

# 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 <sup>3</sup>/<sub>4</sub> 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.”.