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HOUSE . . . . . No. 4345

House bill No. 4340, as amended and passed to be engrossed by the House. January 19, 2022.

The Commonwealth of Massachusetts

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

An Act making appropriations for the fiscal year 2022 to provide for supplementing certain existing appropriations and for certain other activities and projects.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith to make supplemental appropriations for fiscal year 2022 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, the sum set forth in section 2A is hereby appropriated from the General Fund unless specifically designated otherwise in this act, for the several purposes and subject to the conditions specified in this act and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2022. This sum shall be made available until June 30, 2022.

SECTION 2A.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Reserves

1599-0080 For a reserve for the establishment and expansion of 2019 novel coronavirus testing locations, to be determined in consultation with the executive office of health and human services and the department of public health, and the purchase of 2019 novel coronavirus tests; provided, that such locations shall include, but not be limited to: community health centers, urgent care centers and other non-profit organizations; provided further, that organizations receiving funds from this item for on-site testing shall provide walk-up appointments; provided further, that funds may be expended for staffing; provided further, that funds shall be expended for 2019 novel coronavirus rapid antigen tests for elementary and secondary public school districts for the safe opening and operations of school facilities; provided further, that funds shall be distributed in a manner that promotes geographic equity; provided further, that not less than $5,000,000 shall be expended for efforts to increase vaccination rates amongst the population of children ages 5 to 11; provided further, that reserve funds shall be expended to the COVID-19 Vaccine Equity Initiative for efforts to increase the rate of vaccination and booster shots in communities disproportionately impacted by the COVID-19 pandemic; provided further, that said efforts shall focus on communities disproportionally impacted by the 2019 novel coronavirus pandemic; provided further, that the administration shall pursue the highest allowable rate of federal reimbursement for all eligible expenditures from this item; and provided further, that funds shall be distributed not later than February 28, 2022….....$30,000,000

1599-0767 For a reserve for the acquisition and distribution of high-quality personal protective masks for children, staff and faculty in elementary and secondary public school districts and educational collaboratives approved pursuant to section 4E of chapter 40; provided,

that said high-quality masks shall include, but not be limited to, N95s and KN95s; provided further, that said masks shall be distributed not later than February 28, 2022; provided further, that the administration shall pursue the highest allowable rate of federal reimbursement for all eligible expenditures from this item; provided further, that the office for administration and finance, in consultation with the department of elementary and secondary education, shall make available on a public website the: (i) total number of masks purchased, including the total number of each type of mask purchased; (ii) total number of masks distributed; and (iii) school districts to which they were distributed; and provided further, that the office for administration and finance shall report on said public website: (1) the number of all rapid antigen tests purchased after January 1, 2022; (2) the number of tests distributed; and (3) where the tests were distributed ……$25,000,000

SECTION 3. Chapter 20 of the acts of 2021 is hereby amended by inserting after section 26 the following section:-

SECTION 26A. Section 20 is hereby repealed.

SECTION 4. Section 27 of said chapter 20 is hereby amended by striking out the figure "20,".

SECTION 5. Said chapter 20 is hereby further amended by inserting after section 30 the following section:-

SECTION 30A. Section 26A shall take effect on July 15, 2022.

SECTION 6. Section 89 of chapter 102 of the acts of 2021 is hereby amended by striking out, in each instance, the words “July 31, 2022” and inserting in place thereof the following words:- December 31, 2022.

SECTION 7. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Principal”, a person who is signing a document under this section as a principal or as a credible witness, as those terms are defined in section 1 of chapter 222 of the General Laws.

“Satisfactory evidence of identity”, (i) identification of an individual based on at least 1 current document issued by a federal or state government agency bearing the photographic image of the individual’s face and signature; or (ii) identification of an individual based on the notary public’s personal knowledge of the identity of the principal.

(b) In order to address the disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, and subsequent variants, a notary public appointed pursuant to chapter 222 of the General Laws may perform an acknowledgement, affirmation or other notarial act under said chapter 222 utilizing electronic video conferencing in real time as provided in this section. A principal in any such notarial act may act individually or in a representative capacity.

(c)(1) An acknowledgment, affirmation or other notarial act utilizing electronic video conferencing pursuant to this section shall be valid and effective if:

(i) the notary public observes each principal’s execution of a document;

(ii) both the notary public and each principal are physically located within the commonwealth;

(iii) each principal provides the notary public with satisfactory evidence of identity; provided, that if the principal is not a United States citizen, a valid passport or other government-issued identification credential that evidences the principal's nationality or residence and that bears the photographic image of the principal's face and signature shall constitute satisfactory evidence of identity; provided further, that if the satisfactory evidence of identity is a government-issued identification credential, the principal shall both visually display the principal's identification credential to the notary public during the electronic video conference and shall transmit to the notary public a copy of the front and back of the identification credential, either with the executed document or separately through electronic means; provided further, that if the principal's identification credential is a United States or foreign passport book, a copy of the front cover and page displaying the principal's photograph, name and signature shall be a sufficient copy; and provided further, that a copy of any such identification credential shall be retained for a period of 10 years by the notary public, who shall keep it secure and confidential in accordance with state and federal law;

(iv) each principal makes the acknowledgement, affirmation or other act to the notary public, as appropriate;

(v) a principal causes the executed document to be delivered to the notary public by delivery service, courier or other means in accordance with the notary public's instructions; and

(vi) with respect to any document requiring notarization and executed in the course of closing a transaction involving a mortgage or other conveyance of title to real estate, upon

receipt of the executed document, the notary public and each principal engage in a second video conference during which each principal verifies to the notary public that the document received by the notary public is the same document executed during the first video conference.

During any video conference pursuant to this section, each principal shall: (A) swear or affirm under the penalties of perjury that the principal is physically located within the commonwealth; and (B) make a disclosure of any person present in the room with the principal and make that person viewable to the notary public.

(2) Upon completion of the process under paragraph (1), the notary public may affix the notary public's stamp and signature to the executed document, whereupon the notarial act shall be completed.

(3) The notarial certificate attached to the executed document shall include a recital indicating that the document was notarized remotely pursuant to this section. The certificate shall recite the county in which the notary public was located at the time that the notarial act was completed and shall recite the date that the notarial act was completed; provided, however, that the failure to include any of the recitals required by this subsection shall not affect the validity or recordability of the document; and provided further, with respect to a document being notarized in connection with a mortgage financing transaction, the notarial certificate may recite the date stated within the body of the document, even if that date precedes the date of completion of the notarial act.

(4) The notary public shall execute an affidavit confirming under the penalties of perjury that the notary public has: (i) received a copy of each principal's current identification credential and visually inspected the credential during the initial video conference with the principal, if

applicable; (ii) obtained each principal's verbal assent to the recording of the electronic video conference; (iii) taken each principal's affirmations as to physical presence of the principal within the commonwealth; and (iv) been informed of and noted on the affidavit any person present in the room, including a statement of the relationship of any person in the room to the principal. The affidavit shall be retained for a period of 10 years by the notary public.

(5) With respect to any will, nomination of guardian or conservator, caregiver authorization affidavit, trust, durable power of attorney, health care proxy or authorization under the federal Health Insurance Portability and Accountability Act of 1996, the document shall be complete when all original counterparts and the notary public's affidavit are compiled.

(6) Each notary public who performs a notarial act utilizing electronic video conferencing pursuant to this section shall create an audio and video recording of the performance of the notarial act; provided that, the audio and video recording shall be retained for a period of 10 years by the notary public.

(d) A document executed, acknowledged or notarized pursuant to this section shall be a properly executed, acknowledged and notarized document for all legal purposes in the commonwealth, including, but not limited to, for recording with the registry of deeds of any county, for filing as a valid will and for filing or recording with any other state, local or federal agency, court, department or office.

With respect to any such document recorded in a registry of deeds or filed with a registry district of the land court: (i) the affidavit required pursuant to paragraph (4) of subsection (c) shall not be required to be recorded or filed; and (ii) a principal's being subsequently determined to have been physically located outside of the commonwealth during any video conference or a

principal's having failed to accurately disclose the presence or identity of others in the room during any video conference, in either case, shall not constitute grounds to set aside the title to real property acquired by an arm's length third-party mortgagee or purchaser for value.

The expiration, repeal or amendment of this section shall not affect the validity of a notarial act completed while this section is in effect and performed in accordance with the terms of this section.

(e) The signature of any witness who participates in the electronic video conference and whose signature is notarized pursuant to this section shall be valid as if the witness had been present to sign in person. A document signed on multiple pages or in multiple locations within the commonwealth or in multiple counterparts shall be valid and effective if it is otherwise in conformity with this section.

(f)(1) Notwithstanding any provision of this section to the contrary, with respect to any document requiring notarization and executed in the course of closing a transaction involving a mortgage or other conveyance of title to real estate or with respect to any will, nomination of guardian or conservator, caregiver authorization affidavit, trust, durable power of attorney, health care proxy or authorization under the federal Health Insurance Portability and Accountability Act of 1996:

(i) only a notary public appointed pursuant to chapter 222 of the General Laws who is an attorney licensed to practice law in the commonwealth or a paralegal under the direct supervision of such an attorney, shall perform an acknowledgment, affirmation or other notarial act utilizing electronic video conferencing in real time as provided in this section; and

(ii) if the notary public is a paralegal, any copy of a principal's identification credential required to be retained pursuant to paragraph (1) of subsection (c), audio and video recording required to be retained pursuant to paragraph (6) of subsection (c) and the affidavit required pursuant to paragraph (4) of subsection (c), shall be retained by the notary public's supervising attorney.

(2) Notwithstanding any provision of this section to the contrary, with respect to any document requiring notarization and executed in the course of closing a transaction involving a mortgage or other conveyance of title to real estate, if the principal proves their identity by a government-issued identification credential in accordance with said paragraph (1) of said subsection (c) and the principal is not otherwise personally known to the notary public, the principal shall display a secondary form of identification containing the principal's name to the notary public during the initial video conference, which may contain the principal's photograph, signature or be issued by a government entity. Acceptable secondary forms of identification shall include, but not be limited to, a credit or debit card, a social security card, a municipal tax bill or a utility bill; provided, however, that any such municipal tax or utility bill is dated within 60 days of the first video conference.

(3) Nothing in this section shall affect any law or regulation governing, authorizing or prohibiting the practice of law, including, but not limited to, the requirement that the closing of a transaction involving a mortgage or other conveyance of title to real estate may only be conducted by an attorney duly admitted to practice law in the commonwealth.

SECTION 7A. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"COVID-19", the outbreak of the novel coronavirus, also known as COVID-19, and subsequent variants.

"COVID-19 rule", an executive order, order of the commissioner of public health, declaration, directive or other state or federal authorization, policy, statement, guidance, rule-making, regulation, or otherwise applicable law that waives, suspends or modifies otherwise applicable state or federal law, regulations or standards regarding either: (i) scope of practice or conditions of licensure, including modifications authorizing health care professionals licensed in another state to practice in the commonwealth; or (ii) the delivery of care, including those regarding the standard of care, the site at which care is delivered or the equipment used to deliver care, during the outbreak of COVID-19.

"Health care services", services provided by a health care facility or health care professional, regardless of location, that involve the: (i) treatment, diagnosis, prevention or mitigation of COVID-19; (ii) assessment or care of an individual with a confirmed or suspected case of COVID-19; or (iii) care of any other individual who presents at a health care facility or to a health care professional during the outbreak of COVID-19.

"Damages", injury or loss of property or personal injury or death, including economic or non-economic losses.

"Good faith", shall, without limitation, include acts or omissions undertaken consistent with the guidelines for crisis standards of care during the COVID-19, issued by the department of public health, and exclude, without limitation: (i) acts or omissions based on race, ethnicity, national origin, religion, disability, sexual orientation or gender identity; (ii) deceptive acts or practices; and (iii) fraud.

"Health care facility", (i) hospitals, including acute and chronic disease rehabilitation hospitals, as licensed under section 51 of chapter 111 of the General Laws; (ii) state hospitals, mental health centers and other mental health facilities under the control of the department of mental health pursuant to section 7 of chapter 19 of the General Laws; (iii) hospitals operated by the department of public health pursuant to section 62I of chapter 111 of the General Laws, section 69E of said chapter 111 and chapter 122 of the General Laws; (iv) psychiatric hospitals, as licensed under section 19 of said chapter 19; (v) skilled nursing facilities, as licensed under section 71 of said chapter 111; (vi) assisted living residences, as defined in section 1 of chapter 19D of the General Laws; (vii) rest homes, as referenced in said section 71 of said chapter 111; (viii) community health centers, as defined in 130 CMR 405.000 and mental health centers, as defined in 130 CMR 429.000; (ix) home health agencies that participate in Medicare; (x) clinics, as licensed under said section 51 of said chapter 111; or (xi) sites designated by the commissioner of public health to provide COVID-19 health care services, including, but not limited to, step-down skilled nursing facilities, field hospitals and hotels.

"Health care professional", an individual, whether acting as an agent, volunteer, contractor, employee or otherwise, who is: (i) authorized to provide health care services pursuant to licensure or certification by the board of registration in medicine, the board of registration in nursing, the board of respiratory care, the board of registration of nursing home administrators, the board of registration in pharmacy, the board of registration of physician assistants, the board of allied health professionals, the board of allied mental health and human services professions, the board of registration of social workers or the board of registration of psychologists; (ii) a student or trainee in their approved medical professional services academic training program; (iii) a nursing attendant or certified nursing aide, including an individual who is providing care as

part of the individual's approved nursing attendant or certified nurse aide training program; (iv) certified, accredited or approved under chapter 111C of the General Laws to provide emergency medical services; (v) a nurse or home health aide employed by home health agency that participates in Medicare; (vi) providing health care services within the scope of authority or license permitted by a COVID-19 rule; or (vii) a health care facility administrator, executive, supervisor, board member, trustee or other person responsible for directing, supervising or managing a health care facility or its personnel.

"Volunteer organization", an organization, company or institution that makes its facility available to support the commonwealth's response and activities during the outbreak of COVID-19.

(b) Notwithstanding any general or special law to the contrary, except as provided in subsection (c), health care professionals and health care facilities shall be immune from suit and civil liability for any damages alleged to have been sustained by an act or omission by the health care professional or health care facility in the course of providing health care services during the outbreak of COVID-19; provided, however, that: (i) the health care facility or health care professional is arranging for or providing health care services pursuant to a COVID-19 rule and in accordance with otherwise applicable law; (ii) arranging for or providing care or treatment of the individual was impacted by the health care facility's or health care professional's decisions or activities in response to treatment conditions resulting from the outbreak of COVID-19 or COVID-19 rules; and (iii) the health care facility or health care professional is arranging for or providing health care services in good faith.

(c) The immunity provided in subsection (b) shall not apply: (i) if the damage was caused by an act or omission constituting gross negligence, recklessness or conduct with an intent to harm or to discriminate based on race, ethnicity, national origin, religion, disability, sexual orientation or gender identity by a health care facility or health care professional providing health care services; (ii) to consumer protection actions brought by the attorney general; or (iii) to false claims actions brought by or on behalf of the commonwealth.

(d) Notwithstanding any general or special law to the contrary, a volunteer organization shall be immune from suit and civil liability for any damages occurring in or at the volunteer organization's facility where the damage arises from use of the facility for the commonwealth's response and activities related to the outbreak of COVID-19, unless it is established that the damages were caused by the volunteer organization's gross negligence, recklessness or conduct with an intent to harm.

SECTION 8. (a) Notwithstanding any general or special law to the contrary, subsections (b) and (c) of section 91 of chapter 32 of the General Laws shall not apply in calendar year 2022 to the following 2 categories of persons for hours worked and earnings received during the outbreak of the 2019 novel coronavirus, also known as COVID-19, and subsequent variants:

(i) any person who has been retired and who is receiving a pension or retirement allowance, pursuant to said chapter 32 or any other general or special law, from the commonwealth or a county, city, town, district or authority; or

(ii) any person whose employment in the service of the commonwealth or a county, city, town, district or authority has been terminated, pursuant to said chapter 32 or any other general or special law, by reason of having attained an age specified in a general or special law or by the

rules and regulations of any department or agency of the commonwealth or a county, city, town, district or authority without being entitled to any pension or retirement allowance.

These 2 categories of persons may, during calendar year 2022 and subject to all other laws, rules and regulations governing the employment of persons in the commonwealth or a county, city, town, district or authority, be employed in the service of the commonwealth or a county, city, town, district or authority, including as a consultant or independent contractor or as a person whose regular duties require that such person's time be devoted to the service of the commonwealth, county, city, town, district or authority during regular business hours.

(b) This section shall not apply to individuals retired under a general or special law on disability.

SECTION 8A. (a) Notwithstanding section 13 of chapter 39 of the General Laws or any other general or special law, charter provision or by-law to the contrary, a town may act by vote of its select board or board of selectmen, in consultation and with the approval of the town moderator, to prescribe the number of voters necessary to constitute a quorum at any town meeting held during the outbreak of the 2019 novel coronavirus, also known as COVID-19, and subsequent variants, at a number that is less than the number that would otherwise be required by law, town by-law or town charter; provided, however, that the number of voters necessary to constitute a quorum shall not be less than 10 per cent of the number that would otherwise be required.

(b) The select board or board of selectmen shall publish notice of its intention to consider an adjustment of town meeting quorum requirements under this section not less than 7 days before the vote of the select board or board of selectmen. The select board or board of selectmen

shall provide for adequate means of public access that will allow interested members of the public to clearly follow the deliberations of the select board or board of selectmen on making a quorum adjustment as those deliberations are occurring.

(c) Not less than 10 days after a vote of the select board or board of selectmen to adjust the quorum requirement under this section, the town clerk shall notify the attorney general of the adjusted quorum requirement.

(d) All actions taken pursuant to this section are hereby ratified, validated and confirmed to the same extent as if the town meeting had been conducted in accordance with all other applicable laws, charter provisions, ordinances and by-laws.

SECTION 8B. (a) Notwithstanding any general or special law, charter provision, ordinance or by-law to the contrary, during the outbreak of the 2019 novel coronavirus, also known as COVID-19, and subsequent variants, if the moderator in a town having a representative town meeting form of government determines that it is not possible to safely assemble the town meeting members and interested members of the public in a common location while complying with any applicable state or local orders, directives or guidance concerning public assemblies, the moderator may request that the select board or board of selectmen of the town call for a representative town meeting to be held through remote participation, including, but not limited to, by means of a video or telephone conferencing platform. Such a request by the moderator to the select board or board of selectmen shall be in writing and shall include, but shall not be limited to: (i) the moderator’s determination and request to hold a town meeting through remote participation in accordance with this section; (ii) the video or telephone conferencing platform the moderator has determined to use to hold the town meeting; (iii)

confirmation that the moderator has consulted with the local disability commission or coordinator for federal Americans with Disabilities Act compliance; and (iv) a certification by the moderator that: (A) the moderator has tested the video or telephone conferencing platform; and (B) the platform satisfactorily enables the town meeting to be conducted in substantially the same manner as if the meeting occurred in person at a physical location and in accordance with the operational and functional requirements set forth in this section.

A video or telephone conference platform used by a town meeting for remote participation under this section shall, at minimum, provide for the ability for: (i) the moderator, town meeting members, town officials and any other interested members of the public to identify and hear the moderator and each town meeting member who attends and participates in the remotely-held town meeting, as well as any other individuals who participate in the remotely-held town meeting; (ii) the ability to determine whether a quorum is present; (iii) a town meeting member, town official or other individual to request recognition by the moderator without prior authorization; provided, however, that to the extent technologically feasible, the request is visible or audible to the public in real time and upon review of the recording of the town meeting proceedings, preserved according to subsection (h); (iv) the moderator to determine when a town meeting member wishes to be recognized to speak, make a motion, raise a point of order or object to a request for unanimous consent; (v) the moderator to recognize a town meeting member, town official or other individual to speak and to enable that person to speak; (vi) the ability to conduct a roll call vote; (vii) any interested members of the public to access the meeting remotely for purposes of witnessing the deliberations and actions taken at the town meeting; and (viii) the town meeting to be recorded. Registered voters residing in the town wishing to participate in a remote town meeting conducted pursuant to this section shall submit a

request to participate to the town clerk not less than 48 hours in advance of the town meeting. Upon receipt of the request and verification of the requester's voter registration status, the clerk shall provide to the requester instructions for participating in the remote town meeting.

(b) Not later than 10 business days following receipt of a written request by the moderator for remote participation at a town meeting pursuant to subsection (a), the select board or board of selectmen shall vote to determine if the town meeting shall be held remotely by means of the video or telephone conferencing platform requested by the moderator.

(c) If the select board or board of selectmen votes to approve the request of the moderator for remote participation at a town meeting and the select board or board of selectmen has already issued a warrant pursuant to section 10 of chapter 39 of the General Laws calling a town meeting to be held not later than July 15, 2022, the select board or board of selectmen shall, at the same meeting of the board, approve and issue, in consultation with the moderator, a notice that expressly states: (i) that the town meeting shall be held remotely by means of the video or telephone conferencing platform requested by the moderator; (ii) the date and time of the meeting; and (iii) any information necessary for the moderator, town meeting members, town officials and interested members of the public to access and witness the deliberations and actions taken at the town meeting remotely.

The notice issued by the select board or board of selectmen shall be: (i) accompanied by the written request of the moderator submitted to the select board or board of selectmen under subsection (a); (ii) filed and posted in accordance with the requirements of subsection (b) of section 10A of chapter 39 of the General Laws; (iii) distributed to each town meeting member; and (iv) publicly posted not less than 10 days before the scheduled date of the remote town

meeting. The notice may include a date, time and place for the town meeting to be resumed if the town meeting does not vote to continue the town meeting remotely pursuant to subsection (f).

(d) If the select board or board of selectmen votes to approve the request of the moderator for remote participation at a town meeting and the select board or board of selectmen has not yet issued a warrant for a town meeting, the select board or board of selectmen shall approve and issue a warrant pursuant to section 10 of said chapter 39 for the town meeting that expressly states: (i) that the town meeting shall be held remotely by means of the video or telephone conferencing platform requested by the moderator; (ii) the date and time of the meeting; and (iii) any information necessary for the moderator, town meeting members, town officials and interested members of the public to access and witness the deliberations and actions taken at the town meeting remotely.

The warrant issued by the select board or board of selectmen shall be: (i) accompanied by the written request of the moderator submitted to the select board or board of selectmen under subsection (a); and (ii) filed in accordance with said section 10 of said chapter 39, all other applicable laws and any relevant provisions of the town charter or by-laws. The warrant may include a date, time and place for the town meeting to be resumed if the town meeting does not vote to continue the town meeting remotely pursuant to subsection (f).

(e) Not later than 5 business days after a vote of the select board or board of selectmen to approve the request of the moderator to hold a town meeting remotely pursuant to subsection (c) or (d), the town clerk shall submit certified copies of the vote of the select board or board of selectmen and the written request of the moderator to the attorney general.

(f) Prior to taking up any business at a representative town meeting held through remote participation under this section, the town meeting members present and voting at the meeting shall vote on whether or not to commence business at the town meeting remotely by means of the chosen video or telephone conferencing platform. If the town meeting votes to continue conducting the town meeting remotely, then the town meeting shall proceed by remote participation to address the articles included in the warrant. If the town meeting does not vote to continue conducting the town meeting remotely, then the town meeting shall be adjourned to the date, time and place specified in the notice or warrant under subsection (c) or (d). If no date, time and place has been specified in the notice or warrant, the town meeting shall immediately be dissolved without taking any votes on any other matters and the select board or board of selectmen may call the town meeting pursuant to a new warrant that provides for the town meeting to be held in person at a physical location in accordance with said section 10 of said chapter 39, all other applicable laws and provisions of the town charter and by-laws.

(g) Any roll call vote taken at a representative town meeting held through remote participation pursuant to this section shall be taken by any means that the moderator determines accurately and securely records the votes of those entitled to vote at the meeting, including, but not limited to, roll call vote, electronic voting, voting by ballot, voting by phone or any combination thereof. The vote of each town meeting member on a roll call vote shall be recorded and kept with the minutes of the town meeting.

(h) A representative town meeting held remotely pursuant to this section shall be recorded and the recording shall be preserved and made publicly available on the town's website for not less than 90 days after the conclusion of the remote town meeting.

(i) All actions taken during a remote town meeting held pursuant to this section are hereby ratified, validated and confirmed to the same extent as if the town meeting had been conducted in person and such actions are in accordance with all other applicable laws, charter provisions, ordinances and by-laws.

SECTION 9. Notwithstanding section 28 of chapter 53 of the General Laws or any other general or special law to the contrary, the state primary in 2022 shall be held on Tuesday, September 6, 2022.

SECTION 10. Notwithstanding section 3 of chapter 53 of the General Laws or any other general or special law to the contrary, a person whose name is not printed on the September 6, 2022 state primary ballot as a candidate for an office, but who receives sufficient votes to nominate the person for the office, shall file in the office of the state secretary a written acceptance of the nomination and a receipt from the state ethics commission verifying that a statement of financial interest has been filed pursuant to chapter 268B of the General Laws not later than 5:00 P.M. on Thursday, September 8, 2022.

SECTION 11. Notwithstanding sections 11, 13 and 53A of chapter 53 of the General Laws and section 5 of chapter 55B of the General Laws or any other general or special law to the contrary, objections to and withdrawals from nominations made at the September 6, 2022 state primary shall be filed with the state secretary not later than 12:00 P.M. on Friday, September 9, 2022.

SECTION 12. Notwithstanding section 14 of chapter 53 of the General Laws or any other general or special law to the contrary, any vacancies from the September 6, 2022 state primary caused by death, withdrawal or ineligibility under section 11 shall be filled by an executive

committee, determined by the state party committee of the same political party who made the original nomination.

SECTION 13. Notwithstanding section 15 of chapter 53 of the General Laws or any other general or special law to the contrary, when a nomination is made to fill a vacancy caused by the death, withdrawal or ineligibility of a candidate from the September 6, 2022 state primary, the certificate of nomination shall be on a form prescribed by the state secretary, signed by the executive committee appointed by the state committee of the same political party as provided for in section 12 and filed with the state secretary not later than 5:00 P.M. on Monday, September 12, 2022.

SECTION 14. Notwithstanding section 135 of chapter 54 of the General Laws or any other general or special law to the contrary, a petition for a recount of the September 6, 2022 state primary shall be filed with the appropriate local election officials not later than 5:00 P.M. on Friday, September 9, 2022 and all recounts shall be completed and notice of the results shall be sent to the state secretary not later than 5:00 P.M. on Saturday, September 17, 2022.

Petitions for districtwide and statewide recounts of the September 6, 2022 state primary shall be submitted to the appropriate local election officials for certification not later than 12:00 P.M. on Friday, September 9, 2022 and local election officials shall complete certification not later than 10:00 A.M. on Tuesday, September 13, 2022. Thereafter, certified petitions shall be filed with the secretary of state not later than 5:00 P.M. on Tuesday, September 13, 2022. If the state secretary determines that the contest is eligible for a statewide or districtwide recount, the state secretary shall notify the local election officials who shall complete the recount and shall

notify the state secretary of the results of the recount not later than 5:00 P.M. on Saturday, September 17, 2022.

Notwithstanding the provisions of section 135 of chapter 54 of the General Laws, a board of registrars must only provide 2 days' notice of the date, time and location of the recount to each candidate for the office for which the recount has been petitioned. Electronic notice shall be sufficient.

SECTION 15. Notwithstanding sections 8 to 10, inclusive, of chapter 55B of the General Laws or any other general or special law to the contrary, the state ballot law commission shall notify candidates of any objections filed to nominations at the September 6, 2022 state primary not later than 5:00 P.M. on Friday, September 9, 2022. Notice of the commission hearings shall be given by telephone and electronic mail. Hearings on objections shall be held on Wednesday, September 14, 2022 and decisions shall be rendered not later than 5:00 P.M. on Monday, September 19, 2022.

SECTION 15A. Notwithstanding section 7.08 of chapter 156D of the General Laws or any other general or special law to the contrary, as a result of the outbreak of the 2019 novel coronavirus, also known as COVID-19 and subsequent variants, a public corporation, as referenced in said section 7.08 of said chapter 156D and otherwise consistent with the other provisions of said section or a corporation as defined in section 2 of chapter 180 of the General Laws, may conduct an annual or special meeting of the shareholders solely by means of remote communication.

SECTION 15B. Notwithstanding any general or special law or any bylaw of the corporation to the contrary, as a result of the outbreak of the 2019 novel coronavirus, also known

as COVID-19, and subsequent variants, and unless the articles of organization provide otherwise, the board of directors of a corporation defined in section 2 of chapter 180 of the General Laws may: (i) provide notice of a meeting of the board of directors: (A) only to those directors it is practicable to reach; and (B) in any practicable manner; (ii) cancel a meeting of the members, as defined in section 2 of said chapter 180, with notice of cancellation given in any practicable manner; (iii) allow a director or officer to continue to serve during the outbreak of COVID-19 and subsequent variants and until the director's or officer's successor is elected, appointed or designated; provided, that directors and officers whose term is extended pursuant to this section shall continue to serve until the director's or officer's successor takes office, despite the expiration of a director's or officer's term; (iv) allow a director to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating are able to simultaneously communicate with each other during the meeting; (v) allow members at a meeting of the members to vote in person or by proxy; provided that any member voting by proxy shall be considered present at the meeting for purposes of any quorum requirement; (vi) appoint successors to any of the officers, directors, employees or agents; (vii) relocate the principal office or designate alternative offices; and (viii) allow members to participate in any meeting of members by remote participation, even if not physically present at the meeting. Participation by remote communication at any meeting of the members shall constitute presence at such meeting only if: (i) reasonable measures are implemented to verify that each person deemed present and permitted to vote at the meeting by means of remote communication is a member or proxyholder; (ii) reasonable measures are implemented to provide such members and proxyholders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to read

or hear to the proceedings of the meeting substantially concurrently with such proceedings, pose questions and make comments, regardless of whether the members can simultaneously communicate with each other during the meeting; and (iii) if any member or proxyholder votes or takes other action at the meeting by means of remote communication, a record of such vote or other action shall be maintained by the corporation.

Directors who participate in a meeting of the board of directors pursuant to this section shall constitute a quorum. In a corporation with members, the corporation shall notify the members, as soon as reasonably practicable, of any action taken by the board of directors pursuant to this section.

SECTION 16. Notwithstanding section 7A of chapter 167E of the General Laws, section 65C1/2 of chapter 171 of the General Laws or any other general or special law to the contrary, due to the outbreak of the 2019 novel coronavirus, also known as COVID-19, and subsequent variants, written certification from a counselor with a third-party organization that a mortgagor has received counseling via a synchronous, real-time video conference or by telephone in lieu of counseling in person shall satisfy the requirements of clause (ii) of subsection (b) of said section 7A of said chapter 167E or clause (ii) of subsection (b) of said section 65C1/2 of said chapter 171; provided, however, that the third-party organization shall have been approved by the executive office of elder affairs for purposes of such counseling.

SECTION 17. Notwithstanding any general or special law to the contrary, local election officials shall transmit absentee ballots to voters covered under the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. section 20302 et seq., whose applications

were received at least 45 days before the November 8, 2022 state election, not later than Saturday, September 24, 2022.

SECTION 18. Notwithstanding any general or special law to the contrary, the state secretary may add or change any dates relating to the nominations made at the September 6, 2022 state primary that the state secretary considers necessary for the orderly administration of the November 8, 2022 state election by providing notice of the change to the state parties and any affected person, by filing notice with the state secretary's rules and regulations division, by posting on the state secretary's website and by whatever other means the state secretary considers appropriate.

SECTION 18A. The special legislative commission established by section 106 of chapter 227 of the acts of 2020, as amended by section 93 of chapter 24 of the acts of 2021, is hereby revived and continued to March 1, 2022. The special commission shall file its report pursuant to said section 106 of said chapter 227 with the clerks of the house of representatives and the senate, the house and senate committees on ways and means, the joint committee on education and the joint committee on economic development not later than March 1, 2022.

SECTION 19. Section 7 shall take effect as of December 15, 2021. Virtual affirmation, acknowledgment or other notarial acts under chapter 222 of the General Laws that occurred on or after December 15, 2021 and until the effective date of this act shall be deemed valid; provided, that each requirement of chapter 71 of the acts of 2020 was satisfied at the time of the affirmation, acknowledgement or other notarial act.

SECTION 19A. Section 7A shall take effect as of November 22, 2021 and shall apply to claims based on acts or omissions that occur or have occurred during the outbreak of COVID-19 and shall terminate on February 28th, 2022.

SECTION 19B. If sections 8A and 8B are not in effect at least 15 days prior to the date of a scheduled representative town meeting to be held during the outbreak of COVID-19 the actions of a town moderator, select board and town meeting that are substantially consistent with the requirements hereof shall be ratified, validated and confirmed in all respects as if this act had been in place prior thereto.

SECTION 19C. Sections 15A and 15B shall take effect as of December 15, 2021. Actions taken at meetings of shareholders and boards of directors on or after December 15, 2021 and until the effective date of this act shall be deemed valid; provided, that meetings of shareholders and boards of directors are consistent with sections 15A and 15B.

SECTION 20. Sections 7, 8A, 8B, 15A, 15B and 16 are hereby repealed.

SECTION 21. Section 20 shall take effect on July 15, 2022.