HOUSE DOCKET, NO. 4343 FILED ON: 7/7/2021

HOUSE . . . . . No. 3950

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

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 voting options for the city of Lowell for the 2021 municipal elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Thomas A. Golden, Jr.	*16th Middlesex*	*7/7/2021*
Rady Mom	*18th Middlesex*	*7/8/2021*
Vanna Howard	*17th Middlesex*	*7/9/2021*
Edward J. Kennedy	*First Middlesex*	*7/12/2021*

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By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 3950) of Thomas A. Golden, Jr., and others (with the approval of the city council) relative to voting options for the city of Lowell for the 2021 municipal elections. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act relative to voting options for the city of Lowell for the 2021 municipal elections.

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. (a) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law or any municipal ordinance to the contrary, any eligible voter may vote early by mail for any municipal election held on or after September 1, 2021 and before November 30, 2021 in the City of Lowell.

(b) Any qualified voter wanting to early vote by mail may file with the City of Lowell Elections and Census Office an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. The Elections and Census Office shall send early voting by mail ballots to those who have applied as soon as ballots are available. No application shall be deemed to be seasonably filed unless it is received in the Elections and Census Office before 5 p.m. on the fourth business day preceding the election.

(c) The Elections and Census Office may substitute absentee ballots for early voting ballots for those voters requesting to vote early by mail in municipal elections. An early voting ballot or absentee ballot substituted for an early voting ballot, along with an envelope bearing an affidavit as set forth in section 25B of chapter 54 of the General Laws, shall be provided to each qualified voter who participates in early voting by mail.

(d) The Elections and Census Office shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters "EV" designating an early voter.

(e) The counting of early voting ballots shall be consistent with section 25B of chapter 54 of the General Laws and regulations promulgated by the state secretary and appearing at 950 CMR 47.00, as applicable. 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.

(f) All early voting ballots voted by mail shall be received by the Elections and Census Office before the hour fixed for closing the polls on the date on which the municipal election is held. Early voting ballots cast under the authority of this section shall be processed at the polls in a manner consistent with that set forth in said section 25B of said chapter 54.

SECTION 2. For any municipal election held on or after September 1, 2021, and before November 30, 2021 in the city of Lowell, any person taking precaution related to COVID-19, or from guidance from a medical professional, local or state health official, or any civil authority shall be deemed to be unable by reason of physical disability to cast their vote in person at a polling location.

SECTION 3. Notwithstanding section 24 of chapter 54 of the General Laws or any other general or special law or any municipal ordinance to the contrary, the City of Lowell Election Commission may, by recorded and public vote, change any polling place to be used at any municipal election held on or after September 1, 2021 and before November 30, 2021, at least 20 days prior to the date of the election. For the 2021 municipal preliminary and election, the City of Lowell Election Commission may designate one polling place per district. The Lowell Election Commission shall post on the municipal website and at other such places as it may determine, a description of the polling places and shall notify each household containing one or more registered voters of their district designation and corresponding polling place for the 2021 elections.

SECTION 4. (a) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law or municipal ordinance to the contrary, any eligible voter may vote early in-person for any special municipal election held on or after September 1, 2021 and before November 30, 2021 in the city of Lowell.

(b) The Lowell Election Commission shall vote to set the dates, hours and locations for early voting in person at least fourteen days prior to the proposed beginning of early voting. The early voting period may begin no sooner than 10 days before the election and end no later than the business day preceding the business day before the election.

(c) The Election Commission shall establish at least one early voting site that is centrally located, suitable and in a convenient public building and may set additional locations. Notice of the early voting location, dates and hours will be posted 48 weekday hours before the early voting period begins.

(e) A qualified voter voting early in person shall be provided with a ballot and an envelope where the ballot is placed after voting which contains an affidavit of compliance to be filled out by the voter. A qualified voter voting early in person shall complete an affidavit under the regulations promulgated by the state secretary for the administration of early voting and appearing at 950 CMR 47.00, as applicable, which shall include a notice of penalties under section 26 of chapter 56 of the General Laws.

SECTION 5. In submitting this legislation, the City of Lowell authorizes the City Manager to create and provide to the General Court and state agencies any and all additional information that may be necessary for passage; and

SECTION 6. In submitting this legislation, the City of Lowell authorizes the General Court to make such changes in the drafting process as are necessary for passage; and

SECTION 7. This act shall take effect upon its passage.