

HOUSE No. 4768

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.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for increased voting options in response to COVID-19, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and 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. Subsection (b) of section 25B of chapter 54 of the General Laws, as
2 appearing in the 2018 Official Edition, is hereby amended by striking out the last sentence and
3 inserting in place thereof the following sentence:- No application shall be deemed to be
4 seasonably filed unless it is received in the office of the city or town clerk or registrars of voters
5 before 5 P.M. on the seventh day preceding the election.

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

8 (c) The voting period for in person early voting shall run from the eleventh business day
9 preceding the general election until the close of business on the business day preceding the
10 business day before the election; provided, however, that if the eleventh business day before the

11 election falls on a legal holiday the early voting period shall begin on the first business day prior
12 to the legal holiday. The voting period for early voting by mail shall begin as soon as all
13 necessary early voting materials have been received by the local election official pursuant to
14 subsection (h).

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

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

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

35 SECTION 5. Section 92 of said chapter 54, as so appearing, is hereby amended by
36 striking out, in line 11, the words “eighty-seven, or” and inserting in place thereof the following
37 words:- 87; via a secured municipal drop box, where provided; or.

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

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

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

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

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

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

47 “State secretary,” the secretary of the commonwealth.

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

51 (c) The election officers and registrars of every city or town shall allow any qualified
52 voter to cast an early ballot by mail for the primary election and general election and any city or
53 town election held at the same time.

54 (d)(1) The state secretary shall, no later than July 15, 2020, mail to all registered voters
55 who registered to vote before July 15 at their residential addresses listed in the central registry an
56 application for said voter to be permitted to vote early by mail for the primary election.

57 (2) The state secretary shall, no later than September 14, 2020, mail to all registered
58 voters who registered to vote before September 14 at their residential addresses listed in the
59 central registry an application for said voter to be permitted to vote early by mail in the general
60 election.

61 (3) (i) The state secretary or the election officers and registrars of every city or town shall
62 mail to any person registering to vote on or after July 15, 2020 and on or before August 12, 2020,
63 an application for said voter to be permitted to vote early by mail for the primary election.

64 (ii) The state secretary or the election officers and registrars of every city or town shall
65 mail to any person registering to vote on or after September 14, 2020 and on or before October
66 14, 2020, an application for said voter to be permitted to vote early by mail for the general
67 election.

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

72 (5) Each application required pursuant to this subsection shall include an option, which
73 shall appear prominently on the application, to request a ballot printed in the language of the
74 ballot available at the voter’s polling location pursuant to the bilingual election requirements of
75 the federal Voting Rights Act, 52 USC § 10503, chapter 166 of the acts of 2014 or any other
76 applicable federal or state law.

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

79 (e)(1) A voter wishing to vote early by mail in the primary election shall complete the
80 application to vote early by mail and shall return said application to the appropriate city or town
81 clerk. Any form of written communication evidencing a desire to have an early voting ballot be
82 sent for use for voting for the primary election shall be given the same effect as an application
83 made in the form prescribed by the state secretary. Applications to vote early by mail for the
84 primary election shall be acceptable if they are signed or submitted electronically.

85 (2) No application to vote early by mail in the primary election shall be deemed to be
86 seasonably filed unless it is received in the office of the local election official before noon on
87 Tuesday, August 25, 2020.

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

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

95 (g)(1) Early voting ballots authorized pursuant to this section shall be mailed by the city
96 or town clerk to voters as soon as such materials are available; provided, however, that said
97 mailing shall include: (i) instructions for early voting; (ii) instructions for completing the ballot;
98 (iii) an inner envelope where the ballot is placed after voting which contains an affidavit of
99 compliance to be filled out by the voter; and (iv) an outer envelope that is addressed to the local
100 election official with postage guaranteed; provided, that a voter who has seasonably filed an
101 application may receive an early voting ballot in person at the office of the city or town clerk.

102 (2) Each early voting ballot authorized pursuant to this section shall be provided to the
103 voter in the language selected by the voter pursuant to paragraph (5) of subsection (d); provided,
104 that if the voter did not select a language, the ballot shall be provided in English.

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

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

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

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

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

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

128 (3) Any qualified voter wishing to vote early in person in the primary or general election
129 may do so at the time, manner and location prescribed in this section.

130 (c)(1) Early voting in person for the primary election shall be conducted on Saturday,
131 August 22, 2020 and Sunday, August 23, 2020, as follows: (i) for municipalities with fewer than
132 5,000 registered voters, for a period of a minimum of 2 hours each day; (ii) for municipalities
133 with 5,000 or more registered voters but fewer than 20,000 registered voters, for a period of a
134 minimum of 4 hours each day; (iii) for municipalities with 20,000 or more registered voters but

135 fewer than 40,000 registered voters, for a period of a minimum of 5 hours each day; (iv) for
136 municipalities with 40,000 or more registered voters but fewer than 75,000 registered voters, for
137 a period of a minimum of 6 hours each day; and (v) for municipalities with 75,000 or more
138 registered voters, for a period of a minimum of 8 hours each day. For each other day during the
139 early voting period, early voting shall be conducted during the usual business hours of each city
140 or town clerk. A city or town may, in its discretion, provide for additional early voting hours
141 beyond the hours required by this paragraph.

142 (2) Early voting for the general election shall be conducted on Saturday, October 17,
143 2020, Sunday, October 18, 2020, Saturday, October 24, 2020 and Sunday, October 25, 2020 as
144 follows: (i) for municipalities with fewer than 5,000 registered voters, for a period of a minimum
145 of 2 hours each day; (ii) for municipalities with 5,000 or more registered voters but fewer than
146 20,000 registered voters, for a period of a minimum of 4 hours each day; (iii) for municipalities
147 with 20,000 or more registered voters but fewer than 40,000 registered voters, for a period of a
148 minimum of 5 hours each day; (iv) for municipalities with 40,000 or more registered voters but
149 fewer than 75,000 registered voters, for a period of a minimum of 6 hours each day; and (v) for
150 municipalities with 75,000 or more registered voters, for a period of a minimum of 8 hours each
151 day. For each other day during the early voting period, early voting shall be conducted during the
152 usual business hours of each city or town clerk. A city or town may, in its discretion, provide for
153 additional early voting hours beyond the hours required by this paragraph.

154 (d)(1) Each city and town shall establish an early voting site for the primary election and
155 an early voting site for the general election that shall include the election office for the city or
156 town; provided, however, that if the city or town determines that the office is unavailable or
157 unsuitable for early voting in either the primary election or general election, the registrars of each

158 city or town shall identify and provide for an alternative centrally-located, suitable and
159 convenient public building within that city or town as an early voting site. A city or town may
160 also provide for additional early voting sites for the primary election or general election at the
161 discretion of the registrars for that city or town. Each early voting site shall be accessible to
162 persons with disabilities.

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

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

177 (e) A qualified voter voting early in person shall be provided with a ballot and an
178 envelope where the ballot is placed after voting which contains an affidavit of compliance to be
179 filled out by the voter. A qualified voter voting early in person shall complete an affidavit under

180 the regulations promulgated pursuant to this act, which shall include a notice of penalties under
181 section 26 of chapter 56 of the General Laws.

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

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

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

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

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

200 SECTION 8. (a) No later than August 3, 2020, the state secretary shall deliver to each
201 city or town, in quantities as the state secretary determines necessary, the following papers: (i)
202 official absentee and early voting ballots for the primary election, similar to the official ballot to
203 be used at the primary election; provided, that a sufficient quantity of such ballots are printed in
204 the languages necessary to accommodate the selection of a bilingual ballot by voters pursuant to
205 paragraph 5 of subsection (d) of section 6; (ii) envelopes of sufficient size to contain the ballots
206 specified in clause (i) bearing on their reverse the voter's affidavit in compliance with the
207 requirements of subsection (j) of section 25B of chapter 54 of the General Laws; (iii) return
208 envelopes for any ballot requested for voting by mail pre-addressed to the local election official
209 with postage guaranteed; and (iv) instructions for voting by mail to be sent to each voter who
210 requests to cast a ballot by mail.

211 (b) No later than October 9, 2020, the state secretary shall deliver to each city or town, in
212 quantities as the state secretary determines necessary, the following papers: (i) official absentee
213 and early voting ballots, for the general election, similar to the official ballot to be used at the
214 general election; provided, that a sufficient quantity of such ballots are printed in the languages
215 necessary to accommodate the selection of a bilingual ballot by voters pursuant to paragraph 5 of
216 subsection (d) of section 6; (ii) envelopes of sufficient size to contain the ballots specified in
217 clause (i) bearing on their reverse the voter's affidavit in compliance with the requirements of
218 subsection (j) of said section 25B of said chapter 54; (iii) return envelopes for any ballot
219 requested for voting by mail pre-addressed to the local election official with postage guaranteed;
220 and (iv) instructions for voting by mail to be sent to each voter who requests to cast a ballot by
221 mail.

222 SECTION 9. (a) Sections 37 and 38 of chapter 53 of the General Laws shall apply to
223 unenrolled voters and voters enrolled in political designations voting early in the primary
224 election. The registrar or presiding official at the early voting site shall cause the name of the
225 party of the ballot being voted to be recorded on the voting list. Once the party selection has been
226 recorded on the voting list, a voter cannot request or vote on the ballot of another party.

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

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

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

239 SECTION 11. Notwithstanding section 24 of chapter 54 of the General Laws or any other
240 general or special law to the contrary, the select board, board of selectmen, town council or city
241 council may vote to change any polling place to be used at the primary election or the general
242 election at least 10 days prior to the date of the primary election or general election. If the select
243 board, board of selectmen, town council or city council determines that the public convenience

244 would be better served, they may house all polling places in a single building within the
245 municipality, if such building is suitably equipped. In cities, the city council may designate
246 polling places in non-adjacent precincts if they determine the public convenience would be better
247 served. When the polling places have been designated pursuant to this section, the board of
248 registrars shall post on the municipal website and at other such places as it may determine, a
249 description of the polling places and shall notify voters by using an electronic means, to the
250 extent available, such as via email or reverse 911 call.

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

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

263 SECTION 14. Notwithstanding any general or special law to the contrary, the state
264 secretary, in consultation with the registry of motor vehicles, shall implement a system to allow a
265 qualified voter to request an early or absentee ballot on the secretary of state's website, to be

266 mailed to the qualified voter's home address or, at the qualified voter's request, to receive at the
267 office of the town or city clerk. No later than August 15, 2020, the state secretary shall submit to
268 the house and senate chairs of the joint committee on election laws a report detailing the efforts
269 taken and progress made on the implementation of such system for qualified voters.

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

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

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

284 SECTION 18. The state secretary shall promulgate emergency regulations for the
285 administration and enforcement of this act including, after consulting with the commissioner of
286 the department of public health, regulations requiring public health safeguards at early voting

- 287 sites and polling places, including required distancing of voters and election officers, frequent
- 288 use of sanitizers, appropriate clothing and use of marking pens.