

**HOUSE . . . . . No. 4699**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Jeffrey N. Roy and Adam G. Hinds*

*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 to protect elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>4/16/2020</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>4/16/2020</i>

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By Representative Roy of Franklin and Senator Hinds, a joint petition (subject to Joint Rule 12) of Jeffrey N. Roy and Adam G. Hinds for legislation to protect elections. Election Laws.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act to protect 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. Section 47C of chapter 51 of the General Laws, as appearing in the 2018  
2 Official Edition, is hereby amended by adding the following paragraph:-

3           The central registry shall be digitally maintained using the most advanced applicable  
4 technology reasonably available to the secretary. The secretary shall provide to the election  
5 officials at each polling place in the commonwealth, digital access to the central registry  
6 sufficient to allow for designated election officials to conduct real-time searches of the registry  
7 and to modify a voter’s registration information upon presentation by the voter of appropriate  
8 documentation to justify the modification.

9           SECTION 2. Chapter 54 of the General Laws, as appearing in the 2018 Official Edition,  
10 is hereby amended by adding the following section:-

11           Section 163. (a) This section shall be known and may be cited as the 2020 Vote By Mail  
12 Act.

13 (b) Notwithstanding the provisions of section 25B of chapter 54 of the General Laws or  
14 any other general or special law to the contrary, an early voting ballot cast by mail under this  
15 section shall be timely case if: (i) in a state primary election, the ballot is received by the city or  
16 town clerk at or before the hour fixed for closing the polls; and (ii) in a state general election, the  
17 ballot is postmarked no later than election day and received by the city or town clerk no later  
18 than 5 days following election day.

19 (c) Notwithstanding the provisions of said section 25B of chapter 54 of the General Laws  
20 or any other general or special law to the contrary, the secretary of the commonwealth shall, not  
21 less than 18 days in advance of a scheduled state election, cause to be delivered to every  
22 registered voter at the address listed in the central registry a ballot package for early voting by  
23 mail. The ballot package shall include: (i) an official ballot; (ii) a secrecy envelope or sleeve; (iii)  
24 a postage prepaid return envelope, addressed to the clerk of the city or town in which the voter is  
25 registered, which envelope shall bear: (1) an affidavit to be signed by the voter confirming the  
26 voter's compliance with section 26 of chapter 56 of the General Laws, and (2) the date by which  
27 the enclosed ballot must be postmarked or received in order to be timely cast, provided that said  
28 date shall appear in bold font and in a font size at least 12 points larger than any other type on the  
29 envelope; and (iv) instructions, printed in English, Spanish, Portuguese, Chinese, and Haitian, for  
30 properly completing and mailing the ballot to ensure every registered voter has clear guidance  
31 and the greatest opportunity to vote by mail.

32 For a state primary election, the secretary shall cause to be delivered to voters registered  
33 with a political party the primary ballot for that party. Voters unenrolled in a political party may  
34 request a specific party's primary ballot in a manner to be determined by the secretary; provided,  
35 however, that not less than 60 days in advance of a scheduled state primary election, the

36 secretary shall mail to every registered unenrolled voter a form including a postage paid return  
37 envelope, determined by the secretary, to request a specific primary ballot. Further, the secretary  
38 shall implement a system for receiving requests both electronically via web portal and in hard  
39 copy via postal mail; and provided further, that voters must submit the request to the secretary no  
40 later than 35 days in advance of a scheduled state primary election.

41 (d) Notwithstanding the provisions of said section 25B of chapter 54 of the General Laws  
42 or any other general or special law to the contrary, a voter desiring to vote by mail using the  
43 ballot described in paragraph (c) of this section shall: (i) mark said ballot in the presence of no  
44 other person, except as provided in paragraph (e) of this section; (ii) enclose and seal the ballot in  
45 the return envelope provided; (iii) execute the affidavit on the return envelope; and (iv) mail the  
46 ballot, sealed in the return envelope, to the city or town clerk.

47 (e) Notwithstanding the provisions of said section 25B of chapter 54 of the General Laws  
48 or any other general or special law to the contrary, a voter unable to mark their ballot or execute  
49 the affidavit on the return envelope due to physical disability or inability to read English may be  
50 assisted in completing and submitting their ballot by another person designated by the voter,  
51 which designated person shall add their name in the appropriate space on the return envelope.

52 (f) Notwithstanding the provisions of said section 25B of chapter 54 of the General Laws  
53 or any other general or special law to the contrary, a voter who makes a mistake in marking their  
54 ballot may return the ballot to the secretary of the commonwealth and request a new ballot.  
55 Voters shall be allowed up to a total of three ballots.

56 (g) Notwithstanding the provisions of said section 25B of chapter 54 of the General Laws  
57 or any other general or special law to the contrary, a voter who does not receive a vote by mail

58 ballot package may notify the secretary of the commonwealth and request a replacement ballot.  
59 The secretary shall issue replacement ballots within 48 hours after receiving a request therefor.

60 (h) The secretary of the commonwealth shall procure, implement, and give all city and  
61 town clerks access to ballot tracking software to permit the tracking of all ballots issued and cast  
62 pursuant to the 2020 Vote By Mail Act.

63 (i) Notwithstanding the provisions of chapter 54 of the General Laws or any other general  
64 or special law to the contrary, city and town clerks may, with the approval of the secretary of the  
65 commonwealth or his designee and in consultation with the commissioner of the department of  
66 public health, reasonably reduce the number of poll workers required at a polling place to protect  
67 public health.

68 (j) If the state of emergency declared by the Governor on March 10, 2020 is still in effect  
69 on the date of a state election, or as may be required due to the outbreak of the 2019 novel  
70 coronavirus, known as COVID-19, the secretary of the commonwealth shall provide personal  
71 protective equipment for all poll workers.

72 (k) The secretary of the commonwealth shall conduct a public awareness campaign to  
73 inform voters throughout the commonwealth about this 2020 Vote By Mail Act and the attendant  
74 procedures and requirements for voting by mail.

75 (l) Nothing contained herein shall prohibit any voter who does not return a valid ballot by  
76 mail from voting in person on the election day applicable to the unreturned ballot.

77 (m) This section shall expire on December 31, 2020.

78           SECTION 3. The secretary of the commonwealth shall use funds provided to the state  
79 pursuant to the Help America Vote Act of 2002, 52 U.S.C. § 20901 et seq., known as HAVA, to  
80 cover all costs associated with the implementation of this act, unless said costs are expressly  
81 prohibited expenditures pursuant to HAVA.

82           SECTION 4. There shall be a 2020 Vote By Mail Fund that shall be administered by the  
83 secretary of the commonwealth, for the purpose of administering the provisions of this Act. The  
84 fund shall be supplemental to the HAVA funds accessible to the secretary, and shall be credited  
85 with such additional appropriations as may be authorized or transferred by the general court and  
86 specifically designated to be credited to the fund; provided, however, that any costs of  
87 implementation must be paid first using funds made available to the state pursuant to HAVA,  
88 unless said costs are expressly prohibited expenditures pursuant to HAVA, or until such funds  
89 have been depleted.

90           SECTION 5. Notwithstanding any general or special law to the contrary, the first  
91 Tuesday of November in even-numbered years shall be considered a “legal holiday” as defined  
92 in the Eighteenth clause of section 7 of chapter 4 of the General Laws, to be observed in the  
93 same manner as other legal holidays in the commonwealth; provided, however, that holiday  
94 observance shall not apply public employees whose jobs pertain to the operation and  
95 administration of elections.