

HOUSE No. 4367

Text of an amendment, recommended by the committee on Ways and Means and as amended by the House, to the Senate Bill fostering voter opportunities, trust, equity and security (Senate, No. 2554). January 27, 2022.

The Commonwealth of Massachusetts

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

By striking out all after the enacting clause and inserting in place thereof the following:–

1 “SECTION A. Section 18 ³/₄ of chapter 6A of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out, at the end of subparagraph (i) of clause (12),
3 the words “and (H) dates entering and exiting the jail or the date entering the department or
4 house of correction custody, wrap-up release date and actual release date” and inserting in place
5 thereof the following words:- (H) dates entering and exiting the jail or the date entering the
6 department or house of correction custody, wrap-up release date and actual release date; and (I)
7 current status and changes to the voter eligibility status of individuals incarcerated in a
8 correctional facility.

9 SECTION 1. Section 1F of chapter 51 of the General Laws, as appearing in the 2020
10 Official Edition, is hereby amended by striking out, in line 8, the word “twentieth” and inserting
11 in place thereof the following word:- tenth.

12 SECTION 1A. Chapter 51 of the General Laws, as so appearing, is hereby amended by
13 inserting after section 4A the following section:-

14 Section 4B. As part of the release process leading to the discharge of a person who has
15 been disenfranchised due to a felony conviction, the correctional facility shall provide the person
16 with a voter registration form and a declination form, and shall offer the person assistance in
17 filling out the appropriate form. Unless the person declines to register to vote, the correctional
18 facility shall provide the registrant with a postage guaranteed envelope or shall transmit the
19 completed voter registration form to the city or town in the county where the registrant claims
20 residence.

21 SECTION 2. Section 26 of said chapter 51, as so appearing, is hereby amended by
22 striking out, in line 10, the word “twentieth” and inserting in place thereof the following word:-
23 tenth.

24 SECTION 2A. Chapter 51 of the Massachusetts General Laws is hereby amended by
25 inserting after section 34 the following section:-

26 Section 34A. (a) An individual who is eligible to vote may register as a voter by
27 appearing in person at the polling place, during the hours it is open for voting, for the precinct in
28 which the individual is a resident, or by appearing in person at an early voting site for the city or
29 town in which the individual is a resident during the hours it is open for voting, by completing an
30 affidavit of registration, by presenting proof of residence, and by making a written oath which
31 shall be as follows: I certify that I: am a citizen of the United States; am at least 18 years old; am
32 not under guardianship that prohibits me from voting; am not temporarily or permanently
33 disqualified by law because of corrupt practices in respect to elections; have not and will not vote
34 in any other location within the commonwealth or elsewhere; and understand that giving false

35 information is a felony punishable by not more than 5 years imprisonment or a fine of not more
36 than \$5,000, or both.

37 (b) As used in this section, the term “proof of residence” means one of the following, so
38 long as it includes the name of the applicant and the address from which the registrant is
39 registering:

40 (i) a valid photo identification including, but not limited to, a Massachusetts driver’s
41 license or other state-issued identification card; or

42 (ii) other documentation demonstrating the name and address where the registrant is a
43 resident and seeks to register including, but not limited to, a copy of a current utility bill, bank
44 statement, government check, residential lease agreement, wireless telephone statement,
45 paycheck, other government document or correspondence, a current student fee statement or
46 other document from a post-secondary educational institution that verifies the student’s current
47 address.

48 (c) Upon compliance with subsection (a), an election officer shall permit the registrant to
49 vote at that primary or election. Any person who registers to vote under this section shall be
50 registered as a voter at all later primaries and elections, subject to this chapter.

51 (d) A registrant who fails to present suitable proof of residence shall be permitted to
52 deposit a provisional ballot under section 76C of chapter 54, but shall within 2 business days
53 after the primary or within 6 days after the election present sufficient proof of residence to the
54 city or town clerk.

55 (e) The registrars may correct information supplied by the registrant to the extent
56 necessary to maintain the integrity of their records. If an affidavit is incomplete or if it appears
57 from the facts set forth in the affidavit that the registrant is not qualified to register as a voter, the
58 registrars shall proceed in accordance with section 47 of chapter 51 of the General Laws.

59 (f) As soon as practicable after the election, the registrars shall add the registrant's name,
60 address, and effective date of registration to the annual register of voters.

61 (g) A registered voter shall not change party enrollment at a primary under this section.

62 (h) Upon credible information or allegation of illegal voter registration, or credible
63 information or allegation of illegal multiple voting, the attorney general or the appropriate
64 district attorney shall investigate the information or allegation. Nothing in this subsection shall
65 exclude enforcement by any means otherwise provided by law.

66 (i) Violations of this section shall be punished under sections 8, 26 and 27 of chapter 56.

67 (j) Notwithstanding any special or general law to the contrary, the provisions of this
68 section shall not take effect until such time as: (i) the secretary of the commonwealth has
69 analyzed the policy and fiscal impacts to the commonwealth and to each city and town of the
70 commonwealth, including, but not limited to, an analysis showing the impacts on the
71 commonwealth's operating budget, the operating budgets of each city and town of the
72 commonwealth, the adequacy of current staffing levels in the secretary's office and in the offices
73 of each city and town clerk to handle the increased demand and any anticipated change in
74 employment and other collateral consequences to the commonwealth and to every city and town
75 in the commonwealth; (ii) the secretary of the commonwealth has furnished a report of the
76 analysis, including a recommendation on the necessity and advisability of the provisions of this

77 section, to the general court which shall include all the information identified in clause (i); and
78 (iii) legislation necessary to carry out any recommendations has been filed and enacted pursuant
79 to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.

80 SECTION 3. Section 42G½ of said chapter 51, as so appearing, is hereby amended by
81 inserting after the word “vote”, in line 57, the following words:- pursuant to subsection (d) of
82 section 65.

83 SECTION 4. Said section 42G½ of said chapter 51, as so appearing, is hereby further
84 amended by striking out subsection (d) and inserting in place thereof the following subsection:-

85 (d) In accordance with the memorandum of understanding required by subsection (b),
86 each eligible applicant for services at an automatic voter registration agency who meets the
87 qualifications to register to vote and does not decline to register to vote pursuant to subsection
88 (d) of section 65 shall be registered as a voter pursuant to said section 65 as of the date the
89 registrar adds the person’s name and address to the register of voters, under paragraph (4) of said
90 subsection (d) of said section 65; provided, however, that an applicant who meets the
91 qualifications to register to vote, does not decline to register to vote pursuant to said subsection
92 (d) of said section 65 and completes a qualifying transaction with an automatic voter registration
93 agency not less than 10 days before an election shall be entitled to vote in that election. If
94 necessary to comply with federal law, the division of medical assistance and the commonwealth
95 health insurance connector authority may allow an applicant to decline to register to vote at the
96 time of application. Otherwise, all automatic voter registration agencies, including the registry of
97 motor vehicles, shall transmit records of all eligible applicants as provided in subsection (e), and

98 these applicants may decline to register to vote only after receiving notice from the registrars
99 under paragraph (3) of said subsection (d) of said section 65.

100 SECTION 5. Chapter 54 of the General Laws is hereby amended by striking out section
101 25B and inserting in place thereof the following section:-

102 Section 25B. (a) As used in this section, the following words shall, unless the context
103 clearly requires otherwise, have the following meanings:

104 “Application”, an application to vote early by mail.

105 “Central registry”, the central registry of voters established under section 47C of chapter
106 51.

107 “Qualified voter”, a voter qualified pursuant to section 1 of chapter 51.

108 “Voter affidavit”, an affidavit to be completed by a voter at the time of early voting in
109 person or by mail, in compliance with regulations promulgated under this chapter, and a notice
110 of penalties under section 26 of chapter 56.

111 (b)(1) The election officers and registrars of every city or town shall allow any qualified
112 voter to cast a ballot early in person for any presidential or state primary, state special election or
113 biennial state election, or any election held under section 140 to fill a vacancy in the United
114 States Congress; provided, that the select board, board of selectmen, town council or city council
115 of each town and city may vote to authorize early in person voting for any other city or town
116 preliminary, primary or election.

117 (2) At least 21 days prior to each presidential or state primary and biennial state election,
118 the state secretary shall deliver to each city or town, in quantities as the state secretary

119 determines necessary, all of the following papers: (i) official early voting ballots, similar to the
120 official ballot to be used at the election; and (ii) envelopes of sufficient size to contain the ballots
121 specified in clause (i) bearing on their reverse the voter affidavit.

122 (3)(i) The voting period for in person early voting for the biennial state election shall run
123 from the third Saturday preceding the election through the close of the business on the Friday
124 immediately preceding the election.

125 (ii) The voting period for in person early voting for any presidential or state primary, state
126 special election or any election held pursuant to section 140 to fill a vacancy in the United States
127 Congress shall run from the second Saturday preceding the election through the close of the
128 business on the Friday immediately preceding the election.

129 (4)(i) Early voting in person shall be conducted during the usual business hours of each
130 city or town clerk. A city or town may, in its discretion, provide for additional early voting hours
131 beyond the hours required by this paragraph.

132 (ii) Early voting in person for the state biennial election shall, in addition to usual
133 business hours pursuant to subparagraph (i), be conducted on all weekend dates during the early
134 voting period as follows: (i) for municipalities with fewer than 5,000 registered voters, for a
135 period of not less than 2 hours each day; (ii) for municipalities with 5,000 or more registered
136 voters but fewer than 20,000 registered voters, for a period of not less than 4 hours each day; (iii)
137 for municipalities with 20,000 or more registered voters but fewer than 40,000 registered voters,
138 for a period of not less than 5 hours each day; (iv) for municipalities with 40,000 or more
139 registered voters but fewer than 75,000 registered voters, for a period of not less than 6 hours
140 each day; and (v) for municipalities with 75,000 or more registered voters, for a period of not

141 less than 8 hours each day. A city or town may, in its discretion, provide for additional early
142 voting hours beyond the hours required by this paragraph.

143 (5) Each city and town shall establish an early voting site that shall include the election
144 office for the city or town; provided, however, that if the city or town determines that the office
145 is unavailable or unsuitable for early voting, the registrars of each city or town shall identify and
146 provide for an alternative centrally-located, suitable and convenient public building within each
147 city or town as an early voting site; and provided further, that a city or town shall consider
148 diverse geographic locations in designating early voting sites, including, but not limited to,
149 accessibility of early voting sites for minority communities. A city or town may also provide for
150 additional early voting sites at the discretion of the registrars for that city or town. Each early
151 voting site shall be accessible to persons with disabilities in accordance with federal law.

152 (6) The designation of an early voting site shall be made not less than 14 days prior to the
153 beginning of the voting period established in paragraph (3). Not less than 7 days prior to the
154 beginning of the early voting period, and at least once during the voting period, the registrars for
155 each city or town shall post the location of the early voting sites as well as the applicable dates
156 and hours. Notice shall be conspicuously posted: (i) in the office of the city or town clerk or on
157 the principal official bulletin board of each city or town; (ii) on any other public building
158 considered necessary; (iii) on the city or town's website, if any; and (iv) on the website of the
159 state secretary.

160 (7) A qualified voter voting early in person shall be provided with a ballot and an
161 envelope where the ballot is to be placed after voting which shall contain a voter affidavit to be
162 filled out by the voter. A qualified voter voting early in person shall complete the voter affidavit.

163 (8) Prior to the beginning of in person early voting, the registrars for each city or town
164 shall prepare a list for the early voting sites, containing the names and residences of all persons
165 qualified to vote at each voting site, as the names and residences appear upon the annual register,
166 and shall reasonably transmit the applicable list to the election officers at each early voting site
167 designated by the registrars.

168 (9) The registrar or presiding official at the early voting site shall cause to be placed on
169 the voting lists opposite the name of a qualified voter who participates in early voting the letters
170 “EV” designating an early voter.

171 (10) Section 72 shall not apply to this section; provided, however, that a city or town may
172 opt to detail a sufficient number of police officers or constables for each early voting site for an
173 election at the expense of the city or town to preserve order, protect the election officers and
174 supervisors from any interference with their duties and aid in enforcing the laws relating to
175 elections.

176 (11) Notwithstanding section 29 of chapter 53 and sections 11, 11B, 12 and 13 or any
177 other general or special law to the contrary, if the city or town clerk determines in writing that
178 there is a deficiency in the number of required election officers, the appointing authority may
179 appoint election officers without regard to political party membership, voter status, residence in
180 the city or town or inclusion on a list filed by a political party committee pursuant to said
181 sections 11B and 12. If the position of the warden, clerk or inspector, or the deputy of any such
182 officer, if any, is vacant within the 3 weeks preceding the early voting period, the city or town
183 clerk may fill the vacancy by appointing a competent person willing to serve, without regard to

184 political party membership, voter status, residence in the city or town or inclusion on a list filed
185 by a political party committee pursuant to said sections 11B and 12.

186 (12) Upon marking the early voting ballot, enclosing it in the secrecy envelope and
187 executing the voter affidavit, a voter shall return the ballot envelope to a local election officer at
188 the early voting site who shall review the envelope to ensure the voter affidavit has been signed
189 by the voter. After a ballot envelope has been accepted, it shall be securely stored at the early
190 voting site until such time as it is transported to the office of the local election official, but not
191 later than at the end of early voting hours for that day.

192 (c)(1) The election officers and registrars of every city or town shall allow any qualified
193 voter to cast an early ballot by mail for any presidential or state primary, state special election or
194 biennial state election or any election held pursuant to section 140 to fill a vacancy in the United
195 States Congress; provided, that the select board, board of selectmen, town council or city council
196 of each town and city may vote to authorize early voting by mail for any other town or city
197 primary, preliminary or election; provided, however, that this section shall not apply to an annual
198 or special town meeting.

199 (2)(i) The state secretary shall, not later than 45 days before a presidential or state
200 primary or biennial state election, mail to all registered voters at their residential addresses or
201 mailing addresses if different from their residential addresses listed in the central registry an
202 application for said voter to be permitted to vote early by mail; provided, that the application
203 shall authorize said voter to vote early by mail in other primaries or elections authorized under
204 this subsection held within the year; provided, however, that the state secretary shall not send an

205 application to any voter whose previous application for an absent or early ballot has been
206 accepted.

207 (ii) The election officers and registrars of every city or town shall include an application
208 with the acknowledgement notice sent to any person registering to vote or changing their voter
209 registration address.

210 (iii) The applications required pursuant to this subsection shall be in a form prescribed by
211 the state secretary in accordance with state and federal law; provided, however, that said
212 applications shall: (i) include clear instructions for completing and returning the application; (ii)
213 allow a voter to designate the mailing address to which the ballot shall be sent; and (iii) be pre-
214 addressed to the local election official with postage guaranteed.

215 (iv) Each application mailed pursuant to this subsection shall be provided in any language
216 required by the bilingual election requirements of the federal Voting Rights Act, 52 U.S.C.
217 section 10503.

218 (v) Each application mailed to a voter in the city of Boston pursuant to this subsection
219 shall include an option, which shall appear prominently on the application, to request a ballot
220 printed in any language available at the voter's polling location pursuant to chapter 166 of the
221 acts of 2014.

222 (vi) The applications required pursuant to this subsection shall be made available on the
223 websites of the state secretary and the elections officers and registrars of every city or town.

224 (3)(i) A voter wishing to vote early by mail in an election shall complete the application
225 and shall return said application to the appropriate city or town clerk. Any form of written

226 communication evidencing a desire to have an early voting ballot be sent for use for voting for
227 an election shall be given the same effect as an application made in the form prescribed by the
228 state secretary. Applications for an election shall be acceptable if they are signed or submitted
229 electronically; provided, however, that any electronic signature shall be written in substantially
230 the same manner as a handwritten signature.

231 (ii) No application shall be deemed to be seasonably filed unless it is received in the
232 office of the local election official before 5 P.M. on the 4th business day prior to the primary or
233 election.

234 (iii) A voter wishing to apply to vote early by mail for a presidential or state primary,
235 biennial state election or any election held pursuant to section 140 to fill a vacancy in the United
236 States Congress and who needs accommodation by reason of disability and is unable to
237 independently mark a paper ballot may apply for such accommodation in a form and manner
238 prescribed by the state secretary. Accommodations shall include, but not be limited to: (i) clear
239 and electronically accessible instructions for completion, printing and returning of the ballot; (ii)
240 an accessible blank electronic application that can be: (A) completed by the voter electronically;
241 (B) signed with a wet signature, a hand-drawn electronic signature or the voter's typewritten
242 name as a signature if the voter is unable to independently insert a hand-drawn signature on the
243 application due to a disability; and (C) submitted electronically, by mail or delivering it to the
244 office of the appropriate city or town clerk; (iii) an authorized accessible blank electronic ballot
245 that can be filled out electronically, printed and signed; provided, however, that the accessible
246 electronic ballot marking system the voter utilizes to access their blank electronic ballot shall not
247 collect or store any personally identifying information obtained in the process of filling out the
248 ballot; (iv) an accessible electronic voter affidavit that may be used for certification of an

249 accessible electronic ballot and signed with a wet signature, a hand-drawn electronic signature,
250 or the voter's typewritten name as a signature if the voter is unable to independently insert a
251 hand-drawn signature on the ballot due to a disability; (v) an envelope to return the ballot to the
252 voter's town or city clerk with postage guaranteed; and (vi) hole punched markers in place of a
253 wet signature required for certification if an electronic voter affidavit of certification is not
254 utilized; provided, however, that the electronic instructions and accommodations in this section
255 shall comply with requirements contained in Title II of the federal Americans with Disabilities
256 Act and shall conform to the Web Content Accessibility Guidelines (WCAG) 2.1 AA and the
257 National Institute of Standards and Technology report titled "Principles and guidelines for
258 remote ballot marking systems". Upon printing the ballot, the voter shall place the ballot in the
259 envelope provided by the state secretary. A voter with accommodations in receipt of an early
260 voting ballot for an election pursuant to this section may complete and return the ballot by any of
261 the following: (i) submitting it electronically; (ii) delivering it to the office of the appropriate city
262 or town clerk or a secured municipal drop box; or (iii) mailing it to the appropriate city or town
263 clerk.

264 (iv) A voter wishing to apply to vote early by mail under this subsection for any city or
265 town primary or election for which the city or town has authorized early voting by mail and who
266 needs accommodation by reason of disability and is unable to independently mark a paper ballot
267 may request an accommodation in a form and manner prescribed by their local election official.
268 The request shall be received by the local election official not later than the seventh business day
269 preceding the primary or election. Upon receiving such a request from a registered voter, by
270 phone or electronically, the local election official shall grant such request for reasonable
271 accommodations.

272 (4) The voting period for early voting by mail shall begin as soon as all necessary early
273 voting materials have been received by the local election official pursuant to paragraph (5).

274 (5) Not later than 30 days prior to an election under this subsection, the state secretary
275 shall deliver to each city or town, in quantities as the state secretary determines necessary, the
276 following papers: (i) official early ballots for voting early by mail for the election, similar to the
277 official ballot to be used at said election; provided, however, that a sufficient quantity of such
278 ballots are printed in the languages necessary to accommodate the selection of a bilingual ballot
279 by voters pursuant to subparagraphs (iv) and (v) of paragraph (2); (ii) envelopes of sufficient size
280 to contain the ballots specified in clause (i) bearing on their reverse the voter affidavit; (iii) return
281 envelopes for any ballot requested for voting by mail pre-addressed to the local election official
282 with postage guaranteed; and (iv) instructions for voting by mail to be sent to each voter who
283 requests to cast a ballot by mail.

284 (6)(i) Early voting ballots shall be mailed by the city or town clerks to voters as soon as
285 such materials are available; provided, however, that said mailing shall include: (i) instructions
286 for early voting; (ii) instructions for completing the ballot; (iii) an inner envelope where the
287 ballot is placed after voting which contains a voter affidavit to be filled out by the voter; and (iv)
288 an outer envelope that is pre-addressed to the local official with postage guaranteed; provided,
289 however, that a voter who has seasonably filed an application may receive an early voting ballot
290 in person at the office of the city or town clerk. The state secretary shall include on the outer
291 envelope with postage guaranteed required by this section a system which generates a postmark
292 for determining the date upon which the envelope was mailed.

293 (ii) Each early voting ballot authorized pursuant to this subsection shall be provided to
294 the voter in the language required pursuant to subparagraphs (iv) and (v) of paragraph (2).

295 (7)(i) A voter in receipt of an early voting ballot pursuant to this subsection may
296 complete and return the ballot by: (i) delivering it in person to the office of the appropriate city
297 or town clerk; (ii) dropping it in a secured municipal drop box; (iii) mailing it to the appropriate
298 city or town clerk; or (iv) submitting electronically pursuant to accommodations granted to a
299 voter by reason of disability as provided by subparagraph (iii) of paragraph (3).

300 (ii) All early voting ballots submitted by mail, delivered in person to the office of the city
301 or town clerk, returned to a secured municipal drop box or returned electronically pursuant to
302 accommodations granted to a voter by reason of disability as provided by subparagraph (iii) of
303 paragraph (3) shall be received by the city or town clerk before the hour fixed for closing the
304 polls on the day of the primary, special election or state election under this subsection; provided,
305 however, that an early voting ballot cast for a presidential election that is received not later than
306 5 P.M. on the third day following said election and mailed on or before the day of said election
307 shall be processed in accordance with the second paragraph of section 95. A postmark, if legible,
308 shall be evidence of the time of mailing.

309 (8) Upon receipt of a completed early voting ballot, the local election official shall open
310 the outer mailing envelope and examine the inner secrecy envelope without opening it, compare
311 the signature thereon with the signature on the application therefor, except if the voter received
312 assistance in signing the application or the envelope, or the voter applied for the ballot under
313 paragraph (3), and shall examine the voter affidavit on each such envelope. If the voter affidavit
314 has been improperly executed or does not sufficiently indicate that the ballot was marked and

315 mailed or delivered as required by this section, the local election official shall mark across the
316 face thereof “Rejected as defective” and shall notify the voter and send the voter a new ballot. If
317 the early voting ballot is accepted, the local election official shall record the date and secure the
318 ballot in its envelope until processing in accordance with law.

319 (d) The registrars shall prepare lists of all voters casting ballots during the early voting
320 period pursuant to this section and update the voter list in a manner prescribed by the state
321 secretary.

322 (e) The early voting ballot of any voter who was eligible to vote at the time the ballot was
323 cast shall not be deemed invalid solely because the voter became ineligible to vote by reason of
324 death after casting the ballot. For the purposes of this subsection, the term “cast” shall mean that
325 the voter has: (i) deposited the early voting by mail ballot in the mail for ballots mailed; (ii)
326 returned the early voting ballot to the appropriate election official either by hand or by depositing
327 in the municipal drop box; (iii) completed voting in person at the clerk’s office or an early voting
328 location; or (iv) submitted a ballot electronically pursuant to accommodation granted to a voter
329 by reason of disability as provided by subparagraph (iii) of paragraph (3) of subsection (c).

330 (f) Sections 37 and 38 of chapter 53 shall apply to unenrolled voters and voters enrolled
331 in political designations voting early. The registrar or the presiding official at an early voting site
332 shall cause the name of the party of the ballot being voted to be recorded on the voting list. Once
333 the party selection has been recorded on the voting list, a voter shall not request or vote on the
334 ballot of another party.

335 (g) 950 C.M.R. 47.00 or any successor thereto shall apply to early voting to the extent
336 feasible; provided, however, that the state secretary shall promulgate regulations to implement
337 this section, as necessary.

338 (h) Any early voting ballot cast pursuant to this section or section 86 may be deposited
339 into a tabulator or a ballot box in a municipality or precinct that uses paper ballots, in advance of
340 the date of the election. All ballots received pursuant to this section or section 86 may be opened
341 in advance of the date of the election, in accordance with regulations promulgated by the state
342 secretary; provided, however, that such ballots shall be kept secured, locked and unexamined,
343 and that no results shall be determined or announced until after the time polls close on the date of
344 the election. Disclosing any such result before such time shall be punished as a violation of
345 section 14 of chapter 56.

346 (i) The counting of early voting ballots including, but not limited to, informing election
347 officers and any challengers present under section 85A shall be set by 950 C.M.R. 47.00 or any
348 successor thereto, so far as applicable. All envelopes referred to in this section shall be retained
349 with the ballots cast at the election and shall be preserved and destroyed in the manner provided
350 by law for the retention, preservation or destruction of official ballots.

351 (j) The registrar or presiding official shall cause to be placed on the voting lists opposite
352 the name of a qualified voter who participates in early voting the letters "EV" designating an
353 early voter.

354 SECTION 6. Paragraph (2) of subsection (c) of section 25B of said chapter 54 is hereby
355 amended by striking out subparagraph (iii), as appearing in section 5, and inserting in place
356 thereof the following subparagraph:-

357 (iii) The applications required pursuant to this subsection shall be in a form prescribed by
358 the state secretary in accordance with state and federal law; provided, however, that said
359 applications shall: (i) include clear instructions for completing and returning the application; (ii)
360 allow a voter to designate the mailing address to which the ballot shall be sent; and (iii) be pre-
361 addressed to the local election official.

362 SECTION 7. Paragraph (3) of said subsection (c) of said section 25B of said chapter 54 is
363 hereby amended by striking out subparagraph (iii), as appearing in said section 5, and inserting
364 in place thereof the following subparagraph:-

365 (iii) A voter wishing to apply to vote early by mail for a presidential or state primary,
366 biennial state election or any election held pursuant to section 140 to fill a vacancy in the United
367 States Congress and who needs accommodation by reason of disability and is unable to
368 independently mark a paper ballot may apply for such accommodation in a form and manner
369 prescribed by the state secretary. Accommodations shall include, but not be limited to: (i) clear
370 and electronically accessible instructions for completion, printing and returning of the ballot; (ii)
371 an accessible blank electronic application that can be: (A) completed by the voter electronically;
372 (B) signed with a wet signature, a hand-drawn electronic signature or the voter's typewritten
373 name as a signature if the voter is unable to independently insert a hand-drawn signature on the
374 application due to a disability; and (C) submitted electronically, by mail or delivering it to the
375 office of the appropriate city or town clerk; (iii) an authorized accessible blank electronic ballot
376 that can be filled out electronically, printed and signed; provided, however, that the accessible
377 electronic ballot marking system the voter utilizes to access their blank electronic ballot shall not
378 collect or store any personally identifying information obtained in the process of filling out the
379 ballot; (iv) an accessible electronic voter affidavit that may be used for certification of an

380 accessible electronic ballot and signed with a wet signature, a hand-drawn electronic signature,
381 or the voter's typewritten name as a signature if the voter is unable to independently insert a
382 hand-drawn signature on the ballot due to a disability; (v) an envelope to return the ballot to the
383 voter's town or city clerk; and (vi) hole punched markers in place of a wet signature required for
384 certification if an electronic voter affidavit of certification is not utilized; provided, however, that
385 the electronic instructions and accommodations in this section shall comply with requirements
386 contained in Title II of the federal Americans with Disabilities Act and shall conform to the Web
387 Content Accessibility Guidelines (WCAG) 2.1 AA and the National Institute of Standards and
388 Technology report titled "Principles and guidelines for remote ballot marking systems". Upon
389 printing the ballot, the voter shall place the ballot in the envelope provided by the state secretary.
390 A voter with accommodations in receipt of an early voting ballot for an election pursuant to this
391 section may complete and return the ballot by any of the following: (i) submitting it
392 electronically; (ii) delivering it to the office of the appropriate city or town clerk or a secured
393 municipal drop box; or (iii) mailing it to the appropriate city or town clerk.

394 SECTION 8. Said subsection (c) of said section 25B of said chapter 54 is hereby
395 amended by striking out paragraph (5), as appearing in said section 5, and inserting in place
396 thereof the following paragraph:-

397 (5) Not later than 30 days prior to an election under this subsection, the state secretary
398 shall deliver to each city or town, in quantities as the state secretary determines necessary, the
399 following papers: (i) official early ballots for voting early by mail for the election, similar to the
400 official ballot to be used at said election; provided, however, that a sufficient quantity of such
401 ballots are printed in the languages necessary to accommodate the selection of a bilingual ballot
402 by voters pursuant to subparagraphs (iv) and (v) of paragraph (2); (ii) envelopes of sufficient size

403 to contain the ballots specified in clause (i) bearing on their reverse the voter affidavit; (iii) return
404 envelopes for any ballot requested for voting by mail pre-addressed to the local election official;
405 and (iv) instructions for voting by mail to be sent to each voter who requests to cast a ballot by
406 mail.

407 SECTION 9. Paragraph (6) of said subsection (c) of said section 25B of said chapter 54 is
408 hereby amended by striking out subparagraph (i), as appearing in said section 5, and inserting in
409 place thereof the following subparagraph:-

410 (i) Early voting ballots shall be mailed by the city or town clerks to voters as soon as such
411 materials are available; provided, however, that said mailing shall include: (i) instructions for
412 early voting; (ii) instructions for completing the ballot; (iii) an inner envelope where the ballot is
413 placed after voting which contains a voter affidavit to be filled out by the voter; and (iv) an outer
414 envelope that is pre-addressed to the local official; provided, however, that a voter who has
415 seasonably filed an application may receive an early voting ballot in person at the office of the
416 city or town clerk. The state secretary shall include on the outer envelope a system which
417 generates a postmark for determining the date upon which the envelope was mailed.

418 SECTION 10. Said chapter 54 is hereby further amended by inserting after section 25B
419 the following section:-

420 Section 25C. (a) The officer in charge of a correctional facility, house of correction, jail,
421 or department of youth services, in this section called hereinafter a facility, shall:

422 (i) Develop and publish policies and procedures that govern the facilitation of voting and
423 voter registration for eligible voters in facilities; provided, that the policies and procedures shall
424 include, but not be limited to:

425 (A) Distribution of voter education and election information, including, but not limited
426 to, the display of posters and dissemination of individualized written notices about voting rights
427 and procedures provided by the state secretary;

428 (B) Assisting, not less than 45 days prior to a presidential or state primary or biennial
429 state election, an incarcerated individual in registering to vote, and not less than 30 days prior to
430 a presidential or state primary or biennial state election, providing to each incarcerated individual
431 who may be eligible to vote an application to vote early by mail pursuant to subsection (c) of
432 section 25B and the means to complete the application; provided, that each facility shall ensure
433 an application for an eligible voter to be permitted to vote early by mail be returned in a timely
434 manner for each presidential or state primary or biennial state election. Assistance shall include
435 distributing forms prepared by the state secretary including, but not limited to: (1) ballot
436 applications; (2) voter registration forms; (3) records that may serve as proof of residence for the
437 purpose of voter registration or provide a voter with their last known address, such as intake
438 forms, arrest records, or other forms in the possession of the facility; and (4) voter information
439 packets generated by the state secretary, community groups, or other stakeholders;

440 (C) Provision for the expeditious and timely receipt and return of early voting by mail
441 ballots by eligible incarcerated voters which may include delivery by mailing the ballots to the
442 appropriate city or town clerk, or through any other secured means of delivery;

443 (D) Establishment of locations where voters may complete ballots and other paperwork in
444 private;

445 (E) Means of tracking complaints related to voting or registration, numbers of voters who
446 sought to vote, and the outcome of requests to vote; and

447 (F) Policies for collaboration with local elections officials, civic engagement community
448 groups, and other stakeholders.

449 (ii) Display or distribute any informational posters or packets provided by the state
450 secretary pursuant to subsection (c) not later than July 15 of an even-numbered year, or, if
451 received after that date, immediately upon receipt; provided, that the distribution and
452 announcements of such information shall be continued through the conclusion of any primary
453 and general election.

454 (iii) Appoint a subordinate officer at the facility to supervise the actions required by this
455 section;

456 (iv) Not later than 14 days before every presidential and state primary and biennial state
457 election, file a written report with the state secretary, detailing the actions taken under this
458 section, in a form prescribed by the state secretary. The report shall be a public record.

459 (b) Clauses (i), (ii), and (iv) of subsection (a) shall apply to superintendents or the officer
460 in charge of a facility pursuant to section 35 of chapter 123.

461 (c) Not later than 90 days prior to a state or presidential primary or election, the state
462 secretary shall create and distribute to sheriffs and superintendents voter information signs and
463 information for display and distribution in facilities. The state secretary shall create and
464 distribute to elections officers information on: (i) the qualifications and rights of eligible
465 incarcerated voters; (ii) regulations detailing the application process and how to process
466 applications in the Voter Registration Information System (VRIS); and (iii) current law
467 pertaining to those rights and processes. The state secretary shall promulgate regulations for the

468 implementation of this section not less than 90 days prior to any state or presidential primary or
469 general election.

470 The state secretary shall issue a report not less than 6 months following each state or
471 presidential primary and general election, including information on: (i) the number of eligible
472 incarcerated voters at the time of an election in each municipality; (ii) the number of incarcerated
473 voters who requested an early voting by mail or absent ballot and the outcome of that request in
474 each municipality, including the reasons for rejection, if applicable; (iii) the number of
475 incarcerated voters who requested to register to vote and the outcome of those requests in each
476 municipality, including the reason for rejection, if applicable; and (iv) each municipality's
477 policies and practices regarding outreach and enfranchisement of eligible incarcerated voters, if
478 applicable.

479 SECTION 10A. Said chapter 54 is hereby further amended by inserting after section 91C,
480 as appearing in the 2020 Official Edition, the following section:-

481 Section 91D. (a) Applications arriving from a specially qualified voter as defined in
482 section 1 of chapter 50 or a voter voting early by mail, who is confined in a correctional facility
483 or jail, except if by reason of a felony conviction, who cites their return address as the
484 correctional facility or jail where they are confined, and indicates they do not have an established
485 domicile elsewhere, may elect to maintain that address for voting purposes.

486 (b) Prior to declining to execute the certificate of early or absent ballot applications
487 submitted by a voter who is confined in a correctional facility or jail, except if by reason of a
488 felony conviction, due to residency for voting purposes or eligibility, an elections officer shall

489 verify the applicant's eligibility status and residence for voting purposes with the facility from
490 which the applicant has applied.

491 (c) Not later than 30 days before any municipal, state or presidential election, an elections
492 officer shall post on the local election website and report to the state secretary any measures to
493 facilitate voting for eligible incarcerated voters.

494 (d) An elections officer shall make available by public records request the numbers of: (i)
495 ballot applications received from eligible incarcerated voters; (ii) rejected ballot applications sent
496 by incarcerated persons with the reason for rejection; and (iii) ballots received from eligible
497 incarcerated voters.

498 SECTION 10B. Chapter 127 of the General Laws, as so appearing, is hereby amended by
499 inserting after section 150 the following 2 sections:-

500 Section 150A. (a) Prior to the expiration of a prisoner's term, the superintendent or
501 administrator of the state or county correctional facility shall, in writing, notify the prisoner
502 whose term is to expire that their voting rights shall be restored upon discharge; provided, that
503 such person's right to vote was suspended while incarcerated pursuant to Article III of the
504 Articles of Amendment of the Constitution. If the person's right to vote was not suspended while
505 incarcerated pursuant to Article III of the Articles of Amendment of the Constitution, the
506 superintendent or administrator of the state or county's correctional facility shall, in writing,
507 notify the prisoner whose term is to expire that their voting rights shall be maintained upon
508 discharge, and that, if the incarcerated person requested or submitted a mail ballot application or
509 ballot, they maintain the right to vote in person so long as their mail ballot has not been
510 processed.

511 Section 150B. Each superintendent of a state or county correctional facility and each
512 administrator of a county correctional facility shall, on or before the fifteenth day of each month,
513 transmit to the state secretary the a list containing information about: (i) persons convicted of a
514 felony who, during the preceding period, have become ineligible to vote because of their
515 incarceration; (ii) persons convicted of a felony who, during the preceding period, have become
516 eligible to vote because of their discharge from incarceration; and (iii) persons detained pre-trial
517 or convicted of a misdemeanor who are eligible to vote.

518 The list shall include the following information for each person: (i) name; (ii) date of
519 birth; (iii) the last 4 digits of social security number, or driver's license number, if available; (iv)
520 address on file; (v) whether the person is held pre-trial or serving a misdemeanor and eligible to
521 vote, (vi) the name and address of the jail, prison, or other facility where they are detained; and
522 (vii) race and ethnicity.

523 SECTION 11. Not later than July 1, 2022, the state secretary shall enter into the
524 agreement with the Electronic Registration Information Center, Inc. as required by section 47C
525 of chapter 51 of the General Laws.

526 SECTION 12. Notwithstanding any general or special law to the contrary, the state
527 secretary shall implement and maintain a system to allow a qualified voter to request an early or
528 absent ballot on the state secretary's website, to be mailed to the qualified voter's home address
529 or a different mailing address as designated by the voter. The system shall not require the voter's
530 signature.

531 SECTION 13. The state secretary shall conduct a public awareness campaign to inform
532 voters throughout the commonwealth of the provisions of section 25B of chapter 54 of the

533 General Laws, including, but not limited to: (i) measures to promote public awareness of
534 expanded early voting options in primaries and elections; (ii) the requirements and procedures
535 for early voting by mail, including, but not limited to, information related to the ability of a voter
536 who requests but does not return an early voting by mail ballot to vote in person on election day;
537 and (iii) availability of accommodations for voters with disabilities. The public awareness
538 campaign shall: (i) ensure outreach to minority communities in the commonwealth; (ii) be
539 linguistically diverse and culturally competent; and (iii) be provided in multiple formats for
540 viewing.

541 SECTION 14. Sections 6, 7, 8 and 9 shall take effect on December 31, 2022.”

542 SECTION 15. No later than 30 days after any primary or general election, the state
543 secretary shall submit a report detailing (1) the number of ballot applications mailed out for said
544 election; (2) the number of ballot applications that were returned as undeliverable; and (3) a
545 description of the reasons why each ballot was returned, including but not limited to, a change of
546 address or the intended recipient being deceased. Said report shall be submitted to the Clerks of
547 the House and the Senate and to the Joint Committee on Election Laws.

548 SECTION 16. Section 33A of chapter 51 of the General Laws, as appearing in the 2018
549 Official Edition, is hereby amended by adding the following sentence:-

550 The state secretary shall post the electronic document in English, Spanish, Portuguese,
551 and Chinese (Mandarin and Cantonese), and in such additional languages as the state secretary
552 deems necessary or as required by law.”; and by inserting before the enacting clause the
553 following emergency preamble:

554 “Whereas, The deferred operation of this act would tend to defeat its purpose, which is to
555 authorize forthwith voter opportunities, therefore it is hereby declared to be an emergency law,
556 necessary for the immediate preservation of the public convenience.”.