

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 adoption of the accompanying bill:

An Act relative to advance voting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/18/2013</i>
<i>William F. Galvin</i>	<i>Secretary of the Commonwealth</i>	
<i>Michael D. Brady</i>	<i>9th Plymouth</i>	

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 providing advanced voting by mail or at certain locations for primaries and elections. Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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:

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

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

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

8 Section 23A.

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

11 SECTION 3.

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

13 Section 76A.

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

16 (2) Advance voting shall be conducted on the twentieth day before each election in each
17 city and town from nine o’clock am until eight o’clock in the evening, provided, however, that in

18 towns having less than fifteen hundred voters, such sessions shall be sufficient if it includes the
19 time from two to four o'clock in the afternoon and from seven to eight o'clock in the evening.
20 Local election officials may determine up to at least three additional advance voting days.

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

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

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

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

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

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