

# **HOUSE . . . . . No. 3772**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, November 20, 2013.

The committee on Ways and Means to whom was referred the Bill to relative to election laws (House, No. 3647), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 3772).

For the committee,

BRIAN S. DEMPSEY.

**HOUSE . . . . . No. 3772**

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**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 a registrar or election  
4 commissioner, as designated by the board of registrars or the board of election commissioners,  
5 shall attend annual training conducted by the office of the state secretary on the applicable state  
6 and federal election laws and regulations. Upon completion of the training, they shall inform the  
7 board of registrars and election commissioners.

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

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

20          SECTION 3. Section 42H of said chapter 51, as appearing in the 2012 Official Edition, is  
21 hereby amended by inserting after the word "delivery", in line 4, the following words:- and  
22 through the online portal.

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

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

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

36 Section 25B. (a) The local election officers and registrars of every city or town shall  
37 provide for a period of early voting for a qualified voter, as defined in section 1 of chapter 51, in  
38 order to cast a ballot during any election involving a presidential primary or presidential election.

39 (b) The voting period for early voting shall begin on the eleventh business day before the  
40 primary or election and continue through the second business day before the primary or election  
41 during the regular or normal business hours of the city or town clerk; provided, however, that if  
42 the beginning of such period falls on a Saturday, Sunday or legal holiday the early voting period  
43 shall begin on the first business day prior thereto. A city or town may, in addition to providing  
44 for early voting during regular or normal business hours and at the discretion of the registrars for  
45 such city or town, provide for additional early voting hours beyond such regular or normal hours,  
46 including weekend hours.

47 (c) For the purposes of early voting, a polling place shall include a city hall election  
48 office and a town hall clerk's office; provided, however, that if such office is deemed unavailable  
49 or unsuitable for the purposes of early voting, the registrars of each city or town may identify and  
50 provide for an alternative centrally-located, suitable and convenient early voting polling place  
51 within each city or town for use during the early voting period. Each city or town may also  
52 provide for additional early voting polling places at the discretion of the registrars for such city  
53 or town. Each polling location shall be accessible to persons with disabilities.

54 (d) The registrars for each city or town shall publish the location of the early voting  
55 polling place as well as the applicable dates and hours. Said publication shall occur during the  
56 week prior to the commencement of the early voting period and at least once during the period.  
57 Notice of the location, dates and hours of early voting shall be sent to every newspaper listed in  
58 the Directory of New England Newspapers and Periodicals, located in such city or town. Notice  
59 of the locations, dates and hours of early voting shall also be conspicuously posted in the office

60 of the city clerk or in the principal official bulletin board of each city or town, on any other  
61 public building deemed necessary, and on the city or town’s website, if any.

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

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

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

72 (h) The presiding election officer at the early voting polling location shall cause to be  
73 placed on the voting lists opposite the name of a qualified voter who participates in early voting  
74 the letters “EV” designating an early voter.

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

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

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

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

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

86 SECTION 6. Section 33 of said chapter 54 of the General Laws, as appearing in the  
87 2012 Official Edition, is hereby amended by striking out, in line 10, the words “registering and  
88 cancelling” and inserting in place thereof the following words:- and registering.

89 SECTION 7. (a) There shall be established an elections task force. The task force shall  
90 undertake a study of the effectiveness of the first election involving early voting pursuant to  
91 section 25B of chapter 54 of the General Laws. Said study shall include an analysis of: (1) the  
92 state and local costs of providing early voting; (2) the administrative requirements of  
93 implementing and providing early voting, including their impact on municipal clerks offices

94 during the early voting period; (3) any instance of fraudulent voting or voter impersonation; (4)  
95 success in reducing the length of lines, waiting therein, and congestion at polling places on  
96 election day; and (5) success in increasing voter turnout.

97 (b) The task force shall consist of the house and senate chairs of the joint committee on  
98 election laws; the speaker of the house of representatives or a designee; the president of the  
99 senate or a designee; the house minority leader or a designee; the senate minority leader or a  
100 designee; the state secretary or a designee; 1 representatives of the Massachusetts Town Clerks  
101 Association; 1 representative of the Massachusetts City Clerks' Association; and 1 representative  
102 of the election laws advocacy community designated by the chairmen of the joint committee on  
103 election laws.

104 (c) The task force shall submit its report and recommendations, together with drafts of  
105 legislation to carry its recommendations into effect, to the joint committee on election laws and  
106 the state secretary no later than April 1, 2017.

107 SECTION 8. (a) There is hereby established an election laws implementation task force.  
108 Said task force shall undertake a study to implement a process for auditing election results. The  
109 study shall include, but not be limited to, an analysis of: (1) the state and local costs of  
110 implementing such process, and the availability of federal funding through the Help America  
111 Vote Act; (2) the administrative requirements for adopting such a process for auditing election  
112 results, including the impact upon poll operations and upon the operation of municipal clerks'  
113 offices on election day; (3) the possibility of fraud; and (4) the effects upon finalizing a vote and  
114 possible recounts.

115 (b) The task force shall consist of the house and senate chairs of the joint committee on  
116 election laws; the speaker of the house of representatives or a designee; the president of the  
117 senate or a designee; the house minority leader or a designee; the senate minority leader or a  
118 designee; the state secretary or a designee; the chairs of the house and the senate ways and means  
119 committees or their designees; the state auditor or a designee; the director of the office on  
120 disability or a designee; 1 representative of the election laws advocacy community designated by  
121 the chairmen of the joint committee on election laws; 1 representative of the Massachusetts City  
122 Clerks' Association; and 1 representatives of the Massachusetts Town Clerks Association.

123 (c) The task force shall submit its final report and recommendations, together with drafts  
124 of legislation to carry its recommendations into effect, to the joint committee on election laws  
125 and the state secretary no later than July 31, 2014.

126 SECTION 9. Sections 5 and 7 shall take effect January 1, 2015 and shall be implemented  
127 for the 2016 biennial state election and the 2016 presidential primary.