

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul J. Donato

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 election emergencies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>3/11/2020</i>

HOUSE No.

By Mr. Donato of Medford, a petition (subject to Joint Rule 12) of Paul J. Donato that the State Secretary be authorized to regulate elections in certain emergency situations. Election Laws.

The Commonwealth of Massachusetts

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

An Act relative to election emergencies.

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. Chapter 54 of the General Laws, as appearing in the 2016 official edition, is
2 amended by adding the following language for newly created Section 62A:

3 62A. Postponement and extension of qualifying periods for elections for public office
4 during state of emergency; Procedures for the Orderly Administration of Elections; Limitations.

5 Section 62A. (a) The state secretary shall have the authority to regulate elections in
6 emergency situations, including, but not limited to, when the governor declares a state of
7 emergency or a federal agency declares a state of emergency or disaster exists. Such
8 authorization shall include, but not be limited to:

9 (1) Postponing or extending the qualifying periods provided in this chapter or chapter
10 53 for the qualification of candidates seeking municipal, county, or state-wide office; and

11 (2) Postponing the date of any primary, special primary, preliminary, election, or
12 special election in the affected area, notwithstanding the provisions of any other law, by-law,
13 ordinance or municipal charter to the contrary; and

14 (3) Providing for procedures for the orderly conduct of elections; and

15 (4) In the case of municipal elections, postponing or suspending such local election,
16 including a preliminary, after consultation with local election officials and chief executive of the
17 municipality or representative thereto.

18 Any such postponement or extension shall not exceed 45 days unless the secretary
19 determines that the particular circumstances at issue require an additional postponement or
20 extension of up to another 45 days.

21 (b) The secretary of the commonwealth shall adopt, by rule or regulation, an elections
22 emergency contingency plan, which shall contain goals and policies that give specific direction
23 to state and local elections officials when an election has been suspended or delayed due to an
24 emergency or alternate voting procedures are necessary. The contingency plan shall address, but
25 not be limited to, the following concerns:

26 (1) Providing procedures for state and local elections officials to follow when an
27 election has been suspended or delayed to ensure notice of the suspension or delay to the proper
28 authorities, the electorate, the media, poll workers, and the custodians of polling places.

29 (2) Providing procedures for state and local elections officials to follow when
30 election deadlines are postponed or extended to ensure notice of the suspension or delay to the
31 proper authorities, the electorate, candidates, and the media.

32 (3) Providing procedures for the release and certification of election returns and
33 documents relating to the election to the secretary's office for elections suspended or delayed and
34 subsequently rescheduled under the provisions this section.

35 (4) Providing alternate voting procedures for local election officials and voters to
36 follow when election emergencies exist that may affect the ability of voters to vote at a polling
37 place and to ensure notice of any such alternate procedures to the proper authorities, the
38 electorate, candidates, and the media.

39 (c) Any actions taken by the secretary of the commonwealth under this section shall be
40 reviewable in accordance with the provisions of section 59 of chapter 56 of the general laws.