

HOUSE No. 3486

The Commonwealth of Massachusetts

PRESENTED BY:

Robert M. Koczera

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 early voting in local elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>
<i>Brian Murray</i>	<i>10th Worcester</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Bud Williams</i>	<i>11th Hampden</i>

HOUSE No. 3486

By Mr. Koczera of New Bedford, a petition (accompanied by bill, House, No. 3486) of Robert M. Koczera and others relative to early voting in local elections. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to early voting in local elections.

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 54 of the General Laws is hereby amended by inserting after
2 section 25B, inserted by section 12 of chapter 111 of the acts of 2014, the following section:-

3 Section 25C. (a) Any city or town that accepts the provisions of this section pursuant to
4 section 4 of chapter 4 may establish an early voting period and permit early voting for municipal
5 elections, as provided herein.

6 (b) The election officers and registrars of any such city or town shall allow any qualified
7 voter, as defined in section 1 of chapter 51, to cast a ballot for any municipal election during the
8 early voting period as set forth in this section.

9 (c) Any qualified voter wanting to early vote by mail may file with his or her local
10 election official an application for an early voting ballot. Any form of written communication
11 evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be
12 given the same effect as an application made in the form prescribed by the state secretary. No

13 application shall be deemed to be seasonably filed unless it is received in the office of the city or
14 town clerk or registrars of voters before noon on the last day of the early voting period as
15 prescribed in subsection (d).

16 (d) The voting period for municipal early voting shall run from the eleventh business day
17 preceding the municipal election until the close of business on the business day preceding the
18 business day before the election; provided, however, that if the eleventh business day before the
19 election falls on a legal holiday the early voting period shall begin on the first business day prior
20 to the legal holiday.

21 (e) Early voting shall be conducted during the usual business hours of each city or town
22 clerk. A city or town may, in its discretion, provide for additional early voting hours beyond the
23 hours required by this subsection, including weekend hours.

24 (f) All early voting ballots voted by mail shall be received by the city or town clerk
25 before the hour fixed for closing the polls.

26 (g) Each city and town shall establish an early voting site that shall be the election office
27 for the city or town; provided, however, that if the city or town determines that the office is
28 unavailable or unsuitable for early voting, the registrars of each city or town shall identify and
29 provide for an alternative centrally-located, suitable and convenient public building within each
30 city or town as the early voting site. A city or town may also provide for additional early voting
31 sites at the discretion of the registrars for that city or town. Each early voting site shall be
32 accessible to persons with disabilities.

33 (h) The designation of an early voting site shall be made not less than 14 days prior to the
34 beginning of the voting period established in subsection (d). Not less than 7 days prior to the

35 beginning of the early voting period and at least once during the voting period, the registrars for
36 each city or town shall publish the location of the early voting site or sites as well as the
37 applicable dates and hours. Notice shall be published in every newspaper listed for the city or
38 town in the New England Newspaper & Press Association and shall also be conspicuously
39 posted in the office of the city clerk or on the principal official bulletin board of each city or
40 town, on any other public building considered necessary, and on the city or town's website, if
41 any, and on the website of the state secretary.

42 (i) At least 21 days prior to each municipal election, the state secretary shall deliver to
43 each city or town, in quantities as the state secretary determines necessary, the following papers:
44 (1) official early voting ballots, similar to the official ballot to be used at the election; and (2)
45 envelopes of sufficient size to contain the ballots specified in clause (1) bearing on their reverse
46 the voter's affidavit in compliance with the requirements of subsection (k).

47 (j) An early voting ballot along with an envelope shall be provided to each qualified
48 voter who participates in early voting.

49 (k) A qualified voter casting a ballot at an early voting site shall complete an affidavit
50 under the regulations promulgated pursuant to this chapter, which shall include a notice of
51 penalties under section 26 of chapter 56.

52 (l) Prior to the beginning of early voting, the registrars for each city or town shall prepare
53 a list for the early voting sites, containing the names and residences of all persons qualified to
54 vote at each voting site, as the names and residences appear upon the annual register, and shall
55 reasonably transmit the applicable list to the election officers at each early voting site designated
56 by the registrars.

57 (m) The registrar or presiding official at the early voting site shall cause to be placed on
58 the voting lists opposite the name of a qualified voter who participates in early voting the letters
59 "EV" designating an early voter.

60 (n) The registrars shall prepare lists of all voters casting ballots during the early voting
61 period and update the voter list in a manner prescribed by the state secretary.

62 (o) The counting of early voting ballots including, but not limited to, informing election
63 officers and any challengers present under section 85A shall be set by regulations promulgated
64 under this chapter. All envelopes referred to in this section shall be retained with the ballots cast
65 at the election and shall be preserved and destroyed in the manner provided by law for the
66 retention, preservation or destruction of official ballots.

67 (p) The state secretary shall promulgate regulations to implement this section including,
68 but not limited to, a process for establishing additional early voting locations and a process for
69 applying for, receiving, separating, compiling, recording and securing early voter ballots.

70 (q) Section 72 shall not apply to this section; provided, however, that a city or town may
71 opt to detail a sufficient number of police officers or constables for each early voting site at the
72 expense of the city or town to preserve order, protect the election officers and supervisors from
73 any interference with their duties and aid in enforcing the laws relating to elections.

74 (r) No early voting ballot cast under this section shall be counted if the officer charged
75 with the duty of counting the ballot is cognizant of the fact that the voter has died prior to the
76 opening of the polls on the day of the election.

77 SECTION 2. Section 72 of said chapter 54, as most recently amended by section 14 of
78 chapter 111 of the acts of 2014, is hereby further amended by inserting after the words “section
79 25B” the following words:- or 25C.

80 SECTION 3. The state secretary shall promulgate regulations under section 25C of
81 chapter 54 of the General Laws not later than 6 months after the effective date of this act.