

HOUSE No. 3833

The Commonwealth of Massachusetts

PRESENTED BY:

Shawn Dooley

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 election integrity.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>2/19/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>2/22/2021</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>2/23/2021</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>2/23/2021</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>2/26/2021</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>2/26/2021</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>3/4/2021</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>5/26/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>5/26/2021</i>

HOUSE No. 3833

By Mr. Dooley of Norfolk, a petition (accompanied by bill, House, No. 3833) of Shawn Dooley and others for legislation to further regulate elections and voting. Election Laws.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act to establish election integrity.

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 51 of the General Laws is hereby amended by inserting after
2 section 3, as appearing in the 2018 Official Edition, the following section:-

3 Section 3A. (a) Any voter who registers to vote shall do so not later than 3 days prior to
4 casting a ballot or having a ballot mailed to their place of residence. Any voter who registers to
5 vote shall be immediately removed from the voter registration database of any other
6 municipality.

7 (b) Prior to counting a ballot or mailing a ballot to a registered voter, an election official
8 shall check state and national databases to ensure that the voter has not previously cast a ballot in
9 the election.

10 (c) If a voter has not been removed from all other voter registration databases prior to
11 voting, the voter’s ballot shall be treated as a provisional ballot in accordance with section 76C.

12

13 SECTION 2. Section 25B of chapter 54 of the General Laws, as so appearing, is hereby
14 amended by striking out subsections (h) to (j), inclusive, and inserting in place thereof the
15 following 3 subsections:-

16 (h) At least 21 days prior to each biennial state election, the state secretary shall deliver to
17 each city or town, in quantities as the state secretary determines necessary, the following papers:

18 (1) official early voting ballots, similar to the official ballot to be used at the election; and (2)
19 envelopes of sufficient size to contain the ballots specified in clause (1) bearing on their reverse
20 the voter's affidavit in compliance with the requirements of subsection (j) and distinctive bar
21 codes for each qualified voter.

22

23 (i) An early voting ballot along with an envelope bearing a distinctive a bar code
24 confirming the identity of the person casting the early voting ballot shall be provided to each
25 qualified voter who participates in early voting.

26 (j) A qualified voter casting a ballot at an early voting site shall complete a signed
27 affidavit under the regulations promulgated pursuant to this chapter, which shall include a notice
28 of penalties under section 26 of chapter 56. The signature may be compared to the voter
29 registration card of the qualified voter by an election official in order to authenticate that the
30 ballot was cast by the qualified voter who requested the ballot. In the event that the election
31 official does not consider the signature a match, the ballot shall be treated as a provisional ballot
32 in accordance with section 76C.

33

34 SECTION 3. Said section 25B of said chapter 54, as so appearing, is hereby amended by
35 striking out subsection (n) and inserting in place thereof the following subsection:-

36 (n) The counting of early voting ballots including, but not limited to, informing election
37 officers and any challengers present under section 85A shall be set by regulations promulgated
38 under this chapter. The counting of early voting ballots prior to the day of the election shall be
39 conducted in a public location at a date and time set forth by a public vote of the board of
40 registrars. The date and time of counting shall be posted no later than 7 days prior to the counting
41 of any ballots in accordance with subsections (b) and (c) of section 20 of chapter 30A. All
42 envelopes referred to in this section shall be retained with the ballots cast at the election and shall
43 be preserved and destroyed in the manner provided by law for the retention, preservation or
44 destruction of official ballots.

45 SECTION 4. Said chapter 54 is hereby amended by inserting after said section 25B, as so
46 appearing, the following 3 sections:-

47 Section 25C. (a) Any balloting software or machines used to count early, absentee or mail
48 in ballots prior to the date of the election shall be secured at all times once the counting has
49 begun. Once all votes have been counted, the machine, software and all ballots shall be secured
50 by a police officer or constable and an election official either in a secured vault at the city or
51 town hall or at the police station in a private cell. The secured vault or private cell containing the
52 machine, software and ballots shall remain under video surveillance accessible to the public until
53 the machine, software and ballots are retrieved by a police officer or constable and election
54 official for the next election. When the machines, software or ballots are transported to or from a

55 polling location once the voting process has begun, the machines, software and ballots shall be
56 accompanied by a police officer or constable and an election official.

57 (b) Once programmed for a specific election, any election-related technology, including,
58 but not limited to data cards, scanners or other technology that aids in the tabulation of ballots,
59 shall be held in a secure location and shall only be accessed by: (i) 2 members of the board of
60 electors; provided, that the 2 members do not belong to the same political party; or (ii) the chief
61 election official, witnessed by a constable or police officer of the city or town holding the
62 election.

63 Section 25D. If a voter requests an absentee, mail in or other ballot to be mailed online or
64 through electronic means, the ballot shall be sent to the voter's address of record, unless the voter
65 produces a scan or picture of the voter's signature that may be verified by the election official. If
66 a voter requests an absentee, mail in or other ballot to be mailed by mail, the election official
67 shall verify that the signature matches the signature on the voter's registration card. If an
68 immediate family member requests an absentee ballot to be mailed on behalf of an absentee
69 voter, the election official shall make best efforts to confirm the legitimacy of the request.

70 Section 25E. Any qualified voter who registers to vote through electronic means shall
71 appear before a city or town clerk with an approved government issued photo identification prior
72 to requesting an absentee ballot or early voting ballot.

73 SECTION 5. Section 65 of said chapter 54, as so appearing, is hereby amended by
74 inserting after the word "used" in line 2, the following words:-, including on any days during
75 which voting, including absentee and early voting is taking place at a polling place.

76 SECTION 6. Said section 65 of said chapter 54, as so appearing, is hereby further
77 amended by striking out, in lines 14, 22 and 23, 37 and 44 and 45, the words “one hundred and
78 fifty” and inserting in place thereof, in each instance, the following figure:-50.

79 SECTION 7. Section 87 of said chapter 54 is hereby amended by striking out subsection
80 (c) and inserting in place thereof the following subsection:-

81 (c) Envelopes of sufficient size to contain the ballots specified in subsection (a) bearing
82 on their reverse: (1) the qualified voter's signed affidavit of compliance with the requirements of
83 section 92; (2) a notice of penalties under section 26 of chapter 56; and (3) a distinctive a bar
84 code confirming the identity of the person casting the absent voting ballot. The signature from
85 the voter’s signed affidavit may be compared to the voter registration card of the qualified voter
86 by an election official in order to authenticate that the ballot was cast by the qualified voter who
87 requested the absent voting ballot. In the event that the election official does not consider the
88 signature a match, the ballot shall be treated as a provisional ballot in accordance with section
89 76C.

90 SECTION 8. Said chapter 54 is hereby amended by inserting after section 135B, as so
91 appearing, the following section:-

92 Section 135C. Any candidate may petition for a recount for a district or state wide
93 election if the margin of victory is greater than 0.5 per cent of the votes cast for an office or
94 question; provided, that the candidate shall follow all other applicable recount procedures; and
95 provided further, that the candidate or the candidate’s committee shall pay all costs associated
96 with the recount. An estimate of the cost shall be provided to the candidate prior to the start of
97 the recount and the candidate or their committee shall place funds equal to or greater than the

98 estimated cost in escrow to cover the cost of the recount. If, after conducting the recount, the
99 final count results in a margin of victory of not more than 0.5 per cent of the votes cast for an
100 office or question or victory for the candidate, all funds shall be returned to the candidate. If,
101 after conducting the recount, the margin of victory remains greater than 0.5 per cent and the
102 initial outcome remains the same, then the funds in escrow shall be used to pay all costs of the
103 recount and any remaining funds shall be returned to the candidate or their committee.

104 SECTION 9. Section 26 of chapter 56 of the General Laws, as so appearing, is hereby
105 amended by inserting after the word “illegally”, in line 9, the following words:- , whether in
106 person or by mail.