The committee on Election Laws to whom were referred the petition (accompanied by bill, Senate, No. 2653) of Cynthia Stone Creem, Michael J. Barrett, Rebecca L. Rausch, Julian Cyr and other members of the General Court for legislation relative to voting by mail and early voting, the petition (accompanied by bill, Senate, No. 2654) of Rebecca L. Rausch, Adrian C. Madaro, Adam G. Hinds, Nika C. Elugardo and other members of the General Court for legislation to establish vote by mail in 2020, the petition (accompanied by bill, Senate, No. 2709) of Paul R. Feeney for legislation for safe, healthy and inclusive elections, the joint petition (accompanied by bill, House, No. 4699) of Jeffrey N. Roy and Adam G. Hinds for legislation to protect elections, the petition (accompanied by bill, House, No. 4721) of Jeffrey N. Roy, Jon Santiago and Nika C. Elugardo relative to elections and voting, and the petition (accompanied by bill, House, No. 4737) of John J. Lawn, Jr., Michael J. Moran and others relative to safety and participation in the 2020 state elections in response to COVID-19, reports recommending that the accompanying bill (House, No. 4762) ought to pass.

For the committee,

JOHN J. LAWN, JR.
The Commonwealth of Massachusetts

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

An Act relative to voting options in response to COVID-19.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Subsection (b) of section 25B of chapter 54 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following:-

No application shall be deemed to be seasonably filed unless it is received in the office of the city or town clerk or registrars of voters before 5 P.M. on the seventh day preceding the election.

SECTION 2. Said section 25B of said chapter 54, as so appearing, is hereby further amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) The voting period for in person early voting shall run from the eleventh business day preceding the general election until the close of business on the business day preceding the business day before the election; provided, however, that if the eleventh business day before the election falls on a legal holiday the early voting period shall begin on the first business day prior to the legal holiday. The voting period for early voting by mail shall begin as soon as all
necessary early voting materials have been received by the local election official pursuant to subsection (h).

SECTION 3. Section 89 of said chapter 54, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Any form of written communication evidencing a desire to have an absent voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. No application for an absent voting ballot to be sent by mail shall be deemed to be seasonably filed unless it is received in the office of the city or town clerk or registrars of voters on or before the seventh day preceding the election for which the ballot is being requested; provided, however, that if the seventh day preceding such election is a Sunday or a legal holiday, then it shall be received by such clerk or registrars before 5 P.M. on the last previous day on which such office is open. No application for an absent voting ballot to be voted in person shall be deemed to be seasonably filed unless it is received in the office of the city or town clerk or registrars of voters on or before noon on the day preceding the election for which such absent voting ballot is requested; provided, however, that if the day preceding such election is a Sunday or legal holiday, then it shall be received by such clerk or registrars before 5 P.M. on the last previous day on which such office is open. An application by a voter admitted to a health care facility after noon of the seventh day before the relevant election, as provided in subsection (c) of section 91B, may be received up until the time the polls close.

SECTION 4. Section 91B of said chapter 54, as so appearing, is hereby amended by striking out, in line 21, the words “after noon of the fifth” and inserting in place thereof the following words:- on or after the seventh.
SECTION 5. Section 92 of said chapter 54, as so appearing, is hereby amended by striking out, in line 11, the words “eighty-seven, or” and inserting in place thereof the following words:-

87; via a secured municipal drop box, where provided; or.

SECTION 6. (a) As used in sections 6 to 14, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Application”, an application to vote early by mail.

“Central registry”, the central registry of voters established pursuant to section 47C of chapter 51 of the General Laws.

“General election” or “election”, the general election scheduled for November 3, 2020.

“Primary election” or “primary”, the primary election scheduled for September 1, 2020.

“Qualified voter” or “voter”, a voter qualified pursuant to section 1 of chapter 51 of the General Laws.

“State secretary,” the secretary of the commonwealth.

(b) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law to the contrary, there shall be early voting by mail for the primary election and general election.

(c) The election officers and registrars of every city or town shall allow any qualified voter to cast an early ballot by mail for the primary election and general election and any city or town election held at the same time.
(d)(1) The state secretary shall, no later than July 15, 2020, mail to all registered voters who registered to vote before July 15 at their residential addresses listed in the central registry an application for said voter to be permitted to vote early by mail for the primary election and to vote early by mail in the general election.

(2) The state secretary or the election officers and registrars of every city or town shall mail to any person registering to vote on or after July 15, 2020 and before October 14, 2020, an application for said voter to be permitted to vote early by mail for the primary election and to vote early by mail for the general election.

(3) The application required pursuant to this subsection shall be in a form prescribed by the state secretary in accordance with state and federal law; provided, however, that said application shall include: (i) clear instructions for completing and returning the application; and (ii) an envelope that is addressed to the local election official.

(4) The application required pursuant to this subsection shall be made available on the websites of the state secretary and the election officers and registrars of every city or town.

(e)(1) A voter wishing to vote early by mail in the primary election shall complete the application to vote early by mail and shall return said application to the appropriate city or town clerk. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting for the primary election shall be given the same effect as an application made in the form prescribed by the state secretary. Applications to vote early by mail for the primary election shall be acceptable if they are signed or submitted electronically.
(2) No application to vote early by mail in the primary election shall be deemed to be seasonably filed unless it is received in the office of the local election official before noon on Tuesday, August 25, 2020.

(f)(1) A voter wishing to vote early by mail in the general election shall complete the application and shall return said application to the appropriate city or town clerk. Applications to vote early by mail for the general election shall be acceptable if they are signed or submitted electronically.

(2) No application to vote early by mail in the general election shall be deemed to be seasonably filed unless it is received in the office of the local election official before noon on October 27, 2020.

(g) Early voting ballots authorized pursuant to this section shall be mailed by the city or town clerk to voters as soon as such materials are available; provided, however, that said mailing shall include: (i) instructions for early voting; (ii) instructions for completing the ballot; (iii) an inner envelope where the ballot is placed after voting which contains an affidavit of compliance to be filled out by the voter; and (iv) an outer envelope that is addressed to the local election official; provided, that a voter who has seasonably filed an application may receive an early voting ballot in person at the office of the city or town clerk.

(h)(1) A voter in receipt of an early voting ballot for the primary election pursuant to this section may complete and return the ballot by: (i) delivering it in person to the office of the appropriate city or town clerk; (ii) dropping it in a secured municipal drop box; or (iii) mailing it to the appropriate city or town clerk.
(2) A voter in receipt of an early voting ballot for the general election pursuant to this section may complete and return the ballot by: (i) delivering it in person to the office of the appropriate city or town clerk; (ii) dropping it in a secured municipal drop box; or (iii) mailing it to the appropriate city or town clerk.

(i) All early voting ballots submitted by mail, delivered in person to the office of the city or town clerk or to a secured municipal drop box as provided by this section shall be received by the city or town clerk before the hour fixed for closing the polls on the day of the primary election or general election.

SECTION 7. (a) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law to the contrary, there shall be early voting in person for the primary election and the general election.

(b) (1) The election officers and registrars of every city or town shall allow any qualified voter to cast an early ballot in person for the primary election during the early voting period, which shall begin on Saturday, August 22, 2020 and end on Friday, August 28, 2020. Early voting in person shall also apply to any city or town election held at the same time.

(2) The election officers and registrars of every city or town shall allow any qualified voter to cast a ballot in person for the general election during the early voting period, which shall begin on Saturday, October 17, 2020 and end on Friday, October 30, 2020. Early voting in person shall also apply to any city or town election held at the same time.

(3) Any qualified voter wishing to vote early in person in the primary or general election may do so at the time, manner and location prescribed in this section.
(c)(1) Early voting in person for the primary election shall be conducted on Saturday, August 22, 2020 and Sunday, August 23, 2020, as follows: (i) for municipalities with fewer than 5,000 registered voters, for a period of a minimum of 2 hours each day; (ii) for municipalities with 5,000 or more registered voters but fewer than 20,000 registered voters, for a period of a minimum of 4 hours each day; (iii) for municipalities with 20,000 or more registered voters but fewer than 40,000 registered voters, for a period of a minimum of 5 hours each day; (iv) for municipalities with 40,000 or more registered voters but fewer than 75,000 registered voters, for a period of a minimum of 6 hours each day; and (v) for municipalities with 75,000 or more registered voters, for a period of a minimum of 8 hours each day. For each other day during the early voting period, early voting shall be conducted during the usual business hours of each city or town clerk. A city or town may, in its discretion, provide for additional early voting hours beyond the hours required by this paragraph.

(2) Early voting for the general election shall be conducted on Saturday, October 17, 2020, Sunday, October 18, 2020, Saturday, October 24, 2020 and Sunday, October 25, 2020 as follows: (i) for municipalities with fewer than 5,000 registered voters, for a period of a minimum of 2 hours each day; (ii) for municipalities with 5,000 or more registered voters but fewer than 20,000 registered voters, for a period of a minimum of 4 hours each day; (iii) for municipalities with 20,000 or more registered voters but fewer than 40,000 registered voters, for a period of a minimum of 5 hours each day; (iv) for municipalities with 40,000 or more registered voters but fewer than 75,000 registered voters, for a period of a minimum of 6 hours each day; and (v) for municipalities with 75,000 or more registered voters, for a period of a minimum of 8 hours each day. For each other day during the early voting period, early voting shall be conducted during the usual business hours of each city or town clerk. A city or town may, in its discretion, provide for additional early voting hours beyond the hours required by this paragraph.
usual business hours of each city or town clerk. A city or town may, in its discretion, provide for additional early voting hours beyond the hours required by this paragraph.

(d)(1) Each city and town shall establish an early voting site for the primary election and an early voting site for the general election that shall include the election office for the city or town; provided, however, that if the city or town determines that the office is unavailable or unsuitable for early voting in either the primary election or general election, the registrars of each city or town shall identify and provide for an alternative centrally-located, suitable and convenient public building within that city or town as an early voting site. A city or town may also provide for additional early voting sites for the primary election or general election at the discretion of the registrars for that city or town. Each early voting site shall be accessible to persons with disabilities.

(2) The designation of early voting sites for the primary election shall be made no later than August 7, 2020. No later than August 14, 2020, and at least once during the voting period, the registrars for each city or town shall post the location of the early voting sites as well as the applicable dates and hours. Notice shall be conspicuously posted: (i) in the office of the city or town clerk or on the principal official bulletin board of each city or town (ii); on any other public building considered necessary; (iii) on the city or town's website, if any; and (iv) on the website of the state secretary.

(3) The designation of early voting sites for the general election shall be made no later than October 2, 2020. No later than October 9, 2020, and at least once during the voting period, the registrars for each city or town shall post the location of the early voting sites as well as the applicable dates and hours. Notice shall be conspicuously posted: (i) in the office of the city or
town clerk or on the principal official bulletin board of each city or town; (ii) on any other public
building considered necessary; (iii) on the city or town's website, if any; and (iv) on the website
of the state secretary.

(e) A qualified voter voting early in person shall be provided with a ballot and an
envelope where the ballot is placed after voting which contains an affidavit of compliance to be
filled out by the voter. A qualified voter voting early in person shall complete an affidavit under
the regulations promulgated pursuant to this act, which shall include a notice of penalties under
section 26 of chapter 56 of the General Laws.

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

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

(h) The registrars shall prepare lists of all voters casting ballots pursuant to this section or
section 6 during the early voting period and update the voter list in a manner prescribed by the
state secretary.

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

(j) No early voting ballot cast under this section or section 6 shall be counted if the officer charged with the duty of counting the ballot is cognizant of the fact that the voter has died prior to the opening of the polls on the day of the primary election.

SECTION 8. (a) No later than August 3, 2020, the state secretary shall deliver to each city or town, in quantities as the state secretary determines necessary, the following papers: (i) official absentee and early voting ballots for the primary election, similar to the official ballot to be used at the primary election; (ii) envelopes of sufficient size to contain the ballots specified in clause (i) bearing on their reverse the voter's affidavit in compliance with the requirements of subsection (j) of section 25B of chapter 54 of the General Laws; (iii) return envelopes for any ballot requested for voting by mail pre-addressed to the local election official; and (iv) instructions for voting by mail to be sent to each voter who requests to cast a ballot by mail.

(b) No later than October 9, 2020, the state secretary shall deliver to each city or town, in quantities as the state secretary determines necessary, the following papers: (i) official absentee and early voting ballots, for the general election, similar to the official ballot to be used at the general election; (ii) envelopes of sufficient size to contain the ballots specified in clause (i) bearing on their reverse the voter's affidavit in compliance with the requirements of subsection (j) of said section 25B of said chapter 54; (iii) return envelopes for any ballot requested for voting by mail pre-addressed to the local election official; and (iv) instructions for voting by mail to be sent to each voter who requests to cast a ballot by mail.
SECTION 9. (a) Sections 37 and 38 of chapter 53 of the General Laws shall apply to unenrolled voters and voters enrolled in political designations voting early in the primary election. The registrar or presiding official at the early voting site shall cause the name of the party of the ballot being voted to be recorded on the voting list. Once the party selection has been recorded on the voting list, a voter cannot request or vote on the ballot of another party.

(b) The counting of early voting ballots including, but not limited to, informing election officers and any challengers present under section 85A of chapter 54 of the General Laws shall be set by 950 C.M.R. § 47.00, so far as applicable. All envelopes referred to in this section shall be retained with the ballots cast at the primary election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

(c) The provisions of 950 C.M.R. § 47.00 shall apply to early voting at the primary election to the extent feasible; provided, however, that the state secretary shall promulgate rules to accommodate the dates set forth herein.

SECTION 10. Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law to the contrary, the election officers and registrars of every city or town shall allow any qualified voter to vote early by mail for any city or town election held on or before December 31, 2020.

SECTION 11. Notwithstanding section 24 of chapter 54 of the General Laws or any other general or special law to the contrary, the select board, board of selectmen, town council or city council may vote to change any polling place to be used at the primary election or the general election at least 10 days prior to the date of the primary election or general election. If the select board, board of selectmen, town council or city council determine that the public convenience
would be better served, they may house all polling places in a single building within the
municipality, if such building is suitably equipped. In cities, the city council may designate
polling places in non-adjacent precincts if they determine the public convenience would be better
served. When the polling places have been designated pursuant to this section, the board of
registrars shall post on the municipal website and at other such places as it may determine, a
description of the polling places and shall notify voters by using an electronic means, to the
extent available, such as via email or reverse 911 call.

SECTION 12. Notwithstanding section 29 of chapter 53 of the General Laws and
sections 11, 11B, 12 and 13 of chapter 54 of the General Laws or any other general or special
law to the contrary, for the primary election and general election, the town or city clerk, mayor,
select board, board of selectmen or other appointing authority may appoint election officers
without regard to political party membership, voter status, residence in the city or town or
inclusion on a list filed by a political party committee pursuant to said sections 11B and 12 of
said chapter 54.

SECTION 13. Notwithstanding sections 67 and 83 of chapter 54 of the General Laws or
any other general or special law to the contrary, for the primary election and general election, the
city or town clerk may eliminate the requirement that a voter provide their name or residence to
an election officer at the ballot box and that the election officer mark the name off a voting list
before the voter may deposit the ballot in the ballot box.

SECTION 14. Notwithstanding any general or special law to the contrary, the state
secretary, in consultation with the registry of motor vehicles, shall implement a system to allow a
qualified voter to request an early or absentee ballot on the secretary of state’s website, to be
mailed to the qualified voter’s home address or, at the qualified voter’s request, to receive at the office of the town or city clerk. No later than August 15, 2020, if the state secretary is unable to complete such a system, the state secretary shall submit to the house and senate chairs of the joint committee on election laws, a report detailing the efforts taken and progress made on the implementation of such system for qualified voters.

SECTION 15. For an election held on or before December 31, 2020, any person taking precaution related to COVID-19 in response to a declared state of emergency or from guidance from a medical professional, local or state health official or any civil authority shall be deemed to be unable by reason of physical disability to cast their vote in person at a polling location.

SECTION 16. Notwithstanding sections 25B and 89 of chapter 54 of the General Laws or any other general or special law to the contrary, applications for early and absentee ballots for all elections held on or before December 31, 2020 shall be acceptable if they are signed or submitted electronically; provided, that any electronic signature shall be written in substantially the same manner as a handwritten signature.

SECTION 17. Notwithstanding any other general or special law to the contrary, subsection (c) of section 91B of chapter 54 of the General Laws shall apply to voters who have been instructed by a medical professional or a local or state health official to self-quarantine in their home beginning after noon on the seventh day before the any election held on or before December 31, 2020.

SECTION 18. The state secretary shall promulgate emergency regulations for the administration and enforcement of this act including, after consulting with the commissioner of the department of public health, regulations requiring public health safeguards at early voting
sites and polling places, including required distancing of voters and election officers, frequent use of sanitizers, appropriate clothing and use of marking pens.