SENATE . . . . . No. 2545

The Commonwealth of Massachusetts

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

SENATE, September 30, 2021.

The committee on Senate Ways and Means to whom was referred the Senate Bill fostering voter opportunities, trust, equity and security (Senate, No. 459), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2545).

For the committee,
Michael J. Rodrigues

FILED ON: 9/30/2021

SENATE . . . . . No. 2545

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In the One Hundred and Ninety-Second General Court
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An Act fostering voter opportunities, trust, equity and security.

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

SECTION 1. Section 1 of chapter 51 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A person otherwise qualified to vote for national or state officers, but who has not registered in accordance with section 26 shall be eligible to register under section 34A.

SECTION 2. Section 1F of said chapter 51 is hereby repealed.

SECTION 3. Said chapter 51 is hereby further amended by striking out section 3, as appearing in the 2020 Official Edition, and inserting in place thereof the following section:-

Section 3. For all elections and primaries, a person shall be registered and may vote in the voting precinct where the voter resides; provided, however, that any registered voter of a city or town who moves to any other precinct in the city or town or to another city or town may register to vote at the voter's new address by making written application to the city or town clerk not later than the close of registration or in accordance with section 34A. A new resident of the city

or town may also be registered at the resident's new address by making written application to the city or town clerk not later than the close of registration or in accordance with said section 34A. The city or town clerk shall immediately notify each voter making any such written application that the application has been received and that the voter may vote, subject to the provision of this section regarding the close of registration, in the precinct into which the voter has moved or in accordance with said section 34A.

SECTION 4. Section 26 of said chapter 51, as so appearing, is hereby further amended by striking out, in lines 10 and 11, the words "eight o'clock in the evening" and inserting in place thereof, in each instance, the following figure:- 5:00 p.m.

SECTION 5. Said section 26 of said chapter 51, as so appearing, is hereby further amended by striking out the last sentence.

SECTION 6. Said chapter 51 is hereby further amended by striking out section 28, as so appearing, and inserting in place thereof the following section:-

Section 28. Registrars shall hold a continuous session from 9:00 a.m. until 5:00 p.m. on the last day for registration established under section 26; provided, however, that a town having less than 1,500 voters may hold a session from 9:00 a.m. until 11:00 a.m. and from 3:00 p.m. until 5:00 p.m.

SECTION 7. Said chapter 51 is hereby further amended by striking out section 34, as so appearing, and inserting in place thereof the following 2 sections:-

Section 34. Except as otherwise provided in section 34A, after 5:00 p.m. of a day on which registration is to cease, the registrars shall not register in-person any person to vote in the

next primary or election; provided, however, that the registrars shall furnish, or cause to be furnished, to each person waiting in line at the hour of 5:00 p.m. for the purpose of being registered, a card or slip of identification bearing the person's name and shall, before registration ceases, permit the person to register.

Section 34A. (a) For purposes of this section, the term "proof of residence" shall mean documentation that includes the name of the applicant and the address from which the applicant is registering and is either:

(i) a valid photo identification including, but not limited to, a driver's license or other identification card issued by the commonwealth; or

(ii) other documentation demonstrating the name and address where the applicant maintains residence and seeks to register including, but not limited to, a copy of a current utility bill, bank statement, government check, residential lease agreement, wireless telephone statement, paycheck, other government document or correspondence or a current student fee statement or other document from a post-secondary educational institution that verifies the student's current address.

(b) An individual who is eligible to vote may register on the day of a primary or election by: (i) appearing in person: (A) on the day of a primary or election at the appropriate polling place for the precinct in which the individual resides, during the hours in which polls are open for voting; or (B) at an early voting site for the city or town in which the individual resides, during the hours it is open for voting; (ii) completing a registration application in a form prescribed by the state secretary that complies with identity requirements of 52 U.S.C. 21083; (iii) by presenting to the appropriate local election official proof of residence; and (iv) making

the following written oath: “I certify that I: am a citizen of the United States; am at least 18 years old; am not under guardianship that prohibits me from registering and/or voting or otherwise prohibited from voting; am not temporarily or permanently disqualified by law because of corrupt practices in respect to elections; have not and will not vote in any other location within the Commonwealth or elsewhere; and have read and understand this statement. I further understand that giving false information is a felony punishable by not more than 5 years imprisonment or a fine of not more than $10,000, or both.”.

(c) Upon meeting the requirements of subsection (b), the ballot clerk or a designee shall permit the applicant to vote in the primary or election. Any person who registers to vote during the early voting period or on the day of a primary or election in accordance with this section shall, absent disqualification, be registered to vote at all subsequent primaries and elections.

(d) An applicant who fails to present identification required by this section shall be permitted to cast a provisional ballot pursuant to section 76C of chapter 54, but shall be required to return within 2 business days after a presidential or state primary or within 6 days following a state election to present the required identification to the appropriate local election official for the local election official to determine whether the applicant was qualified to vote in the primary or election and whether to count the provisional ballot.

(e) Not less than 7 days prior to any primary or election, the registrars for each city or town shall publish all polling locations and the applicable dates and hours. Such notice shall be conspicuously posted: (i) in the office of the local election officials or on the principal official bulletin board of each city or town; (ii) on any other public building considered necessary; (iii) on the city or town's website, if any; and (iv) on the website of the state secretary.

(f) To the extent feasible, the state secretary shall make the statewide list of registered voters contained in the central registry of voters established in section 47C available to the local election officers at each polling location.

(g) The local election officials may correct information supplied by the applicant to the extent necessary to maintain the integrity of their records. If a voter registration affidavit is incomplete or if it appears from the facts set forth in the voter registration affidavit that the applicant is not qualified to register as a voter, the local election officials shall proceed in accordance with section 47.

(h) As soon as practicable after the primary or election, but not more than 30 days after the primary or election, the registrars shall add the name, address and effective date of registration of an individual registered on the day of a primary or election under this section to the annual register of voters.

(i) This section shall not apply to an individual seeking to register to vote in any town for the purposes of voting at an annual town meeting or special town meeting.

(j) A registered voter shall not be eligible to re-register on the day of a primary or election for the sole purpose of altering their party affiliation.

(k) (1) Upon receiving credible information or a credible allegation that an individual who registered to vote or voted, or attempted to register to vote or vote, on the day of a primary or election pursuant to this section engaged in conduct in violation of section 8 or section 26 of chapter 56, the attorney general or the district attorney having jurisdiction over the municipality in which the alleged conduct occurred shall investigate the merits of the information or allegation.

(2) An individual who engages in conduct in violation of section 8 or section 26 of chapter 56 while registering to vote or voting, or attempting to register to vote or vote, on the day of a primary or election pursuant to this section shall be punished under said section 8 or said section 26 of said chapter 56, as applicable.

(3) Nothing in this subsection shall exclude enforcement of this section by any means otherwise provided by law.

(l) The state secretary shall adopt rules or regulations to implement the relevant provisions of this section, including, but not limited to, a procedure for registrars to update the annual register of voters during an early voting period.

SECTION 8. Section 42G½ of said chapter 51, as so appearing, is hereby amended by inserting after the word “vote”, in line 57, the following words:- under subsection (d) of section 65.

SECTION 9. Said section 42G½ of said chapter 51, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) In accordance with the memorandum of understanding required by subsection (b), each eligible applicant for services at an automatic voter registration agency who meets the qualifications to register to vote and does not decline to register to vote under subsection (d) of section 65 shall be registered as a voter under said section 65 as of the date the registrars add the person’s name and address to the register of voters, pursuant to paragraph (4) of said subsection (d) of said section 65; provided, however, that an applicant who meets the qualifications to register to vote, does not decline to register to vote under said subsection (d) of said section 65 and completes a qualifying transaction with an automatic voter registration agency not less than

21 days before an election shall be entitled to vote in that election. If necessary to comply with federal law, the division of medical assistance and the commonwealth health insurance connector authority may allow an applicant to decline to register to vote at the time of application. Otherwise, all automatic voter registration agencies, including the registry of motor vehicles, shall transmit records of all eligible applicants as provided in subsection (e), and these applicants may decline to register to vote only after receiving notice from the registrars under paragraph (3) of said subsection (d) of said section 65.

SECTION 10. Chapter 54 of the General Laws is hereby amended by striking out section 14, as so appearing, and inserting in place thereof the following section:-

Section 14. For any primary or election, if the city or town clerk determines in writing that there is a deficiency in the number of required election officers within 6 weeks of the primary or election, the appointing authority may appoint election officers without regard to political party membership, voter status, residence in the city or town or inclusion on a list filed by a political party committee pursuant to said sections 11B and 12. If the position of warden, clerk or inspector, or deputy of any such officer, if any, is vacant within the 3 weeks preceding any primary or election, the city or town clerk may fill the vacancy by appointing a competent person willing to serve, without regard to political party membership, voter status, residence in the city or town or inclusion on a list filed by a political party committee pursuant to said sections 11B and 12.

SECTION 11. Said chapter 54 is hereby further amended by striking out section 25B, as so appearing, and inserting in place thereof the following section:-

Section 25B. (a)(1) The election officers and registrars of every city or town shall allow any registered voter, as defined in section 1 of chapter 51, to vote early by mail for any primary or election.

(2) Any registered voter wanting to vote early by mail may file with the voter's local election official an application for an early voting ballot for an election or for all elections during a calendar year. Any form of written communication evidencing a desire to have an early voting ballot sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. No application shall be deemed to be seasonably filed unless it is received in the office of the city or town clerk or registrars of voters before 5 P.M. on the seventh business day preceding the election.

(3) A family member of a person qualified to vote early by mail may apply in the manner described under paragraph (2) on behalf of such person. Such applicant shall state the applicant's relationship to the early voter, shall sign the application under the pains and penalties of perjury and shall transmit the application to the clerk of the city or town of the early voter's residence.

(4) A voter wishing to apply to vote early by mail in a presidential or state primary or state election and who needs accommodation by reason of disability and is unable to independently mark a paper ballot may apply for such accommodations in a form and manner prescribed by the state secretary. Accommodations shall include, but not be limited to: (i) clear and accessible electronic instructions for completion, printing and returning of the ballot; (ii) an accessible blank electronic application that can be: (A) completed by the voter electronically; (B) signed with a wet signature, a hand drawn electronic signature or the voter's typewritten name as a signature if the voter is unable to independently insert a hand-drawn signature on the

application due to a disability; and (C) submitted electronically, by mail or by delivering it, in person or by a family member, to the office of the appropriate city or town clerk; (iii) an authorized accessible blank electronic ballot that can be filled out electronically, printed and signed; provided, however, that the accessible electronic ballot marking system the voter utilizes to access their blank electronic ballot shall not collect or store any personally identifying information obtained in the process of filling out the ballot; (iv) an accessible electronic affidavit that may be used for certification of an accessible electronic ballot and signed with a wet signature, a hand-drawn electronic signature, or the voter's typewritten name as a signature if the voter is unable to independently insert a hand-drawn signature on the ballot due to a disability; (v) an envelope to return the ballot to the voter's town or city clerk with postage guaranteed; and (vi) hole punched markers in place of a wet signature required for certification if an electronic affidavit of certification is not utilized; provided, however, the electronic instructions and accommodations in this section shall comply with requirements contained in Title II of the federal Americans with Disabilities Act and shall conform to the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA and the National Institute of Standards and Technology report titled "Principles and guidelines for remote ballot marking systems." Upon printing the ballot, the voter shall place the ballot in the envelope provided by the state secretary. A voter with accommodations in receipt of a ballot pursuant to this section may complete and return the ballot by: (i) submitting it electronically; (ii) delivering it, in person or by a family member, to the office of the appropriate city or town clerk or a secured municipal drop box; or (iii) mailing it to the appropriate city or town clerk.

(5) A voter wishing to apply to vote early by mail in a municipal election and who needs accommodation by reason of disability and is unable to independently mark a paper ballot may

request an accommodation from their local election official. The request shall be received by the local election official not later than the seventh business day preceding the election. Upon receiving such a request from a registered voter by phone or electronically, the local election official shall grant reasonable accommodations to the voter.

(6) The state secretary shall establish, maintain and implement an internet portal on the secretary's website to allow a voter to request an early voting ballot for presidential and state primaries and state elections to be mailed to the voter's home address or a different mailing address as designated by the voter or to be provided electronically to voters approved to utilize an accessible electronic ballot as an accommodation under this section. Any request under this paragraph shall not require the voter's signature.

(7) The state secretary shall, not later than July 15 of every even-numbered year, mail to all registered voters who registered to vote before July 1 at their residential addresses, or mailing addresses if different from their residential address listed in the central registry, an application for an early voting ballot. Each application shall be pre-addressed to the city or town clerk with return postage guaranteed. Every such application shall be provided in any language required by the bilingual election requirements of the federal Voting Rights Act, 52 U.S.C. 10503. Every such application mailed to a voter in the city of Boston shall include an option, which shall appear prominently on the application, to request a ballot printed in any language available at the voter's polling location pursuant to chapter 166 of the acts of 2014. The state secretary need not mail an application to a voter whose previous application for an early voting ballot for all elections in the calendar year has been accepted. The state secretary shall, to minimize mailings and costs, seek to include said applications in any other mailings required by this chapter or otherwise issued to such registered voters at such time; provided, however, that such a mailing

shall clearly indicate that applications to vote early by mail are contained therein and that any voter who previously returned an accepted application to vote early by mail in the calendar year need not return an additional application.

(8) Upon receipt of an early voting application, the election officers shall verify the voter's information and, if confirmed, shall record the voter as "EV" on the voting list. If the election officers find that the person signing the application is not a duly registered voter or the family member of a voter, they shall send the voter written notice to that effect and shall preserve the application during the time fixed by law for the preservation of ballots cast in the coming election, after which time the application shall be destroyed.

(9) Early voting ballots authorized pursuant to this section shall be mailed by the appropriate local election officials as soon as such materials are available, but not later than 28 days before any primary or election, where feasible. The mailing of an early voting ballot shall include: (i) instructions for early voting; (ii) instructions for completing the ballot; (iii) an inner envelope where the ballot shall be placed after voting that contains an affidavit of compliance to be filled out by the voter and notice of the penalties under section 26 of chapter 56; and (iv) an outer envelope that is pre-addressed to the local election official with postage guaranteed.

(10) The provisions of section 81 relative to spoiled ballots shall apply to early voting ballots under this section; provided, however, that a request for a substitute ballot from a voter who has received a ballot by mail shall not be valid unless it is accompanied by the spoiled ballot and received in the office of the city or town clerk or the registrars before 5 p.m. on the fifth day preceding the election for which such substitute voting ballot is requested.

(11) An early voting ballot received by mail may be returned by the voter or a family member by: (i) delivering it in person to the office of the appropriate city or town clerk; (ii) delivering it to an early voting location for the appropriate city or town during the early voting in-person hours; (iii) dropping it in a secured municipal drop box; or (iv) mailing it to the appropriate city or town clerk.

All early voting ballots submitted by mail, delivered in person to the office of the city or town clerk, returned to a secured municipal drop box or returned electronically pursuant to the accommodations granted to a voter by reason of disability under paragraph (4) shall be received by the city or town clerk before the hour fixed for closing the polls on the day of a primary or election; provided, however, that an early voting ballot mailed on or before the day of a biennial state election shall be received until 5 p.m. on the third day after the election and shall be processed in accordance with section 95. A postmark, if legible, shall be evidence of the time of mailing.

(12) Upon receipt of a completed early voting ballot, the local election official shall open the outer mailing envelope and examine the inner secrecy envelope without opening it, compare the signature thereon with the signature on the application therefor, except if a family member signed the application, the voter received assistance in signing the application or the envelope, or the voter applied for the ballot under paragraph (6), and examine the affidavit on each such envelope. If the affidavit has been improperly executed or does not sufficiently indicate that the ballot was marked and mailed or delivered as required by this section, the local election official shall mark across the face thereof “Rejected as defective” and shall notify the voter and send the voter a new ballot. If the early voting ballot is accepted, the local election official shall record the date and secure the ballot in its envelope until processing in accordance with law.

(b)(1) The local election officers and registrars of every city and town shall allow any voter, as defined in section 1 of chapter 51, to vote early in person for any presidential or state primary or biennial state election and any city or town election held on the same day as a presidential or state primary or biennial state election. Any voter wishing to vote early in person in such elections may do so at the time, manner and location prescribed in this section.

(2) Early voting in-person shall be conducted:

(i) from the seventeenth day through the fourth day, inclusive, preceding a biennial state election and any city or town election held on the same day as a biennial state election; and

(ii) from the tenth day through the fourth day, inclusive, preceding a presidential or state primary and any city or town election held on the same day as a presidential or state primary.

Early voting weekend hours shall be conducted as follows: (i) for municipalities with fewer than 5,000 registered voters, for not less than 2 hours each weekend day; (ii) for municipalities with not less than 5,000 registered voters but fewer than 20,000 registered voters, for not less than 4 hours each weekend day; (iii) for municipalities with not less than 20,000 registered voters but fewer than 40,000 registered voters, for not less than 5 hours each weekend day; (iv) for municipalities with not less than 40,000 registered voters but fewer than 75,000 registered voters, for not less than 6 hours each weekend day; and (v) for municipalities with not less than 75,000 registered voters, for not less than 8 hours each weekend day. For each other day during the early voting period, early voting shall be conducted during the usual business hours of each city or town clerk. A city or town may provide for additional early voting hours beyond the hours required by this paragraph.

(3) Each city and town shall establish an early voting site that shall include the local election office for the city or town; provided, however, that if the city or town determines that the office is unavailable or unsuitable for early voting, the registrars of each city or town shall identify and provide for an alternative centrally-located, suitable and convenient public building within the city or town as an early voting site. A city or town may also provide for additional early voting sites at the discretion of the registrars for that city or town. Each early voting site shall be accessible to persons with disabilities.

(4) The designation of an early voting site shall be made not less than 14 days prior to the beginning of the early voting period established in this section. Not less than 7 days prior to the beginning of the early voting period and at least once during the voting period, the registrars for each city and town shall publish notice of the location of the early voting sites as well as the applicable dates and hours. Such notice shall be conspicuously posted: (i) in the office of the local election official and on the principal official bulletin board of each city or town; (ii) on any other public building considered necessary; (iii) on the city or town's website, if any; and (iv) on the website of the state secretary.

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

(6) A voter seeking to vote in person at an early voting site shall provide their name and address to the local election officer who shall, upon finding the voter’s name and address upon

the list, repeat it loudly and clearly, mark the list and provide the voter with an early voting ballot and an envelope containing an affidavit, which shall include a notice of penalties under section 26 of chapter 56.

The registrar or presiding election officer at the early voting site shall cause to be placed on the voting list opposite the name of a qualified voter who participates in early voting, the letters "EV" designating an early voter.

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

(c) The registrars shall prepare lists of all voters casting ballots during the early voting period and update the voter list in a manner prescribed by the state secretary. Once an early voting ballot is cast, the voter shall not vote again.

(d) The early voting ballot of any voter who was eligible to vote at the time the ballot was cast shall not be invalid solely because the voter became ineligible to vote by reason of death after casting the ballot. For purposes of this subsection, the term “cast” shall mean that the voter has: (i) deposited the early voting ballot in the mail for ballots mailed; (ii) returned the early voting ballot to the appropriate local election official either by hand or by depositing it in the municipal drop box, where available; (iii) completed voting in person at an early voting location;

or (iv) the ballot is returned electronically pursuant to the accommodations granted to a voter by reason of disability under paragraph (4) of subsection (a).

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

(f) Not less than 30 days prior to each presidential primary, state primary and state election, the state secretary shall deliver to each city and town, in quantities as the state secretary determines necessary, pre-addressed and with postage prepaid: (i) official early voting ballots similar to the official ballot to be used at the election; and (ii) envelopes of sufficient size to contain the ballots specified in clause (i) bearing on their reverse the voter's affidavit in compliance.

(g) Any early voting ballot cast pursuant to this section may be opened and deposited into a tabulator in advance of the date of the primary or election in accordance with regulations promulgated by the state secretary; provided, however, that such ballots shall be kept secured, locked and unexamined and that no results shall be determined or announced until after the time polls close on the date of the primary or election. Disclosing any such result before such time shall be punished as a violation of section 14 of chapter 56.

All envelopes referred to in this section shall be retained with the ballots cast at the primary or election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

(h) The state secretary shall promulgate regulations to implement this section including, but not limited to, a process for establishing additional early voting sites and a process for applying for, receiving, separating, compiling, recording and securing early ballots and advance depositing.

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

(j)(1) The select board, board of selectmen, town council or city council of each city and town may vote to authorize early in-person voting for any other city or town election not included in subsection (b). Such vote may only be taken after a request from the city or town clerk or authorized local election official recommending in-person early voting; provided, however, that such vote shall occur not less than 5 business days prior to the proposed beginning of early voting.

(2) As part of the vote to allow early in-person voting under this subsection, a city or town shall set the early voting period to begin not sooner than 17 days before the election and end not later than 2 business days preceding the election.

(3) Early voting under this subsection shall be conducted during the usual business hours of the city or town clerk unless different hours are set as part of the vote to allow early in-person voting, including any weekend hours.

(4) The city or town clerk shall establish an early voting site for early in-person voting under this subsection that is centrally-located, suitable and in a convenient public building.

Notice of the early voting location, dates and hours shall be posted not less than 48 weekday hours before the early voting period begins.

(5) A voter voting early in person under this subsection shall be provided with a ballot and an envelope where the ballot is placed after voting that contains an affidavit of compliance to be filled out by the voter. A voter voting early in person shall complete an affidavit under the regulations promulgated by the state secretary for the administration of early voting, as applicable, which shall include a notice of penalties under section 26 of chapter 56.

SECTION 12. Section 31 of said chapter 54, as so appearing, is hereby amended by striking out the second paragraph.

SECTION 13. Said chapter 54 is hereby further amended by striking out section 67, as so appearing, and inserting in place thereof the following section:-

Section 67. One voting list shall be delivered to the ballot clerks and another may be delivered to the officer in charge of the ballot box; provided, however, that the city or town clerk may opt to use only 1 voting list at the check in. When a ballot is delivered to a voter, the voter's name shall be checked on the voting list and, except where the city or town clerk has opted to not use a check-out list, it shall be checked on the second voting list when the voter deposits the ballot. Where a check-out list is used, the officer in charge of the ballot box and the officer in charge of the voting list shall be of different political parties. No person shall vote if the person's name is not on the voting list, nor until the local election officer shall check the person's name thereon, unless the person presents a certificate from the registrars of the city or town as provided by section 51 or section 59 of chapter 51 or unless the person is voting by provisional

ballot under section 76C. A city or town may vote to use electronic poll books rather than paper voting lists in accordance with section 33I.

SECTION 14. Said chapter 54 is hereby further amended by striking out section 83, as so appearing, and inserting in place thereof the following section:-

Section 83. In a precinct at which a check-out table is used, a voter, after marking the voter's ballot, shall give the voter's name, and, if requested, residence, to an officer in charge of the ballot box, who shall distinctly announce the voter's name and, if requested, residence. If the name is found on the voting list by the local election officer, the local election officer shall distinctly repeat the name and check it on the voting list. The voter may then deposit the ballot in the ballot box with the official endorsement uppermost and in sight. No ballot without the official endorsement, except as provided in section 61, shall be deposited in the ballot box. A city or town clerk may opt to eliminate the use of a voting list at the check-out table but shall maintain an officer in charge of the ballot box.

SECTION 15. Section 89 of said chapter 54, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:-

No application for an absent voting ballot to be sent by mail shall be deemed to be seasonably filed unless it is received in the office of the city or town clerk or registrars before 5 p.m. on or before the seventh business day preceding the election for which the ballot is being requested.

SECTION 16. Said chapter 54 is hereby further amended by inserting after section 89 the following section:-

Section 89B. (a) For the purposes of this section, “facility” shall include a correctional facility, house of correction or jail.

(b) The officer in charge of a facility shall:

(i) not later than 30 days prior to a presidential primary or July 15 of other even-numbered years: (A) display in prominent locations visible to individuals who are incarcerated at the facility, a poster of voting rights and procedures prepared by the state secretary; and (B) distribute to all individuals who are incarcerated who may be eligible to vote, written information about voting rights and procedures prepared by the state secretary;

(ii) for all primaries and elections, assist an individual who is incarcerated who may be eligible to vote in registering as a voter and in applying for a mail ballot, including as specially qualified voters, and distribute forms prepared by the state secretary for those purposes;

(iii) ensure the receipt, private voting, where possible, and return of mail ballots by an eligible individual who is incarcerated;

(iv) appoint a subordinate officer at the facility to supervise the actions required by this section; and

(v) not later than 14 days before every presidential and regular state primary and biennial state election, file a written report with the state secretary, in a form prescribed by the state secretary, that details the actions taken under this section. The report shall be a public record.

SECTION 17. Section 91B of said chapter 54, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word “prepaid”, in line 5, the following words:- and with return postage guaranteed.

SECTION 18. Section 92 of said chapter 54, as so appearing, is hereby amended by adding the following subsection:-

(d) The absent voting ballot of any voter who was eligible to vote at the time the ballot was cast shall not be deemed invalid solely because the voter became ineligible to vote by reason of death after casting the ballot. For purposes of this subsection, the term “cast” shall mean that the voter has: (i) deposited the absent voting ballot in the mail for ballots mailed; or (ii) returned the absent voting ballot to the appropriate local election official either by hand or by depositing it in the municipal drop box, where available.

SECTION 19. Said chapter 54 is hereby further amended by striking out section 93, as so appearing, and inserting in place thereof the following section:-

Section 93. All absent voting ballots submitted by mail, delivered in person to the office of the city or town clerk, returned to a secured municipal drop box shall be received by the city or town clerk before the hour fixed for closing the polls on the day of a primary or election; provided, however, that an absent voting ballot mailed on or before the day of a biennial state election shall be received until 5 p.m. on the third day after the election and shall be processed in accordance with section 95. A postmark, if legible, shall be evidence of the time of mailing.

SECTION 20. Section 95 of said chapter 54, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following 2 paragraphs:-

Any absent voter ballot cast pursuant to section 86 may be opened and deposited into a tabulator in advance of the date of the primary or election in accordance with regulations promulgated by the state secretary; provided, however, that such ballots shall be kept secured, locked and unexamined and that no results shall be determined or announced until after the time

polls close on the date of the primary or election. Disclosing any such result before such time shall be punished as a violation of section 14 of chapter 56.

If not advance deposited, the city or town clerk, on the day of the election but not later than 1 hour after the hour for the closing of the polls, shall transmit all envelopes purporting to contain official absent voting ballots received on or before the close of business on the day preceding the day of the election, and that have not been marked “Rejected as Defective” as provided in section 94, to the local election officers in the several precincts where the voters whose names appear on such envelopes assert the right to vote or to a central tabulation facility designated in accordance with regulations promulgated by the state secretary. The local election officer in charge of the polling place or central tabulation facility shall immediately, after receipt of any such envelopes, distinctly announce the name and residence of each such voter and check the voter’s name on the voting lists referred to in section 60 of chapter 51, on the voter’s certificate of supplementary registration attached to such lists as provided in section 51 of said chapter 51 or on the copy of the lists of specially qualified voters, disposition list required by section 91A, as the case may be, if it has not already been so checked. The city or town clerk shall open the envelopes in which the ballot is enclosed in such a manner as not to destroy the affidavit thereon, take the ballot therefrom without opening it or permitting it to be examined and deposit it in the ballot box. All envelopes referred to in this section shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

SECTION 21. Section 100 of said chapter 54 is hereby repealed.

SECTION 22. Not later than July 1, 2022, the state secretary shall: (i) implement the portal required by paragraph (6) of subsection (a) of section 25B of chapter 54 of the General Laws, as inserted by section 11; and (ii) enter into the agreement with the Electronic Registration Information Center, Inc. as required by section 47C of chapter 51 of the General Laws.

SECTION 23. Sections 3 and 7 shall take effect on July 1, 2022.