

SENATE No. 469

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

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 the feasibility of mobile voting for active-duty service members, voters with disabilities and municipalities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>2/26/2021</i>

SENATE No. 469

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 469) of Barry R. Finegold and Andres X. Vargas for legislation relative to the feasibility of mobile voting for active-duty service members, voters with disabilities and municipalities. Election Laws.

The Commonwealth of Massachusetts

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

An Act relative to the feasibility of mobile voting for active-duty service members, voters with disabilities and municipalities.

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. (a) For the purposes of this act, the following words shall have the
2 following meanings unless the context clearly requires otherwise:

3 "disability", means a disability as defined in the Americans with Disabilities Act of 1990
4 as amended by 42 U.S.C. 12102.

5 "remote ballot marking device" means a smartphone, tablet or computer that produces a
6 paper ballot at the at the office of the municipal voting official, a receipt for the voter and an
7 auditable database of anonymized votes.

8 "secretary", means the secretary of the commonwealth of Massachusetts

9 SECTION 2. (a) The Secretary shall establish a municipal elections mobile voting pilot
10 program to test the viability, efficacy and security of mobile voting in municipal elections and
11 shall promulgate regulations to implement the program; provided, however, that the regulations

12 establish an application process for municipalities to apply for and receive approval from the
13 secretary's office to implement and execute the pilot program. To gain approval, Municipalities
14 may provide proof to the secretary's office that they have adequate funds and security protocols
15 to implement and execute the pilot program.

16 (b) The pilot program shall allow approved municipalities to establish use of remote
17 ballot marking devices as a voting option for active registered voters in approved municipal
18 elections. The secretary shall provide for a pilot program for integration with the state voters
19 registration system, by a biometrically secure authentication, electronic ballot delivery,
20 electronic return of completed ballots, an easy way to tabulate and consolidate the results and
21 provide for post-election audits.

22 (c) The pilot program shall include: (i) independent security evaluation and post-election
23 audits; and (ii) automatic preparation of tabulatable ballots that provide for automatically
24 printed ballots, which can be inserted directly into and read by a ballot tabulating machine.
25 Municipalities shall partner with a United States company that has been successfully used in
26 elections in other jurisdictions and demonstrated security and capacity to deliver the
27 requirements of the pilot program.

28 (e) The secretary shall ensure that an application for municipalities to apply for approval
29 to participate in the municipal elections mobile voting pilot program is available by April 1,
30 2022.

31 SECTION 3. A commission is hereby established on the status of Massachusetts's mobile
32 voting for military service members and individuals with disabilities, for the purpose of making
33 an investigation and study relative to such participation and the pilot program established by this

act. The commission shall consist of 11 members: the house and senate chairs of the joint committee on election laws or designees, who shall serve as co-chairs of the commission; 2 members of the senate, 1 of whom shall be appointed by the minority leader; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; the secretary or designee; the Adjutant General of the Massachusetts National Guard or designee; the executive director of the Massachusetts Municipal Association, Inc. or designee; and two representatives of the disabilities community, one of whom is chosen by the Speaker of the House and one of whom is chosen by the Senate President.

The commission shall report no later than 180 days from the date of enactment to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the Clerk of the Senate and the Clerk of the House of Representatives.