

**HOUSE . . . . . No. 684**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***John J. Mahoney***

*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 Massachusetts 2020 presidential primary.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>1/9/2019</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>1/28/2019</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>2/1/2019</i>

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By Mr. Mahoney of Worcester, a petition (accompanied by bill, House, No. 684) of John J. Mahoney, Harriette L. Chandler and Paul Brodeur relative to early voting in the 2020 presidential primary. 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 relative to early voting in the Massachusetts 2020 presidential primary.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide for early voting in the Massachusetts 2020 presidential primary, 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 2020  
3 presidential 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 2020 presidential primary  
6 during the early voting period, which shall begin on Monday, February 24, 2020 and end on  
7 Friday, February 28, 2020. Early voting shall also apply to any city or town election held at the  
8 same time as the presidential 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 2020 presidential primary. Any  
11 form of written communication evidencing a desire to have an early voting ballot be sent for use  
12 for voting at an election shall be given the same effect as an application made in the form  
13 prescribed by the state secretary. No application for an early voting ballot for the 2020  
14 presidential primary shall be deemed to be seasonably filed unless it is received in the office of  
15 the city or town clerk or registrars of voters before 12:00 pm on February 28, 2020. If the voter is  
16 registered as unenrolled or in a political designation, the applicant must include the name of the  
17 party whose primary ballot the voter is requesting.

18 (c) Early voting for the 2020 presidential primary shall be conducted during the usual  
19 business hours of each city or town clerk. A city or town may, in its discretion, provide for  
20 additional early voting hours beyond the hours required by this subsection during the early  
21 voting period.

22 (d) All early voting ballots voted by mail for the 2020 presidential primary shall be  
23 received by the city or town clerk before the hour fixed for closing the polls.

24 (e) Each city and town shall establish an early voting site for the 2020 presidential  
25 primary that shall include the election office for the city or town; provided, however, that if the  
26 city or town determines that the office is unavailable or unsuitable for early voting, the registrars  
27 of each city or town shall identify and provide for an alternative centrally-located, suitable and  
28 convenient public building within each city or town as an early voting site. A city or town may  
29 also provide for additional early voting sites at the discretion of the registrars for that city or  
30 town. Each early voting site shall be accessible to persons with disabilities.

31 (f) The designation of an early voting site for the 2020 presidential primary shall be made  
32 no later than February 10, 2020. No later than February 12, 2020, the registrars for each city or  
33 town shall post the location of the early voting sites as well as the applicable dates and hours.  
34 Notice shall be conspicuously posted in the office of the city clerk or on the principal official  
35 bulletin board of each city or town, on any other public building considered necessary, on the  
36 city or town's website, if any, and on the website of the state secretary.

37 (g) No later than February 10, 2020, the state secretary shall deliver to each city or town,  
38 in quantities as the state secretary determines necessary, the following papers: (1) official early  
39 voting ballots for the 2020 presidential 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 2020 presidential 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 2020 presidential primary, the registrars  
49 for each city or town shall prepare a list for the early voting sites, containing the names and  
50 residences of all persons qualified to vote at each voting site, as the names and residences appear  
51 upon the annual register, and shall reasonably transmit the applicable list to the election officers  
52 at each 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 2020 presidential primary and shall be preserved and destroyed in the manner provided by law  
66 for the 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 2020  
68 presidential primary to the extent feasible, but the secretary shall update the rules to  
69 accommodate the dates 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 2020 presidential primary at the expense of the city or town to  
72 preserve order, protect the election officers and supervisors from any interference with their  
73 duties and aid 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 2020 presidential 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  
80 the beginning of the voting period established in subsection (b). Not less than 7 days prior to the  
81 beginning of the early voting period the registrars for each city or town shall post the location of  
82 the early voting sites as well as the applicable dates and hours. Notice shall be conspicuously  
83 posted in the office of the city clerk or on the principal official bulletin board of each city or  
84 town, on any other public building considered necessary, on the city or town's website, if any,  
85 and on the website of the state secretary.

86 SECTION 3. This act shall take effect upon its passage.