

HOUSE . . . . . No.

The Commonwealth of Massachusetts

PRESENTED BY:

*Adrian C. Madaro*

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 establishing vote by mail in 2020.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>

<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>

**HOUSE . . . . . No.**

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By Mr. Madaro of Boston, a petition (subject to Joint Rule 12) of Adrian C. Madaro and others relative to establishing voting by mail. Election Laws.

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**The Commonwealth of Massachusetts**

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

An Act establishing vote by mail in 2020.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to safeguard the right to vote during the unprecedented COVID-19 public health crisis, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

*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 47C of chapter 51 of the General Laws, as appearing in the 2018  
2 Official Edition, is hereby amended by adding the following paragraph:-

3           The central registry shall be digitally maintained using the most advanced applicable  
4 technology reasonably available to the secretary. The secretary shall provide to the election  
5 officials at each polling place in the commonwealth, digital access to the central registry  
6 sufficient to allow for designated election officials to conduct real-time searches of the registry  
7 and to modify a voter’s registration information upon presentation by the voter of appropriate  
8 documentation to justify the modification.

9           SECTION 2. Chapter 54 of the General Laws, as appearing in the 2018 Official Edition,  
10 is hereby amended by adding the following section:-

11 Section 163. (a) This section shall be known and may be cited as the 2020 Vote By Mail  
12 Act.

13 (b) Notwithstanding the provisions of section 25B of chapter 54 of the General Laws or  
14 any other general or special law to the contrary, an early voting ballot cast by mail under this  
15 section shall be timely case if: (i) in a state primary election, the ballot is received by the city or  
16 town clerk at or before the hour fixed for closing the polls; and (ii) in a state general election, the  
17 ballot is postmarked no later than election day and received by the city or town clerk no later  
18 than 5 days following election day.

19 (c) Notwithstanding the provisions of said section 25B of chapter 54 of the General Laws  
20 or any other general or special law to the contrary, the secretary of the commonwealth shall, not  
21 less than 18 days in advance of a scheduled state election, cause to be delivered to every  
22 registered voter at the address listed in the central registry a ballot package for early voting by  
23 mail. The ballot package shall include: (i) an official ballot; (ii) a secrecy envelope or sleeve; (iii)  
24 a postage prepaid return envelope, addressed to the clerk of the city or town in which the voter is  
25 registered, which envelope shall bear: (1) an affidavit to be signed by the voter confirming the  
26 voter's compliance with section 26 of chapter 56 of the General Laws, and (2) the date by which  
27 the enclosed ballot must be postmarked or received in order to be timely cast, provided that said  
28 date shall appear in bold font and in a font size at least 12 points larger than any other type on the  
29 envelope; and (iv) instructions, printed in English, Spanish, Portuguese, Chinese, and Haitian, for  
30 properly completing and mailing the ballot to ensure every registered voter has clear guidance  
31 and the greatest opportunity to vote by mail.

32 For a state primary election, the secretary shall cause to be delivered to voters registered  
33 with a political party the primary ballot for that party. Voters unenrolled in a political party may  
34 request a specific party's primary ballot in a manner to be determined by the secretary; provided,  
35 however, that the secretary shall implement a system for receiving requests both electronically  
36 via web portal and in hard copy via postal mail; and provided further, that voters must submit the  
37 request to the secretary no later than 35 days in advance of a scheduled state primary election.

38 (d) Notwithstanding the provisions of said section 25B of chapter 54 of the General Laws  
39 or any other general or special law to the contrary, a voter desiring to vote by mail using the  
40 ballot described in paragraph (c) of this section shall: (i) mark said ballot in the presence of no  
41 other person, except as provided in paragraph (e) of this section; (ii) enclose and seal the ballot in  
42 the return envelope provided; (iii) execute the affidavit on the return envelope; and (iv) mail the  
43 ballot, sealed in the return envelope, to the city or town clerk.

44 (e) Notwithstanding the provisions of said section 25B of chapter 54 of the General Laws  
45 or any other general or special law to the contrary, a voter unable to mark their ballot or execute  
46 the affidavit on the return envelope due to physical disability or inability to read English may be  
47 assisted in completing and submitting their ballot by another person designated by the voter,  
48 which designated person shall add their name in the appropriate space on the return envelope.

49 (f) Notwithstanding the provisions of said section 25B of chapter 54 of the General Laws  
50 or any other general or special law to the contrary, a voter who makes a mistake in marking their  
51 ballot may return the ballot to the secretary of the commonwealth and request a new ballot.  
52 Voters shall be allowed up to a total of three ballots.

53 (g) Notwithstanding the provisions of said section 25B of chapter 54 of the General Laws  
54 or any other general or special law to the contrary, a voter who does not receive a vote by mail  
55 ballot package may notify the secretary of the commonwealth and request a replacement ballot.  
56 The secretary shall issue replacement ballots within 48 hours after receiving a request therefor.

57 (h) The secretary of the commonwealth shall procure, implement, and give all city and  
58 town clerks access to ballot tracking software to permit the tracking of all ballots issued and cast  
59 pursuant to the 2020 Vote By Mail Act.

60 (i) Notwithstanding the provisions of chapter 54 of the General Laws or any other general  
61 or special law to the contrary, city and town clerks may, with the approval of the secretary of the  
62 commonwealth or his designee and in consultation with the commissioner of the department of  
63 public health, reasonably reduce the number of poll workers required at a polling place to protect  
64 public health.

65 (j) If the state of emergency declared by the Governor on March 10, 2020 is still in effect  
66 on the date of a state election, or as may be required due to the outbreak of the 2019 novel  
67 coronavirus, known as COVID-19, the secretary of the commonwealth shall provide personal  
68 protective equipment for all poll workers.

69 (k) The secretary of the commonwealth shall conduct a public awareness campaign to  
70 inform voters throughout the commonwealth about this 2020 Vote By Mail Act and the attendant  
71 procedures and requirements for voting by mail.

72 (l) Nothing contained herein shall prohibit any voter who does not return a valid ballot by  
73 mail from voting in person on the election day applicable to the unreturned ballot.

74 (m) This section shall expire on December 31, 2020.

75 SECTION 3. Section 25B of said chapter 54 of the General Laws, as so appearing, is  
76 hereby amended by adding after the word “chapter” in paragraph (n) the following:- “, provided,  
77 however, that the election officers of any city or town shall be permitted to count early voting  
78 ballots upon receipt or at any convenient time thereafter”.

79 SECTION 4. The secretary of the commonwealth shall use funds provided to the state  
80 pursuant to the Help America Vote Act of 2002, 52 U.S.C. § 20901 et seq., known as HAVA, to  
81 cover all costs associated with the implementation of this act, unless said costs are expressly  
82 prohibited expenditures pursuant to HAVA.

83 SECTION 5. There shall be a 2020 Vote By Mail Fund that shall be administered by the  
84 secretary of the commonwealth, for the purpose of administering the provisions of this Act. The  
85 fund shall be supplemental to the HAVA funds accessible to the secretary, and shall be credited  
86 with such additional appropriations as may be authorized or transferred by the general court and  
87 specifically designated to be credited to the fund; provided, however, that any costs of  
88 implementation must be paid first using funds made available to the state pursuant to HAVA,  
89 unless said costs are expressly prohibited expenditures pursuant to HAVA, or until such funds  
90 have been depleted.

91 SECTION 6. Notwithstanding any general or special law to the contrary, the first  
92 Tuesday of November in even-numbered years shall be considered a “legal holiday” as defined  
93 in the Eighteenth clause of section 7 of chapter 4 of the General Laws, to be observed in the  
94 same manner as other legal holidays in the commonwealth; provided, however, that holiday

95 observance shall not apply public employees whose jobs pertain to the operation and  
96 administration of elections.