

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Barbara A. L'Italien

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 the 2018 primary elections.

PETITION OF:

NAME:

Barbara A. L'Italien

DISTRICT/ADDRESS:

Second Essex and Middlesex

SENATE No.

By Ms. L'Italien, a petition (accompanied by bill) (subject to Joint Rule 12) of Barbara A. L'Italien for legislation relative to early voting in the 2018 primary elections. Election Laws.

The Commonwealth of Massachusetts

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

An Act relative to early voting in the 2018 primary elections.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to ensure that all residents of the commonwealth have an opportunity to vote, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Notwithstanding the provisions of section 25B of chapter 54 of the General
2 Laws or any general or special law to the contrary, there shall be early voting for the 2018 state
3 primary.

4 (a) The election officers and registrars of every city or town shall allow any qualified
5 voter, as defined in section 1 of chapter 51, to cast a ballot for the 2018 state primary during the
6 early voting period, which shall begin on Monday, August 27, 2018 and end on Friday, August
7 31, 2018. Early voting shall also apply to any city or town election held at the same time as the
8 state primary.

9 (b) 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 for the 2018 state primary. Any form of

11 written communication evidencing a desire to have an early voting ballot be sent for use for
12 voting at an election shall be given the same effect as an application made in the form prescribed
13 by the state secretary. No application for an early voting ballot for the 2018 state primary shall be
14 deemed to be seasonably filed unless it is received in the office of the city or town clerk or
15 registrars of voters before 5:00 pm on August 20, 2018. If the voter is registered as unenrolled or
16 in a political designation, the applicant must include the name of the party whose primary ballot
17 the voter is requesting.

18 (c) Early voting for the 2018 state primary shall be conducted during the usual business
19 hours of each city or town clerk. A city or town may, in its discretion, provide for additional
20 early voting hours beyond the hours required by this subsection.

21 (d) All early voting ballots voted by mail for the 2018 state primary shall be received by
22 the city or town clerk before the hour fixed for closing the polls.

23 (e) Each city and town shall establish an early voting site for the 2018 state primary that
24 shall include the election office for the city or town; provided, however, that if the city or town
25 determines that the office is unavailable or unsuitable for early voting, the registrars of each city
26 or town shall identify and provide for an alternative centrally-located, suitable and convenient
27 public building within each city or town as an early voting site. A city or town may also provide
28 for additional early voting sites at the discretion of the registrars for that city or town. Each early
29 voting site shall be accessible to persons with disabilities.

30 (f) The designation of an early voting site for the 2018 state primary shall be made no
31 later than August 10, 2018. No later than August 19, 2018, and at least once during the voting
32 period, the registrars for each city or town shall post the location of the early voting sites as well

33 as the applicable dates and hours. Notice shall be conspicuously posted in the office of the city
34 clerk or on the principal official bulletin board of each city or town, on any other public building
35 considered necessary, on the city or town's website, if any, and on the website of the state
36 secretary.

37 (g) No later than August 5, 2018, the state secretary shall deliver to each city or town, in
38 quantities as the state secretary determines necessary, the following papers: (1) official early
39 voting ballots for the 2018 state primaries, similar to the official ballot to be used at the
40 primaries; and (2) envelopes of sufficient size to contain the ballots specified in clause (1)
41 bearing on their reverse the voter's affidavit in compliance with the requirements of subsection
42 (j).

43 (h) An early voting ballot along with an envelope shall be provided to each qualified
44 voter who participates in early voting for the 2018 state primary.

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

48 (j) Prior to the beginning of early voting for the 2018 state primary, the registrars for each
49 city or town shall prepare a list for the early voting sites, containing the names and residences of
50 all persons qualified to vote at each voting site, as the names and residences appear upon the
51 annual register, and shall reasonably transmit the applicable list to the election officers at each
52 early voting site designated by the registrars.

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

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

58 (m) The provisions of sections 37 and 38 of chapter 53 of the General Laws shall apply to
59 unenrolled voters and voters enrolled in political designations. The registrar or presiding official
60 at the early voting site shall cause the name of the party of the ballot being voted to be recorded
61 on the voting list.

62 (n) 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 950 C.M.R. § 47.00 so far
64 as applicable. All envelopes referred to in this section shall be retained with the ballots cast at the
65 2018 state primary and shall be preserved and destroyed in the manner provided by law for the
66 retention, preservation or destruction of official ballots.

67 (o) The provisions of 950 C.M.R. § 47.00 shall apply to early voting at the 2018 state
68 primary to the extent feasible, but the secretary shall update the rules to accommodate the dates
69 set forth herein.

70 (p) A city or town may opt to detail a sufficient number of police officers or constables
71 for each early voting site for the 2018 state primary at the expense of the city or town to preserve
72 order, protect the election officers and supervisors from any interference with their duties and aid
73 in enforcing the laws relating to elections.

74 (q) 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 2018 state primary.

77 SECTION 2. Section 25B of chapter 54 of the General Laws is hereby amended by
78 striking subsection (g) and replacing with the following:-

79 (g) The designation of an early voting site shall be made not less than 14 days prior to the
80 beginning of the voting period established in subsection (b). Not less than 7 days prior to the
81 beginning of the early voting period and at least once during the voting period, the registrars for
82 each city or town shall post the location of the early voting sites as well as the applicable dates
83 and hours. Notice shall be conspicuously posted in the office of the city clerk or on the principal
84 official bulletin board of each city or town, on any other public building considered necessary,
85 on the city or town's website, if any, and on the website of the state secretary.

86 SECTION 3. Notwithstanding any general or special law to the contrary, the state
87 secretary shall have the authority to add or change any dates relating to the nominations made at
88 the 2018 state primary he deems necessary for the orderly administration of the November 6,
89 2018 election by providing notice of such change to the state parties and any affected person, by
90 filing notice with the Rules and Regulations Division, by posting on his website and by whatever
91 other means he deems appropriate.

92 SECTION 4. This act shall take effect upon its passage.