

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 Duaime 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 Section 1F of Chapter 51 of the General Laws is hereby repealed.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:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EARLY VOTING EXPANSION

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

Section 25B.

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

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

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

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

ONLINE VOTER REGISTRATION

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

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

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

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

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

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

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

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

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

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

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