adopt regulations to implement the relevant provisions of this
78 chapter.

79 (h) Upon credible information or allegation of illegal voter registration, or credible
80 information or allegation of illegal multiple voting, there shall be an investigation upon
81 the merits of said information or allegation by the attorney general, or by the district
82 attorney having jurisdiction over the municipality in which the alleged illegal registration
83 or illegal multiple voting occurred. Nothing in this subsection shall be construed as
84 excluding enforcement of this section by any means otherwise provided by law.

85 (i) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter 56.

86 SECTION 9. Section 47A of chapter 51 of the General Laws, as appearing in the 2002
87 Official Edition, is hereby amended by inserting at the end thereof the following:— A person
88 who is otherwise qualified may pre-register on or after that person's sixteen and a half birthday
89 and may vote in any election occurring on or after that person's eighteenth birthday.

90 SECTION 10. There shall be an advisory committee on the implementation of Election
91 Day registration. Among other issues it may consider, the advisory committee shall study the
92 resources necessary for, costs associated with, and feasibility of providing every polling location
93 with real-time electronic access to the central registry of voters. The advisory committee shall be
94 comprised of the secretary of state, or a designee, who shall chair the advisory committee, the
95 attorney general, or a designee, the house and senate chairs of the joint committee on election
96 laws, or their designees, 2 representatives of the Massachusetts Town Clerks Association, at least
97 1 of whom shall be a town clerk from a town of under 5,000 residents, and 2 representatives of
98 the Massachusetts City Clerks Association. The advisory committee shall complete its study on
99 the implementation of election day registration and submit an interim report and
100 recommendations for improving administration of election day registration, in writing, to the

101 joint committee on election laws and the senate and house committees on ways and means on or
102 before June 30, 2011, and the advisory committee shall submit its final report in writing to the
103 joint committee on election laws and the senate and house committees on ways and means on or
104 before June 30, 2013.

105 SECTION 11. Chapter 54 Section 11 of the General Laws is hereby amended by striking
106 the words “one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four
107 deputy inspectors” and replacing it with “one warden, one clerk, at least two 5 inspectors and a
108 ballot box inspector.”

109 SECTION 12. Chapter 54 Section 12 of the General Laws is 2 hereby amended by
110 striking the words “one warden, one deputy 3 warden, one clerk, one deputy clerk, two
111 inspectors and two deputy 4 inspectors” and replacing it with “one warden, one clerk, at least
112 two 5 inspectors and a ballot box inspector.”

113 SECTION 13. Section 33 of chapter 54 of the General Laws, as appearing in the 2004
114 Official Edition, is hereby amended by inserting before the first paragraph the following
115 paragraph:-

116 All voting systems shall allow voters to directly mark an official paper ballot, either by hand or,
117 in the case of voters with disabilities, by way of a marking device. All voting systems shall
118 allow the voter to verify his vote on the official ballot before the vote is cast. No voting system
119 shall be approved if the recording and tallying of the votes take place electronically in one
120 machine or in machines electronically connected to each other, even if such machines provide a
121 paper receipt. The official ballot marked, verified, and cast by the voter shall be the official
122 record of the vote. Only votes on official ballots may be counted.

123 SECTION 14. Said section 33 of chapter 54 is hereby amended by striking out, in line 6,
124 the words “but no machine shall be approved which does not secure to the voter as much secrecy
125 in voting as is afforded by the use of the official ballot”, and inserting in place thereof the
126 following words:- but no machine shall be approved which does not allow the voter to directly
127 mark and verify his own official paper ballot, and does not secure to the voter as much secrecy in
128 voting as marking the official ballot by hand.

129 SECTION 15. Said section 33 of chapter 54 is hereby amended by deleting the second
130 paragraph.

131 SECTION 16. Said section 33 of chapter 54 is hereby amended by striking out, in lines
132 35 to 37, the words “but no machine shall be approved which does not secure to the voter as
133 much secrecy in voting as is afforded by the use of the official ballot” and inserting in place
134 thereof the following words:- but no machine shall be approved which does not allow the voter
135 to directly mark and verify his own official paper ballot, and does not secure to the voter as much
136 secrecy in voting as marking the official ballot by hand.

137 SECTION 17. Section 33 of chapter 54 is hereby amended by deleting fifth paragraph.

138 SECTION 18. Chapter 54 of the General Laws, as appearing in the 2004 Official
139 Edition, is hereby amended by deleting Section 33A.

140 SECTION 19. Section 37 of chapter 54 of the General Laws, as appearing in the 2004
141 Official Edition, is hereby amended by inserting, in line 4, after the words “kinds of ballots,” the
142 words:- provided that no ballot shall be an electronic ballot.

143 SECTION 20. Said section 37 of chapter 54 is hereby amended by amended by striking,
144 in line 4, the words “ballot labels.”

145 SECTION 21. Said section 37 of chapter 54 is hereby amended by inserting, in line 7,
146 after the word “thirty-two,” the words:- and thirty-three.

147 SECTION 22. Paragraph 2 of section 44 of chapter 54 of the General Laws, as appearing
148 in the 2004 Official Edition, is hereby amended by striking the first sentence and adding in place
149 thereof the following sentence:- The official ballots shall be of ordinary white printing paper, of
150 two of more pages, and shall, except as otherwise provided in this chapter, be so folded before
151 distribution as to measure not less than four and one half nor more than five inches in width and
152 not less than six nor more than thirteen and one half inches in length.

153 SECTION 23. Chapter 54 of the Massachusetts General Laws, as appearing in the 2004
154 Official Edition, is hereby amended by inserting the following new section:-

155 Section 62A Early Voting.

156 (a) Pursuant to a request, in person, by a qualified voter, as defined by Section 1 of Chapter
157 51 of the General Laws, the local election officers and registrars of every city or town
158 shall allow any qualified voter to cast a ballot for any biennial state election, special state
159 election, primary, or special primary prior to an election day. Cities and towns may also
160 provide for early voting in elections not held in conjunction with State elections.

161 (b) Early voting shall begin on the 14th day preceding an election. The early voting period
162 shall end on the day preceding an election. In case of a special election the early voting

163 period shall begin on the 8th day preceding an election and shall end on the day preceding
164 an election.

165 (c) In order to allow for early voting, the registrars of each city or town shall identify and
166 provide for at least one centrally-located and convenient polling location within each city
167 or town for use during the early voting period. The designation of an early voting
168 polling location must be made 30 days in advance of the election. The location and hours
169 of the polling location are within the discretion of the registrars of each city or
170 town. However, each early voting polling location must be open for eight hours on each
171 weekday during the early voting period. The polling location must be open for an
172 aggregate of eight hours each weekend during the early voting period. Further, the
173 polling location shall be accessible to persons with disabilities and suitable voting
174 machines shall be made available to all qualified voters.

175 (d) The registrars for each city or town shall publish the location of the early voting polling
176 place as well as the applicable dates and hours. Said publication shall occur during the
177 week prior to the commencement of the early voting period and at least once a week
178 during the early voting period. Notice of the dates and hours of early voting shall be sent
179 to every newspaper listed in the Directory of New England Newspapers and Periodicals,
180 located in such town or city. Notice of the dates and hours of early voting shall also be
181 conspicuously posted in the office of the city clerk or on the principal official bulletin
182 board of each city or town and any other public building deemed necessary.

183 (e) The secretary of state must provide a sufficient number of early voting ballots and Early
184 Voting Certificates to the registrars of each city or town for use during the early voting

185 period. The early voting ballots shall be similar to the official ballots used on the
186 Election Day with the exception that they shall be printed on paper differing in color
187 from that used for the official or absentee ballot. The ballots and Early Voting
188 Certificates must be delivered to the registrars of each city or town 30 days in advance of
189 the early voting period.

190 (f) Early voting ballots and Early Voter Certificates shall be provided to each qualified voter
191 who participates in early voting.

192 (g) Qualified voters shall sign, under the pains of perjury, an Early Voter Certificate,
193 swearing that they are voting under their legal name and address and that they will not
194 partake in any fraudulent activities while participating in the early voting period. The
195 Early Voting Certificate will also require qualified voters to provide their ward and
196 precinct information. In order to facilitate the organization of ballots by ward and
197 precinct on election night, the Early Voting Certificate shall be attached to the sealed
198 early voting ballot. The Early Voting Certificate shall have the following form:

199 EARLY VOTING VOTER CERTIFICATE

200 I, _____, am a qualified elector in this election and registered voter of _____ County,
201 Massachusetts. I do solemnly swear or affirm that I am the person so listed on the voter
202 registration rolls of _____ County and that I reside at the listed address. I understand that
203 if I commit or attempt to commit fraud in connection with voting, vote a fraudulent
204 ballot, or vote more than once in an election I could be convicted of a felony of the third
205 degree and both fined up to \$5,000 and imprisoned for up to 5 years. I understand that my
206 failure to sign this certificate invalidates my ballot.

207 (h) In compliance with Section 60 of Chapter 51 of the General Laws, before the
208 commencement of the early voting period, the registrars for each city or town shall
209 prepare a list for the early voting polling location, containing the names and residences of
210 all persons qualified to vote therein, as the same appear upon the annual register, and
211 shall reasonably transmit the same to the election officers at every polling location
212 designated by the registrars.

213 (i) The presiding election officer at the early voting polling location shall cause to be placed
214 on the voting lists opposite the name of any qualified voter who participates in early
215 voting the letters in capital EV designating an early voter.

216 (j) At the end of each day during the early voting period, the presiding election officer must
217 separate, compile, and record the early ballots cast at each polling location into the
218 appropriate ward and precinct. The resulting list of early voters shall be updated daily
219 and saved electronically. By 5:00 pm on the day before the Election Day, the list shall
220 be forwarded to the appropriate ward and precinct location.

221 (k) Sections 65, 66, 72, 73 and 75 of this chapter, governing the conduct of elections, shall
222 apply to the conduct of polling locations during early elections.

223 (l) The ballot boxes for early voting shall be sealed and locked each night and maintained
224 securely by the election officers.

225 (m) The registrars for each city or town shall designate a location for the counting of early
226 and absentee ballots. The early and absentee ballots shall be opened at the close of all
227 polling locations on Election Day. All totals shall be added to the totals at the relevant
228 wards and precincts.

229 SECTION 24. Section 66 of chapter 54 of the General Laws, as appearing in the 2004
230 Official Edition, is hereby amended by striking, in lines 2 and 3, the words “where official
231 ballots are used,” and inserting in place thereof the following words:- except as otherwise
232 provided in this chapter.

233 SECTION 25. Section 71 of chapter 54 of the Massachusetts General Laws is hereby
234 amended by inserting the following new paragraphs:-

235 During the course of an election the presiding officer at each polling place or his or her designee
236 shall keep a log of issues that arise in the polling place and record other data, including:

237 (a) Any alleged malfunction of the voting equipment and any actions taken to resolve the
238 same;

239 (b) Issues that may require further investigation;

240 (c) Issues regarding the conduct of challengers or watchers and any incidents involving
241 intimidation;

242 (d) The number of provisional ballots distributed and the reason therefore;

243 (e) The names and signatures of each poll worker and the serial number and model of each
244 electronic voting machine.

245 SECTION 26. Chapter 54 Section 72 of the general laws is hereby amended by inserting
246 after the word “shall” the following:-- as necessary or as requested by the city or town clerk

247 SECTION 27. Section 91A of chapter 54 is hereby amended by inserting after the words
248 “the manner prescribed in section eighty-nine” in the first sentence and the words “in the manner

249 prescribed in section ninety-one B” in the second sentence the following new words:--or if the
250 specially qualified voter is on active duty outside the territorial limits of the United States, and
251 requests it, by electronic means as further specified by the State Secretary.

252 SECTION 28. The Massachusetts General Laws are hereby amended by inserting after
253 section 109 of chapter 54 the following new section:--

254 Section 109A. Audits of election results.

255 (a) Following each primary, general or special election, a random hand-counted audit shall
256 be conducted as provided in this section of the votes in each race for president, U.S.
257 senator, U.S. representative, governor, attorney general, state secretary; for one race
258 chosen at random from the office of lieutenant governor, treasurer, and auditor; and also
259 for each statewide initiative and referendum question. Races in which only one
260 candidate's name appears on the ballot shall not be audited.

261 (b) The state secretary shall establish an audit protocol such that:

262 i. for elections which appeared on the ballot state-wide, the audit shall be designed
263 and implemented to provide at least a 99% probability of leading to a hand
264 recount of 100% of the ballots whenever such a recount would change the
265 electoral outcome of such contest, and

266 ii. for each election held for United States Representative, the audit shall be designed
267 and implemented to provide at least a 90% probability of leading to a hand
268 recount of 100% of the ballots whenever such a recount would change the
269 electoral outcome of such contest, and

270 iii. a minimum of five precincts per Congressional district are selected for audits of

271 elections for U.S. representative, and a minimum of ten precincts from all the
272 precincts in the Commonwealth are selected for audit of races that appeared on
273 the ballots state-wide.

274 (c) The precincts to be audited shall be chosen in a random, publicly verifiable, non-
275 computerized drawing supervised by the state secretary following the reporting of
276 unofficial election results from each precinct, which shall be made publicly available by
277 municipal clerks and by the state secretary. The time and place of the drawing shall be
278 announced at least 48 hours in advance and be open to representatives of each political
279 party and to the public. Except as provided in b (iii) of this section, precincts that are
280 selected in the random drawing may be used to audit any races subject to audit under this
281 section.

282 (d) The board of registrars in each municipality where precincts have been selected shall
283 conduct the audit of the precincts in such municipality. The board of registrars may
284 employ tally clerks for the purpose of counting the ballots. Audits shall commence not
285 later than 24 hours following the random drawing of precincts supervised by the state
286 secretary and shall continue on each successive business day or other day at the discretion
287 of the board of registrars in each municipality. The time and place of the audits in each
288 municipality where precincts have been selected shall be publicly announced in advance
289 and the audits shall be performed in full public view and conducted pursuant to the
290 procedures for hand-counts of ballots in Section 105 of Chapter 54.

291 (e) Upon receipt of the results of the manual audit count from the audited precincts, the state
292 secretary shall calculate the total number of votes for each candidate and ballot question
293 as recorded in the manual audit count and shall compare this total to the sum of the

294 originally reported votes for each candidate and ballot question in the audited precincts.
295 The state secretary shall order audits of such additional precincts as shall be necessary to
296 carry out the requirements of this section.

297 (f) Whenever the difference between the hand-counted audit and the originally reported tally
298 is more than one percent for any particular machine model, the discrepancy between the
299 hand-counted audit and the original vote tally shall be analyzed to ascertain the cause of
300 the discrepancy. The state secretary shall oversee the analysis and shall publish and make
301 available online the findings, along with the factual information on which they were
302 based, within 180 days.

303 (g) If there is a discrepancy between a manual count and originally reported tallies, where the
304 original results were obtained using electronic equipment, the manual count of the official
305 paper ballots shall be the official vote of record.

306 (h) The results of audits and hand-counts, as well as the corresponding data for the originally
307 reported tallies, shall be made publicly available on a precinct-by-precinct basis both in
308 hardcopy and in electronic file format.

309 (i) The audit and publication of the results thereof shall be completed prior to the time the
310 State shall make a final determination concerning the appointment of its electors for
311 President and Vice President of the United States as established in federal law.

312 (j) The state secretary shall adopt regulations to implement the requirements of this section
313 and shall hold public hearings both before and after issuing draft regulations. The state
314 secretary shall consult one or more persons with expertise in statistics and election
315 auditing to develop the procedures that will be used to select the precincts for audit, and

316 to determine when, in light of any errors the audit uncovers, a sufficient number of
317 precincts have been counted manually to fulfill the requirements of paragraphs a (i) and
318 (ii) of this section. Final regulations concerning such procedures shall be published at
319 least 60 days before the date of the election.

320 SECTION 29. Section 135 of chapter 54 of the General Laws is hereby amended by
321 inserting in paragraph 9 after the first sentence the following new sentence:--

322 Ballots that have already been counted in a manual audit of the election in question provided
323 under section 109A of the general laws do not have to be counted under this section.

324 SECTION 30. Chapter 56 is hereby amended by inserting after section 29 the following
325 new section:--

326 Section 29A. Deceptive Election Practices.

327 No person, political committee, organization, association, or other entity shall falsely
328 impersonate an election official, use the state seal without authority, or otherwise distribute false
329 information about voting and elections for the purpose of delaying, preventing, dissuading or
330 otherwise interfering with a voter exercising the right to vote whether such false information is
331 communicated by written, electronic, spoken, by telephone or by any other means. Violation of
332 this section shall be punished by imprisonment for not more than one year or by a fine of not
333 more than five thousand dollars.

334 SECTION 31. Section 31 of chapter 56 of the General Laws is hereby amended by
335 striking the word “shall be punished by a fine of not more than one hundred dollars,” and
336 inserting therefore—shall be punished by imprisonment for not more than one year or by a fine
337 of not more than one thousand dollars

338 SECTION 32. Chapter 56 of the General Laws is hereby amended by inserting after
339 section 39 the following new section:--

340 Section 39A. Closed Captioning of Campaign Advertisements.

341 A campaign advertisement that is disseminated as an advertisement by broadcast
342 or cable television must include closed captioning for deaf and hard-of-hearing viewers,
343 unless the candidate posted on the candidate's web site a transcript of the spoken content of the
344 advertisement. A campaign advertisement that is disseminated as an advertisement to the public
345 on the candidate's web site must include closed captioning for deaf and hard-of-hearing viewers,
346 unless the candidate has posted on the web site a transcript of the spoken content of the
347 advertisement. A campaign advertisement must not be disseminated as an advertisement by radio
348 unless the candidate has posted on the candidate's web site a transcript of the spoken content of
349 the advertisement.

350 For the purposes of this section, "Campaign advertisement" means a professionally produced
351 visual or audio recording produced by a candidate, his or her political committee, or a political
352 party committee, for the purpose of influencing the nomination or election of a candidate.

353 Violation of any provision of this section shall be punished by a fine of not more than five
354 hundred dollars.

355 SECTION 33. Chapter 149 of the Massachusetts General Laws is amended by striking
356 section 178 in its entirety and inserting in place thereof the following section:—

357 Section 178.

358 (a) Eligible electors entitled to vote in a federal, state, or municipal election, shall be entitled
359 to absent themselves for the purpose of voting from any service or employment in which
360 they are then engaged or employed on the day of the election for a period of two hours
361 during the time the polls are open. Any such absence shall not be sufficient reason for the
362 discharge of any person from service or employment. Eligible electors, who so absent
363 themselves shall not be liable for any penalty, nor shall any deduction be made from their
364 usual salary or wages, on account of their absence. Eligible electors who are employed
365 and paid by the hour shall receive their regular hourly wage for the period of their
366 absence, not to exceed two hours. Application shall be made for the leave of absence
367 prior to the day of election. The employer may specify the hours during which the
368 employee may be absent, but the hours shall be at the beginning or end of the work shift,
369 if the employee so requests. The employer may require proof of voting from the
370 employee, where proof of voting shall be made available and on a form prescribed by the
371 Secretary of the Commonwealth at the time the polls in a voting precinct, ward, or town
372 are open.

373 (b) If by the day prior to the election, an employee believes that time off will be necessary in
374 order to vote on the day of the election, he shall notify his employer.

375 This section shall not apply to any person whose hours of employment on the day of the election
376 are such that there are three or more hours between the time of opening and the time of closing
377 of the polls during which the elector is not required to be on the job.