

HOUSE No. 779

The Commonwealth of Massachusetts

PRESENTED BY:

Paul J. Donato

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to election emergencies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>2/17/2021</i>

HOUSE No. 779

By Mr. Donato of Medford, a petition (accompanied by bill, House, No. 779) of Paul J. Donato relative to the regulation of elections in certain emergency situations. Election Laws.

The Commonwealth of Massachusetts

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

An Act relative to election emergencies.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 54 of the General Laws, as appearing in the 2018 official edition, is
2 amended by adding the following language for newly created Section 62A:

3

4 62A. Postponement and extension of qualifying periods for elections for public office
5 during state of emergency; Procedures for the Orderly Administration of Elections; Limitations.

6

7 Section 62A. (a) The state secretary shall have the authority to regulate elections in
8 emergency situations, including, but not limited to, a declared state of emergency by the
9 governor or by a federal agency or a disaster or emergency exists that makes conducting an
10 election, town meeting or administering an election deadline unsafe and contrary to the public
11 interest. Such authorization shall include, but not be limited to:

12

13 (1) Postponing or extending the qualifying periods provided in this chapter or chapter
14 53 for the qualification of candidates seeking municipal, county, or state-wide office; and

15 (2) Postponing the date of any caucus, primary, special primary, preliminary, election,
16 special election or town meeting in the affected area, notwithstanding the provisions of any other
17 law, by-law, ordinance or municipal charter to the contrary; and

18 (3) Providing for procedures for the orderly conduct of elections; and

19 (4) In the case of municipal elections, postponing or suspending such local election,
20 including a caucus or preliminary, after consultation with local election officials and chief
21 executive of the municipality or representative thereto.

22

23 Any such postponement or extension shall not exceed 45 days unless the secretary
24 determines that the particular circumstances at issue require an additional postponement or
25 extension of up to another 45 days.

26

27 (b) The secretary of the commonwealth shall adopt, by rule or regulation, an elections
28 emergency contingency plan, which shall contain goals and policies that give specific direction
29 to state and local elections officials when an election has been suspended or delayed due to an
30 emergency or alternate voting procedures are necessary. The contingency plan shall address, but
31 not be limited to, the following concerns:

32 (1) Providing procedures for state and local elections officials to follow when an
33 election has been suspended or delayed to ensure notice of the suspension or delay to the proper
34 authorities, the electorate, the media, poll workers, and the custodians of polling places.

35 (2) Providing procedures for state and local elections officials to follow when election
36 deadlines are postponed or extended to ensure notice of the suspension or delay to the proper
37 authorities, the electorate, candidates, and the media.

38 (3) Providing procedures for the release and certification of election returns and
39 documents relating to the election to the secretary's office for elections suspended or delayed and
40 subsequently rescheduled under the provisions this section.

41 (4) Providing alternate voting procedures for local election officials and voters to
42 follow when election emergencies exist that may affect the ability of voters to vote at a polling
43 place and to ensure notice of any such alternate procedures to the proper authorities, the
44 electorate, candidates, and the media.

45

46 (c) Any actions taken by the secretary of the commonwealth under this section shall be
47 reviewable in accordance with the provisions of section 59 of chapter 56 of the general laws.