

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Tami L. Gouveia

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 establish safe, accessible, and fair elections.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------------------|--------------------------------|------------------|
| <i>Tami L. Gouveia</i> | <i>14th Middlesex</i> | <i>5/7/2020</i> |
| <i>Maria Duaiame Robinson</i> | <i>6th Middlesex</i> | <i>5/8/2020</i> |
| <i>Paul R. Feeney</i> | <i>Bristol and Norfolk</i> | <i>5/8/2020</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> | <i>5/11/2020</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> | <i>5/11/2020</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>5/11/2020</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>5/11/2020</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> | <i>5/11/2020</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>5/11/2020</i> |
| <i>Nika C. Elugardo</i> | <i>15th Suffolk</i> | <i>5/11/2020</i> |
| <i>Patrick Joseph Kearney</i> | <i>4th Plymouth</i> | <i>5/11/2020</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> | <i>5/11/2020</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>5/12/2020</i> |
| <i>John H. Rogers</i> | <i>12th Norfolk</i> | <i>5/13/2020</i> |
| <i>Bud L. Williams</i> | <i>11th Hampden</i> | <i>5/14/2020</i> |

HOUSE No.

By Ms. Gouveia of Acton, a petition (subject to Joint Rule 12) of Tami L. Gouveia and others relative to the safety, accessibility, and fairness of elections. Election Laws.

The Commonwealth of Massachusetts

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

An Act to establish safe, accessible, and fair 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 1 of Chapter 51 of the General Laws is hereby amended by striking
2 out the last sentence and inserting in place thereof the following sentence:-

3 A person otherwise qualified to vote for national or state officers, but who has not
4 registered in accordance with the provisions of section 26 of this chapter shall be eligible to
5 register under Section 34A.

6 SECTION 2. Section 1F of Chapter 51 of the General Laws is hereby repealed.

7 SECTION 3. Said Chapter 51, as so appearing, is hereby amended, by striking out
8 Section 3, as so appearing, and inserting in place thereof the following section:-

9 Section 3. For all elections and primaries, a person shall be registered and may vote in the
10 ward or voting precinct where they reside; provided, however, that any registered voter of a city
11 or town who moves to any other precinct in said city or town or to another city or town may
12 register to vote at their new address by making written application to the city or town clerk no

13 later than the close of registration or in accordance with the provisions of section 34A. A new
14 resident of the city or town may also, upon like application, be registered at the new address by
15 making written application to the city or town clerk no later than the close of registration or in
16 accordance with the provisions of section 34A. The city or town clerk shall forthwith notify each
17 voter making any such written application that the same has been received and that they may
18 vote, subject to the provision of this section regarding the close of registration, in the ward or
19 precinct into which they have moved or in accordance with provisions of section 34A.

20 SECTION 4. Said Chapter 51 is hereby further amended by striking out Section 28, as so
21 appearing, and inserting in place thereof the following section:-

22 Section 28. Registrars shall hold a continuous session from 7:00 AM until 8:00 PM on
23 the last day for registration prescribed under section 26. For those towns having less than 1,500
24 voters, such session shall be sufficient if it includes the time from 7:00 AM until 9:00 AM and
25 from 5:00 PM until 7:00 PM.

26 SECTION 5. Said Chapter 51 is hereby further amended by striking out Section 34, as
27 appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

28 Section 34. Except as otherwise provided in Section 34A, after 8:00 PM of a day on
29 which registration is to cease, the registrars shall not register any person to vote in the next
30 election, except that they shall furnish, or cause to be furnished, to each person waiting in line at
31 the hour of 8:00 PM for the purpose of being registered, a card or slip of identification bearing
32 such person's name and shall, before registration ceases, permit such person to register.

33 SECTION 6. Said Chapter 51 is hereby further amended by inserting after Section 34 the
34 following section:-

35 Section 34A. (a) An individual who is eligible to vote may register on the day of an
36 election by appearing in person at the polling place, during the hours it is open for voting, for the
37 precinct in which the individual maintains residence on election day or, during the early voting
38 period, by appearing in person at an early voting site for the city or town in which the individual
39 maintains residence during the hours it is open for voting, by completing a registration
40 application in a form prescribed by the state secretary which complies with identity requirements
41 of 52 U.S.C. section 21083, by presenting to the appropriate election official proof of residency
42 and by making a written oath which shall be as follows: I certify that I: am a citizen of the United
43 States; am at least 18 years old; am not under guardianship that prohibits me from registering
44 and/or voting or otherwise prohibited from voting; am not temporarily or permanently
45 disqualified by law because of corrupt practices in respect to elections; have not and will not vote
46 in any other location within the Commonwealth or elsewhere; have read and understand this
47 statement: I further understand that giving false information is a felony punishable by not more
48 than 5 years imprisonment or a fine of not more than \$5,000, or both.

49 (b) For purposes of this section, the term “proof of residence” shall mean one of the
50 following, so long as it includes the name of the applicant and the address from which they are
51 registering:

52 (i) a valid photo identification including, but not limited to, a Massachusetts driver’s
53 license or other state-issued identification card; or

54 (ii) other documentation demonstrating the name and address where the applicant
55 maintains residence and seeks to register including, but not limited to, a copy of a current utility
56 bill, bank statement, government check, residential lease agreement, wireless telephone

57 statement, paycheck, other government document or correspondence, a current student fee
58 statement or other document from a post- secondary educational institution that verifies the
59 student's current address.

60 (c) Upon meeting the identity requirements of subsection (a), production of proof of
61 residence, and the making of an oath sufficient to support registration, the ballot clerk or his
62 designee shall permit the applicant to vote at that election. Any person who registers to vote on
63 the day of an election in accordance with this section shall, absent disqualification, be registered
64 to vote at all subsequent primaries and elections.

65 (d) A registrant who fails to present suitable identification shall be permitted to deposit a
66 provisional ballot pursuant to the provisions of section 76C of chapter 54, but shall be required to
67 return within two business days after a state primary or municipal election or within six days
68 following a state election to present sufficient identification to the local election officials in order
69 for the local election officials to determine that the registrant is qualified to vote in such election
70 and has deposited an eligible provisional ballot.

71 (e) The state secretary shall make available to the election officers at each polling place,
72 to the extent possible, access to the statewide list of registered voters as contained in the central
73 registry of voters set forth in section 47C. For the purposes of this section, an electronic or
74 printed copy of all voters registered to vote in that precinct as of the last day of the registration
75 period, as required by sections 55 and 60, shall be sufficient.

76 (f) The local election officials may correct information supplied by the registrant to the
77 extent necessary to maintain the integrity of their records. If an affidavit is incomplete or if it
78 appears from the facts set forth in the affidavit that the registrant is not qualified to register as a

79 voter, the local election officials shall proceed in accordance with the provisions of section forty-
80 seven.

81 (g) As soon as practicable after the election, the registrars shall add the registrant's name,
82 address and effective date of registration to the annual register of voters.

83 (h) This section shall not apply to an individual seeking to register to vote in any town for
84 the purposes of voting at annual town meeting or special town meeting.

85 (i) A registered voter shall not re- register on the day of a primary or election for the
86 exclusive purpose of altering their party affiliation.

87 (j) The state secretary shall adopt regulations to implement the relevant provisions of this
88 chapter.

89 (k) Upon credible information or allegation of illegal voter registration, or credible
90 information or allegation of illegal multiple voting, there shall be an investigation upon the
91 merits of said information or allegation by the attorney general, or by the district attorney having
92 jurisdiction over the municipality in which the alleged illegal registration or illegal multiple
93 voting occurred. Nothing in this subsection shall be construed as excluding enforcement of this
94 section by any means otherwise provided by law.

95 (l) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter
96 56.

97 SECTION 7. Said Chapter 51 is hereby further amended by inserting after Section 34A
98 the following section:-

99 Section 34B. There shall be an advisory committee regarding the implementation of
100 Election Day registration. Among other issues it may consider, the advisory committee shall
101 study the resources necessary and recommended procedures for implementation of the policy.
102 The advisory committee shall be comprised of the secretary of state, or a designee, who shall
103 chair the advisory committee; the attorney general, or a designee; the house and senate chairs of
104 the joint committee on election laws, or their designees; 2 representatives of the Massachusetts
105 Town Clerks Association, at least 1 of whom shall be a town clerk from a town of under 5,000
106 residents, and 2 representatives of the Massachusetts City Clerks Association, and 3 citizen
107 representatives designated by the nonpartisan voter education organizations Massachusetts Voter
108 Education Network (Mass VOTE), Common Cause, and the League of Women Voters of
109 Massachusetts. The advisory committee shall complete its study on the implementation of
110 election day registration and submit an interim report and recommendations for improving
111 administration of election day registration, in writing, to the joint committee on election laws and
112 the senate and house committees on ways and means on or before June 30, 2020, and the
113 advisory committee shall submit its final report in writing to the joint committee on election laws
114 and the senate and house committees on ways and means on or before June 30, 2021.

115 SECTION 8. Sections 1 through 6 of this act shall take effect on July 1, 2020.

116 SECTION 9. Sections 7 shall take effect within 60 days of passage.

117 EARLY VOTING EXPANSION

118 SECTION 10. Section 25B of Chapter 54 of the General Laws is amended by striking out
119 (c), (d) (h) and inserting in place thereof the following section: –

120 Section 25B.

121 (c) The voting period for early voting shall run from the 21st calendar day preceding
122 election day, until 5 p.m. on the day immediately preceding election day, or such later time on
123 the day preceding the date of the election or primary as each city or town permits early voting
124 under section (d) below.

125 (d) Early voting shall be conducted during all usual business hours of each city or town
126 clerk throughout the early voting period described in section (c). Furthermore, during the early
127 voting period described in section (c), each city or town shall conduct early voting for: (i) a total
128 of at least nine evening hours, after 5 p.m., during the seven day period immediately preceding
129 election day; and (ii) a total of at least twelve weekend hours on the Saturday and/or Sunday
130 immediately preceding election day. A city or town may, in its discretion, provide for additional
131 early voting hours beyond the hours required by this subsection. The selection of early voting
132 polling locations in a city or town should ensure equitable access to the ballot across
133 geographical areas, races, and income levels.

134 (h) At least 30 days prior to each biennial state election, the state secretary shall deliver to
135 each city or town, in quantities as the state secretary determines necessary, the following papers:
136 (1) official early voting ballots, similar to the official ballot to be used at the election; and (2)
137 envelopes of sufficient size to contain the ballots specified in clause (1) bearing on their reverse
138 the voter's affidavit in compliance with the requirements of subsection (j).

139 SECTION 11. Section 10 shall take effect on July 1, 2020, and shall apply fully to the
140 biennial general election scheduled for November 3, 2020, and all such elections thereafter.

141 ONLINE VOTER REGISTRATION

142 SECTION 12. Chapter 51 of the General Laws is hereby amended by striking out section
143 33A, and inserting in place thereof the following section:-

144 (a) The state secretary shall create and maintain a secure online portal allowing a person
145 to complete an affidavit of registration online. The registration, once completed, shall be
146 transmitted by the state secretary to the appropriate local registrar.

147 (b) The online affidavit may be submitted utilizing either: (i) the person's signature from
148 the registry of motor vehicles records, in which case the registrar of motor vehicles shall make
149 appropriate provisions to facilitate the electronic transfer of the image of the signature to the
150 central voter registry; or if no signature is available from the registry of motor vehicles records,
151 then (ii) a digital image of the person's written signature, uploaded to the online portal via a form
152 provided by the state secretary.

153 (c) The person submitting the online affidavit of registration shall affirmatively assent to
154 the use of their signature from their driver's license or non-driver identification card, or the use of
155 the digital image of the person's signature.

156 (d) Nothing in this section shall be construed to change any registration deadline or
157 qualification of voting.

158 SECTION 13. Section 12 shall be implemented by July 1, 2020, and shall apply fully to
159 the biennial general election scheduled for November 3, 2010, and all such elections thereafter.

160 GUIDANCE ON SAFE, ACCESSIBLE, AND FAIR IN-PERSON VOTING

161 SECTION 14. Section 24A of Chapter 54, Section 24A of the General Laws is hereby
162 amended by inserting after Section 24 the following section:-

163 Section 24A. To ensure that in-person voting is as accessible and as safe as possible for
164 all voters during the 2020 biennial general election and early voting, the state secretary, in
165 consultation with the department of public health, shall issue guidance to the city and town clerks
166 on holding safe, accessible, and fair elections. A draft of the guidance on Safe, Accessible, and
167 Fair In-Person Voting shall be publicized and made available by June 30, 2020 for public input
168 for two calendar weeks. Opportunities for public input shall include electronic mail, online
169 portal, and U.S. Postal Service. The state secretary shall consider public input in devising final
170 Guidance. Said Guidance shall be posted on the secretary of state’s website by July 31, 2020 and
171 shall be submitted to the secretary of the executive office of public safety and the secretary of
172 health and human services. The secretary’s guidance must include recommendations on:

173 consideration of the layout of polling locations to facilitate physical distancing
174 throughout the voting process, including while voters are standing in line (inside or outside the
175 polling location), when entering the voting area, while voting, while casting their ballot, and
176 exiting, ideally through a different door than the entrance. Six feet markers should make it clear
177 where voters are to stand while waiting in line to vote;

178 the enlargement of polling locations to accommodate physical distancing, or, when
179 necessary, the relocation of polling locations to protect health and safety, keeping in mind that
180 closing familiar polling places should be a last resort, only to be used when other preparedness
181 measures cannot adequately ensure safe voter participation. The selection of polling locations in
182 a city or town should ensure equitable access to the ballot across geographical areas, races, and
183 income levels.

184 the protection of poll workers with personal protective equipment, adequate access to
185 cleaning supplies throughout the day, and appropriate distancing measures;

186 outreach, recruitment, and training of additional and reserve poll workers to ensure that
187 the burden of administering the in-person election does not fall on poll workers at greater risk
188 from COVID-19, and to guard against the possibility that a shortage of poll workers could
189 compromise the administration of the election and the health and safety of voters. To help local
190 elections officials recruit and train new poll workers, the state secretary shall establish a
191 statewide portal to recruit poll workers and share names and contact information of interested
192 volunteers with local elections officials, and shall also develop appropriate training materials;

193 voter access to hand-washing and bathrooms with adequate soap, water, and disposable
194 paper towels;

195 implementation of curbside voting for voters with physical or health limitations;

196 expanding public awareness and participation in early voting and absentee voting to
197 reduce lines;

198 ensure notification of any polling location change within 25 days of the election date,
199 including notifying the secretary of state for posting on the secretary's website, posting on the
200 city or town's website, posting on principle bulletin boards, posting notice in large print in
201 conspicuous locations, visible from the street, and initiating telephone or text alert if city or town
202 has such a system;

203 expanded outreach on alternatives to in-person voting for those populations identified by
204 the department of public health to be at great risk from COVID-19.

205 Following receipt of the state secretary’s guidance, cities and towns shall develop an
206 election preparedness plan for in-person voting in the biennial state primary and general election,
207 based on the guidance, that shall be posted on city or town website and submitted to the state
208 secretary, secretary of health and human services, and secretary of public safety, including a plan
209 to disseminate information within 25 days of election on any changes in polling locations. The
210 local plans shall be posted no later than 30 days before the biennial primary and general state
211 election.