

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 for the 2020 state primary.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>6/8/2020</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>6/8/2020</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>6/8/2020</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>6/8/2020</i>

SENATE No.

By Ms. Creem, a petition (accompanied by bill) (subject to Joint Rule 12) of Cynthia Stone Creem for legislation relative to early voting for the 2020 state primary. Election Laws.

The Commonwealth of Massachusetts

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

An Act relative to early voting for the 2020 state primary.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 (a) Notwithstanding section 25B of chapter 54 of the General Laws or any general or
2 special law to the contrary, there shall be early voting for the 2020 state primary, scheduled for
3 September 1, 2020. The election officers and registrars of every city or town shall allow any
4 qualified voter under section 1 of chapter 51 of the General Laws to cast a ballot for the 2020
5 state primary during the early voting period. The early voting period shall begin on Monday,
6 August 24, 2020 and end on Friday, August 28, 2020. Early voting shall also apply to any city or
7 town election held at the same time as the state primary.

8 (b) Any qualified voter wanting to early vote by mail may file with the voter’s local
9 election official an application for an early voting ballot for the 2020 state primary. Any form of
10 written communication evidencing a desire to have an early voting ballot be sent for use for
11 voting at an election shall be given the same effect as an application made in the form prescribed
12 by the state secretary. No application for an early voting ballot for the 2020 state primary shall be
13 seasonably filed unless it is received in the office of the city or town clerk or registrars of voters

14 before 12:00 PM on August 28, 2020. If the voter is registered as unenrolled or in a political
15 designation, the applicant shall include the name of the party whose primary ballot the voter is
16 requesting.

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

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

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

29 (f) The designation of an early voting site for the 2020 state primary shall be made not
30 later than August 10, 2020. Not later than August 12, 2020, the registrars for each city or town
31 shall post the location of the early voting sites as well as the applicable dates and hours. Notice
32 shall be conspicuously posted in the office of the city clerk or on the principal official bulletin
33 board of each city or town, on any other public building considered necessary, on the city's or
34 town's website, if any, and on the website of the state secretary.

35 (g) Not later than August 10, 2020, the state secretary shall deliver to each city or town,
36 in the quantities that the state secretary determines are necessary: (1) official early voting ballots
37 for the 2020 state primaries, similar to the official ballot to be used at the primaries; and (2)
38 envelopes of sufficient size to contain the ballots specified in clause (1) bearing on their reverse
39 the voter's affidavit in compliance with the requirements of subsection (i).

40 (h) An early voting ballot along with an envelope shall be provided to each qualified
41 voter who participates in early voting for the 2020 state primary.

42 (i) A qualified voter casting a ballot at an early voting site shall complete an affidavit
43 under the regulations promulgated pursuant to chapter 54 of the General Laws, which shall
44 include a notice of penalties under section 26 of chapter 56 of the General Laws.

45 (j) Before the beginning of early voting for the 2020 state primary, the registrars for each
46 city or town shall prepare a list for the early voting sites that contains the names and residences
47 of all persons qualified to vote at each voting site, as the names and residences appear upon the
48 annual register, and shall reasonably transmit the applicable list to the election officers at each
49 early voting site designated by the registrars.

50 (k) The registrar or presiding official at the early voting site shall cause to be placed on
51 the voting lists, opposite the name of a qualified voter who participates in early voting, the letters
52 "EV" designating an early voter.

53 (l) The registrars shall prepare lists of all voters casting ballots during the early voting
54 period and update the voter list in a manner prescribed by the state secretary.

55 (m) Sections 37 and 38 of chapter 53 of the General Laws shall apply to unenrolled
56 voters and voters enrolled in political designations. The registrar or presiding official at the early
57 voting site shall cause the name of the party of the ballot being voted to be recorded on the
58 voting list.

59 (n) The counting of early voting ballots including, but not limited to, informing election
60 officers and any challengers present under section 85A of chapter 54 of the General Laws shall
61 be set by 950 CMR 47.00 so far as applicable. All envelopes referred to in this section shall be
62 retained with the ballots cast at the 2020 state primary and shall be preserved and destroyed in
63 the manner provided by law for the retention, preservation or destruction of official ballots.

64 (o) 950 CMR 47.00 shall apply to early voting at the 2020 state primary to the extent
65 feasible, but the state secretary shall update the rules to accommodate the dates set forth herein.

66 (p) A city or town may opt to detail a sufficient number of police officers or constables
67 for each early voting site for the 2020 state primary at the expense of the city or town to preserve
68 order, protect the election officers and supervisors from any interference with their duties and aid
69 in enforcing the laws relating to elections.

70 (q) No early voting ballot cast under this section shall be counted if the officer charged
71 with the duty of counting the ballot is cognizant of the fact that the voter has died before the
72 opening of the polls on the day of the 2020 state primary.”