

HOUSE No. 833

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa

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 secure ballot access for eligible incarcerated individuals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/18/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/22/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/25/2021</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>2/26/2021</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/26/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/26/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/15/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>5/27/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/19/2022</i>

HOUSE No. 833

By Ms. Sabadosa of Northampton, a petition (accompanied by bill, House, No. 833) of Lindsay N. Sabadosa and others relative to ballot access for eligible incarcerated individuals. Election Laws.

The Commonwealth of Massachusetts

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

An Act relative to secure ballot access for eligible incarcerated individuals.

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 51 of the General Laws is hereby amended by inserting after
2 section 42H the following section:-

3 Section 42I. The superintendent of a state or county correctional facility and each
4 administrator of a county correctional facility or their designee shall

5 (a) facilitate and coordinate voting amongst incarcerated specially qualified voters as
6 defined in Chapter 50, Section 1, which includes eligible voters who:

7 (i) are incarcerated on misdemeanor charges

8 (ii) are pretrial detainees, and

9 (iii) are held under section 35 in a state or county correctional facility.

10 (b) provide information and answer questions on voting eligibility;

- 11 (c) distribute absentee ballot applications;
- 12 (d) assist with mailing or returning absentee ballots and applications to city and town
13 clerks;
- 14 (e) work with the state secretary and city and town clerks whenever issues arise with
15 ballots, and keep detailed records of these efforts;
- 16 (f) ensure that each specially qualified voter is notified upon detention of their eligibility
17 to vote and provided a voter registration form and informational document detailing their voting
18 eligibility, residency options, and voting rights if released before an election or returning a ballot;
- 19 (g) ensure that each specially qualified voter is provided, upon their release, with
20 information on registering to vote and updating voter registration information, upcoming election
21 information, and information on voting rights;
- 22 (h) enter into cooperative agreements with the state secretary and additional agencies of
23 state, county, city, and town government that function as registration agencies;
- 24 (i) conduct regular voter registration drives and assist with voter registration;
- 25 (j) be authorized to conduct appropriate training of staff;
- 26 (k) create and provide all forms, material, and equipment necessary to carry out voter
27 registration activities;
- 28 (l) have oversight responsibility to ensure proper compliance with applicable provisions
29 of federal and state law;

30 (m) have the option to enter into cooperative agreements with voting rights and voter
31 advocacy groups to encourage voter participation;

32 (n) ensure that voter education is part of regular educational programming at the state or
33 county correctional facility;

34 (o) create a voter education guide for all specially qualified voters;

35 (p) provide suggested deadlines to submit applications and ballots;

36 (q) create and disseminate election specific candidate guides;

37 (r) designate secure and obvious pickup and drop-off spots for ballots and voter
38 materials;

39 (s) provide a secure ballot dropbox within the state or county correctional facility;

40 (t) create and maintain a database with voting information including registration status
41 and eligibility, ballot access policies, practices, and programming, absentee ballot requests, and
42 ballots cast on all specially qualified voters. This information shall be transmitted to the board of
43 registrars or election commission of the city or town where the voter resides and to the state
44 secretary. The database shall not contain information on offenses or sentencing and shall not be
45 publicly accessible;

46 (u) mail a voter eligibility reminder to formerly incarcerated individuals at the address on
47 file.

48 SECTION 2. Chapter 51 of the General Laws is hereby amended in section 42G1/2 by
49 striking subsection (b)(1) in its entirety and replacing it with the following subsection:-

50 (b)(1) The state secretary shall enter into memoranda of understanding with the registry
51 of motor vehicles, the division of medical assistance, the commonwealth health insurance
52 connector authority, and the state or county correctional facility that shall serve as automatic
53 voter registration agencies; provided, however, that the terms of such memoranda shall include,
54 without limitation, the timeline for the establishment or enhancement of interfaces and the
55 schedule for data to be shared between the secretary's office and the automatic voter registration
56 agencies; and provided further, that only information obtained by the registry of motor vehicles
57 from driver's license transactions and identification card transactions shall be used for automatic
58 voter registration purposes. The state secretary may enter into memoranda of understanding with
59 state agencies that collect reliable citizenship information for all applicants if the state secretary
60 determines that enabling the agency to serve as an automatic voter registration agency will
61 materially increase voter registration or the accuracy of the register of voters. Any such
62 memorandum of understanding between the state secretary and an automatic voter registration
63 agency shall provide that the state secretary shall conduct appropriate training of agency staff,
64 shall provide all forms, material and equipment necessary to carry out voter registration activities
65 and shall have oversight responsibility to ensure proper compliance with applicable provisions of
66 federal and state law; provided further, that any such memorandum of understanding shall
67 specify that all trainings, forms and materials shall be funded by the state secretary. Registration
68 agencies not designated as automatic voter registration agencies shall continue to provide voter
69 registration services as required by section 42G.

70 SECTION 3. Chapter 54 of the General Laws is hereby amended by striking section 24
71 in its entirety and replacing it with the following section:-

72 Section 24. The aldermen in cities, except where city charters provide otherwise, and the
73 selectmen of towns divided into voting precincts, shall, twenty days at least before the biennial
74 state or annual or biennial city election and ten days at least before any special election of a state
75 or city officer therein, designate the polling place for each voting precinct and cause it to be
76 suitably fitted up and prepared therefor. In a city or town which has provided voting booths such
77 booths may be placed in the public ways of such city or town, provided said ways are left
78 reasonably safe and convenient for public travel. It shall be in a public, orderly, and convenient
79 portion of the precinct; provided, however that if the aldermen or selectmen determine that the
80 public convenience would be better served, the aldermen may designate a polling place in an
81 adjacent precinct of a city, and the selectmen may designate a polling place in another precinct of
82 a town or may house all polling places in a single building within the town. In any city or town,
83 if the polling places for two or more precincts are located in the same building and the total
84 number of registered voters in any such two or more precincts does not exceed three thousand,
85 only one set of election officers need be appointed for such precincts, but separate ballot boxes
86 and voting lists for each precinct shall be used. If, in a town of five precincts or less, all of which
87 are located in one building, the selectmen so vote, only one warden need be appointed to
88 supervise all such precincts, and the number of inspectors shall be determined by the selectmen,
89 without disturbing the balance between the political parties. There shall, however, be one clerk
90 appointed for each such precinct. Alcoholic beverages shall not be sold in any portion of a
91 building which is designated as a polling place, during voting hours or while ballots are being
92 counted therein. Each city or town hosting a house of correction shall designate a polling place
93 within the house of correction and shall work in coordination with the sheriff, superintendent, or
94 designee to cause it to be suitably staffed, fitted up, and prepared therefore. When the polling

95 places have been designated in the city of Boston, the board of election commissioners of said
96 city may post in such places as it may determine a printed description of the polling places
97 designated and may give further notice thereof; and when the polling places have been
98 designated in any other city or in any town, the aldermen of such city in at least five public
99 places in each precinct thereof, and the selectmen of such town in at least three public places in
100 each precinct thereof, shall forthwith post a printed description of the polling places designated
101 and may give further notice thereof. When a polling place in a voting precinct is changed from
102 one location to another, the board of election commissioners in the city of Boston, the aldermen
103 in any other city or the selectmen in any town shall cause printed descriptions of such polling
104 place to be posted in such public places in such precinct as they determine and shall give notice
105 by mail to each residence of one or more registered voters therein.