HOUSE DOCKET, NO. 3314 FILED ON: 2/19/2021

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

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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:

SECTION 1. Chapter 51 of the General Laws is hereby amended by inserting after section 3, as appearing in the 2018 Official Edition, the following section:-

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

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

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

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

(h) At least 21 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) and distinctive bar codes for each qualified voter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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