

# HOUSE . . . . . No. 3647

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, September 16, 2013.

The committee on Election Laws to whom were referred the petition (accompanied by bill, Senate, No. 313) of Katherine M. Clark, Jason M. Lewis, Timothy J. Toomey, Jr., Cory Atkins and other members of the General Court for legislation to establish online voter registration, petition (accompanied by bill, Senate, No. 327) of Barry R. Finegold, Sal N. DiDomenico, Frank I. Smizik, Jason M. Lewis and other members of the General Court for legislation to reform election laws, petition (accompanied by bill, House, No. 609) of Aaron Michlewitz and Mark J. Cusack relative to cancellation devices on voting machines, petition (accompanied by bill, House, No. 610) of Aaron Michlewitz and Mark J. Cusack for the establishment of a task force (including members of the General Court) relative to election laws implementation, petition (accompanied by bill, House, No. 611) of Aaron Michlewitz and Mark J. Cusack for legislation to provide for the annual training of election officials, and petition (accompanied by bill, House, No. 615) of Aaron Michlewitz and others for legislation to establish procedures for early voting in elections in cities and towns, reports recommending that the accompanying bill (House, No. 3647) ought to pass.

For the committee,

JAMES M. MURPHY.

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act relative to election laws.

*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 51 of the General Laws is hereby amended by inserting after  
2 section 17 the following section:-

3           Section 17A. In each municipality, the city or town clerk and the election director shall  
4 attend annual training conducted by the office of the state secretary on the applicable state and  
5 federal election laws and regulations. Upon completion of the training, they shall inform the  
6 board of registrars and election commissioners.

7           SECTION 2. Said chapter 51 is hereby further amended by inserting after section 33 the  
8 following section:-

9           Section 33A. The state secretary shall create and maintain an online portal allowing  
10 citizens to complete an affidavit of registration online. Such registration shall be transmitted by  
11 the state secretary to the appropriate local registrar. The online affidavit shall use the registrants'  
12 signature from the registry of motor vehicles records and the registrar of motor vehicles shall  
13 make appropriate provisions to facilitate the electronic transfer of the image of the signature to  
14 the central voter registry. If such signature cannot be found using the online affidavit of  
15 registration form, the applicant shall be so informed and given the option to print the affidavit of  
16 registration, append their signature, and mail it directly to the appropriate registrar of voters.  
17 Nothing in this section shall be construed to change any registration deadline or qualification of  
18 voting.

19           SECTION 3. Section 42H of said chapter 51, as appearing in the 2010 Official Edition, is  
20 hereby amended by inserting after the word "delivery", in line 4, the following words:- and  
21 through the online portal.

22           SECTION 4. Said chapter 51 is hereby further amended by adding the following section:-

23 Section 64. The state secretary shall create and maintain an online portal through which  
24 any member of the public may check to determine whether or not they are registered to vote. The  
25 portal shall allow a member of the public to enter his or her name, date of birth and residential  
26 zip code and will subsequently display whether a voter with said name and date of birth and  
27 residential zip code is registered to vote, whether the registration of the voter is active or inactive  
28 pursuant to section 37A of chapter 51, the polling location for said voter and state and federal  
29 elected officials who represent said voter. The portal shall not display any other biographical  
30 information about the voter except the information provided by the user of the site. If there is no  
31 voter in the central registry of voters matching the information submitted to the portal, the  
32 website shall inform the user how he or she may obtain a voter registration form.

33 SECTION 5. Chapter 54 of the General Laws is hereby amended by inserting after  
34 section 25A the following section:-

35 Section 25B. (a) Pursuant to a request, in person, by a qualified voter, as defined in  
36 section 1 of chapter 51, the local election officers and registrars of every city or town shall allow  
37 any qualified voter to cast a ballot for any presidential primary or presidential election.

38 (b) The voting period for early voting shall be during regular business hours beginning on  
39 the eleventh business day before the primary or election and continuing through the second  
40 business day before the primary or election. For the purposes of this section a business day shall  
41 not include Saturdays, Sundays or holidays.

42 (c) For the purposes of early voting, a polling place shall include a city hall election  
43 office and a town hall clerk's office; provided such office is deemed unavailable or unsuitable  
44 for the purposes of early voting, the registrars of each city or town may identify and provide for  
45 an additional centrally-located, suitable and convenient early voting polling place within each  
46 city or town for use during the early voting period. Each early voting polling location shall be  
47 open for 8 hours on each weekday during the early voting period. Each polling location shall be  
48 accessible to persons with disabilities.

49 (d) The registrars for each city or town shall publish the location of the early voting  
50 polling place as well as the applicable dates and hours. Said publication shall occur during the  
51 week prior to the commencement of the early voting period and at least once during the period.  
52 Notice of the location, dates and hours of early voting shall be sent to every newspaper listed in  
53 the Directory of New England Newspapers and Periodicals, located in such city or town. Notice  
54 of the locations, dates and hours of early voting shall also be conspicuously posted in the office  
55 of the city clerk or in the principal official bulletin board of each city or town, on any other  
56 public building deemed necessary, and on the city or town's website, if any.

57 (e) The state secretary shall provide a sufficient number of early voting ballots to the  
58 registrars of each city or town for use during the early voting period. The ballots shall be  
59 delivered to the registrars of each city or town 10 business days in advance of the early voting.

60 (f) Early voting ballots shall be provided to each qualified voter who participates in early  
61 voting.

62 (g) Prior to the commencement of early voting, the registrars for each city or town shall  
63 prepare a list for the early voting polling place, containing the names and residences of all  
64 persons qualified to vote therein, as the same appear upon the annual register, and shall  
65 reasonably transmit the same to the election officers at every polling place designated by the  
66 registrars.

67 (h) The presiding election officer at the early voting polling location shall cause to be  
68 placed on the voting lists opposite the name of any qualified voter who participates in early  
69 voting the letters "EV" designating an early voter.

70 (i) At the end of each day during the early voting period, the presiding election officer  
71 shall separate, compile, and record early ballots cast at each polling location into the appropriate  
72 ward and precinct.

73 (j) Sections 24, 25, 25A, 65, 66, 73, and 75 shall apply to polling places during early  
74 voting.

75 (k) The ballot boxes for early voting shall be sealed and locked and maintained securely  
76 by the election officers.

77 (l) The registrars for each city or town shall designate a location for the counting of early  
78 ballots. All totals shall be added to the totals at the relevant wards and precincts.

79 (m) The state secretary shall promulgate rules and regulations to implement the  
80 requirements of this section.

81 SECTION 6. Section 33 of said chapter 54 of the General Laws, as appearing in the  
82 2010 Official Edition, is hereby amended by striking out, in line 10, the words "registering and  
83 cancelling" and inserting in place thereof the following words:- and registering.

84 SECTION 7. (a) Notwithstanding any general or special law to the contrary, there shall  
85 be established an elections task force. The task force shall undertake a study of the effectiveness  
86 of the first case of early voting pursuant to section 25B of chapter 54 of the general laws. Said  
87 study shall include an analysis of: (1) the state and local costs of providing early voting; (2) the  
88 administrative requirements of implementing and providing early voting, including their impact  
89 on municipal clerks offices during the early voting period; (3) any instance of fraudulent voting  
90 or voter impersonation; (4) success in reducing the length of lines, waiting therein, and  
91 congestion at polling places on election day; and (5) success in increasing voter turnout.

92 (b) The task force shall consist of the house and senate chairs of the joint committee on  
93 election laws; the speaker of the house of representatives or his designee; the president of the

94 senate or his designee; the house minority leader or his designee; the senate minority leader or  
95 his designee; the state secretary or his designee; 1 representatives of the Massachusetts Town  
96 Clerks Association; 1 representative of the election laws advocacy community designated by the  
97 chairmen of the joint committee on election laws.

98 (c) The task force shall complete its study and submit its final report in writing to the  
99 joint committee on election laws and the state secretary no later than April 1, 2017.

100 SECTION 8. (a) Notwithstanding any general or special law to the contrary, there is  
101 hereby established an election laws implementation task force. Said task force shall undertake a  
102 study of the implementation of An Act to Provide Audits of Elections Results as filed in the  
103 House in the 187th Session of the General Court as House Bill No. 1980. Said study shall  
104 include, but not be limited to, an analysis of: (1) the state and local costs of implementing said  
105 proposal, and the availability of federal funding through the Help America Vote Act; (2) the  
106 administrative requirements for adopting such a proposal, including the impact upon poll  
107 operations and upon the operation of municipal clerks' offices on election day; (3) the possibility  
108 of fraud; and (4) the effects upon finalizing a vote and possible recounts.

109 (b) The task force shall consist of the house and senate chairs of the joint committee on  
110 election laws, the speaker of the house of representatives or his designee, the president of the  
111 senate or his designee, the house minority leader or his designee, the senate minority leader or  
112 his designee, the state secretary or his designee, the chairs of the house and the senate ways &  
113 means committees or their designees, the state auditor or his designee, the director of the office  
114 on disability or his designee, 1 representative of the election laws advocacy community  
115 designated by the chairmen of the joint committee on election laws.

116 (c) The task force shall complete its study and submit its final report in writing to the  
117 joint committee on election laws and the state secretary no later than July 31, 2014.

118 SECTION 9. Sections 5 and 7 shall take effect January 1, 2015 and shall be implemented  
119 in the first case for the 2016 biennial state election and the 2016 presidential preference primary.