

SENATE No. 484

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

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 modernizing access and improving laws in voting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Rebecca L. Rausch	Norfolk, Bristol and Middlesex	
Maria Duaine Robinson	6th Middlesex	1/11/2021
Sonia Chang-Diaz	Second Suffolk	1/19/2021
Danillo A. Sena	37th Middlesex	1/28/2021
Jason M. Lewis	Fifth Middlesex	2/5/2021
David Henry Argosky LeBoeuf	17th Worcester	2/8/2021
Jack Patrick Lewis	7th Middlesex	2/9/2021
Joanne M. Comerford	Hampshire, Franklin and Worcester	2/9/2021
Steven C. Owens	29th Middlesex	2/9/2021
Sal N. DiDomenico	Middlesex and Suffolk	2/10/2021
Vanna Howard	17th Middlesex	2/11/2021
James B. Eldridge	Middlesex and Worcester	2/16/2021
Marcos A. Devers	16th Essex	2/16/2021
Michael O. Moore	Second Worcester	2/23/2021
Erika Uytterhoeven	27th Middlesex	2/26/2021

SENATE No. 484

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 484) of Rebecca L. Rausch, Maria Duaime Robinson, Sonia Chang-Diaz, Danillo A. Sena and other members of the General Court for legislation to modernize access and improving laws in voting. Election Laws.

The Commonwealth of Massachusetts

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

An Act modernizing access and improving laws in voting.

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. Section 44 of Chapter 51 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended in line 7 by inserting after the words “voter registration.” the
3 following sentence:- A person registering as a voter may, at the same time, establish their status
4 as a permanent mail voter, as provided in section 25C of chapter 54, by indicating their desire to
5 elect such status on the affidavit of voter registration.

6 SECTION 2. Chapter 51 of the General Laws, as so appearing, is hereby amended by
7 striking section 47C in its entirety and inserting in place thereof the following section:-

8 Section 47C. Central registry of voters; agreement with Electronic Registration
9 Information Center, Inc.

10 (a) Subject to appropriation, the secretary of state shall maintain a central registry of
11 voters in accordance with this section.

12 (b) Information contained in the central registry shall be provided by the registrars or
13 equivalent in the commonwealth's cities and towns.

14 (c) The central registry shall contain, without limitation, the following information about
15 each registered voter in the commonwealth:

16 (1) Full name;

17 (2) Former name, if any;

18 (3) Residential address;

19 (4) Date of birth;

20 (5) Political party enrollment or designation; and

21 (6) Effective date of registration.

22 (d) The central registry may contain, without limitation, the following information about
23 residents of the Commonwealth age 16 and over:

24 (1) Full name;

25 (2) Former name, if any;

26 (3) Residential address on January first in the current year;

27 (4) Residential address on January first in the preceding year;

28 (5) Date of birth;

29 (6) Occupation;

30 (7) Veteran status; and

31 (8) Nationality, if not a citizen of the United States.

32 (e) The central registry shall be digitally maintained using the most advanced applicable
33 technology reasonably available to the state secretary.

34 (f) The information contained in the central registry pursuant to paragraph (c) shall be:

35 (1) available to state party committees, statewide candidate committees, state ballot
36 question committees, the jury commissioner, adjutant general and any other individual, agency
37 or entity that the state secretary shall designate by regulation consistent with the purposes of this
38 section, at a fair and reasonable cost not to exceed the cost of printing in hard copy, if requested,
39 or issuing computer-readable data files; and

40 (2) provided by the state secretary to the election officials at each polling place in the
41 commonwealth in digital format sufficient to allow for designated election officials to conduct
42 real-time searches of the registry and to modify a voter's registration information upon
43 presentation by the voter of appropriate documentation to justify the modification.

44 (g) The state secretary shall use all reasonable efforts to secure federal funding to
45 maintain the central registry consistent with the provisions of this section and provide its
46 information as required in paragraph (f)(2).

47 (h) The state secretary shall adopt regulations governing the operation of the central
48 registry consistent with the provisions of this section.

49 (i) Not later than April 30, 2021, the state secretary shall enter into an agreement with the
50 Electronic Registration Information Center, Inc. on behalf of the commonwealth that shall

51 specify the terms and conditions of the commonwealth's membership in the Center. The
52 agreement shall include terms providing for the periodic sharing of data between the central
53 registry, the registry of motor vehicles and any other automatic voter registration agency as
54 designated by the secretary, and the Center, including, but not limited to, voter names and
55 addresses.

56 (j) The state secretary shall certify compliance with paragraph (i) not later than May 3,
57 2021, and file such certification with the clerks of the senate and house of representatives and the
58 chairs of the joint committee on election laws. Should the secretary fail to comply with the
59 requirements of paragraph (i), the state secretary shall instead file a report detailing the specific
60 reasons for such noncompliance, as well as all specific efforts undertaken by the state secretary
61 or any of their representatives or designees to achieve compliance with paragraph (i) in each of
62 the calendar years 2018, 2019, 2020, and 2021.

63 SECTION 3. Section 65 of Chapter 51 of the General Laws, as so appearing, is hereby
64 amended by striking out subparagraph (3) of paragraph (d) and inserting in place thereof the
65 following:-

66 (3) The registrars shall notify each person under paragraph (1) of the person's
67 opportunity to: (i) decline to register to vote; (ii) adopt a political party affiliation, in which case
68 the person shall also sign an eligibility requirement acknowledgement and attestation; and (iii)
69 become a permanent mail voter as provided in section 25C of chapter 54. Such notification shall
70 be provided in English and Spanish and any additional languages to be determined by the state
71 secretary. The registrars shall include with such notification a postage guaranteed permanent
72 mail voter status request form, as provided in section 25C of chapter 54.

73 SECTION 4. Chapter 53 of the General Laws is hereby amended by striking out the first
74 paragraph of section 28 and inserting in place thereof the following paragraph:-

75 State primaries shall be held on the second Tuesday in June in even-numbered years and
76 on the fourth Tuesday preceding special state elections, except that primaries before special
77 elections for senator or representative in congress shall be held on the sixth Tuesday preceding
78 said elections. If a religious holiday falls on or immediately before the second Tuesday in June in
79 an even-numbered year, the state primary shall be held on a date set by the general court within
80 seven days of the second Tuesday in June. The state secretary shall publish the date of the state
81 primary not later than February 1 of each even-numbered year by: (i) providing notice of the date
82 to the state parties; (ii) filing notice with the state publications and regulations division; (iii)
83 posting the information on the website of the state secretary; and (iv) any other means necessary
84 to ensure proper notification. Presidential primaries shall be held on the first Tuesday in March
85 in any year in which presidential electors are to be elected. Notwithstanding any provision of law
86 to the contrary, any town may hold its preliminary or regular town elections on the same date
87 designated as the date to hold a presidential primary, in any year in which presidential electors
88 are to be elected, or a state primary, in any even-numbered year, provided that such election is by
89 a ballot independent of the ballot used for a presidential primary or state primary. City and town
90 primaries before all city and town elections shall be held on the twenty-eighth day preceding
91 such elections.

92 SECTION 5: Section 24 of chapter 54 of the General Laws, as appearing in the 2018
93 Official Edition, is hereby amended by striking out the word “aldermen” each time it appears and
94 inserting in place thereof the words:- city council; and further amended by striking out the word
95 “selectmen” each time it appears and inserting in place thereof the words:- select board or town

96 council; and further amended by adding the following sentence:- The board of election
97 commissioners in the city of Boston, the city council in any other city or the select board or town
98 council in any town shall designate at least one polling place located within one mile of any
99 public or private institution of higher education located within the geographical limits of the city
100 or town, including without limitation any community college as defined in section 10 of chapter
101 15A.

102 SECTION 6. Section 25B of chapter 54 of the General Laws, as appearing in the 2018
103 Official Edition, is hereby amended by striking out paragraphs (b) and (e), and further amended
104 by adding to paragraph (a) the following sentence:- A municipality's select board, town council
105 or city council may, upon recorded and public vote, further authorize in-person early voting
106 pursuant to this section for any other annual or special municipal or state primary or election.

107 SECTION 7. Chapter 54 of the General Laws, so appearing, is hereby amended by
108 inserting after section 25B the following section:-

109 Section 25C. Voting by mail and permanent mail voter status.

110 (a) The election officers and registrars of every city or town shall allow any qualified
111 voter, as defined in section 1 of chapter 51, to cast a mail ballot for any annual or special
112 municipal or state primary or election as set forth in this section.

113 (b) Any qualified voter may opt to vote by mail by: (1) filing with their local election
114 official a mail voting application in a form prescribed by the state secretary and made available
115 in paper and electronic formats; or (2) submitting a mail voting application using the secure
116 online portal provided by the state secretary pursuant to paragraph (d). Mail voting applications
117 shall be acceptable if they are signed or submitted electronically without signature. A mail voting

118 application shall be deemed to be seasonably filed if received in the office of the city or town
119 clerk or registrars of voters before 5 P.M. on the Thursday prior to the primary or election;
120 provided, however, that a mail ballot may be requested and received in person consistent with
121 paragraph (f) after 5 P.M. on the Thursday prior to the primary or election and before 5 P.M. on
122 the day prior to the primary or election during regular operating hours.

123 (c)(1) Any qualified voter may become a permanent mail voter by:

124 (i) filing with the state secretary a permanent mail voter status request in a form
125 prescribed by the secretary and made available in paper and electronic formats;

126 (ii) indicating their request to establish permanent mail voter status on an affidavit of
127 registration as provided in section 44 of chapter 51; or

128 (iii) opting into permanent mail voter status using the secure online portal provided by the
129 state secretary pursuant to paragraph (d).

130 (2) A voter who opts to become a permanent mail voter pursuant to this paragraph shall
131 be treated as having completed and returned a mail voting application for each annual or special
132 municipal or state primary or election for which they remain qualified to vote. A voter who has
133 opted to become a permanent mail voter may choose to receive their mail ballot at an address
134 other than the residential address listed in the central registry of voters using the secure online
135 portal provided by the state secretary pursuant to paragraph (d). A permanent mail voter who is
136 not enrolled in a political party may select their desired political party primary ballot using the
137 secure online portal provided by the state secretary pursuant to paragraph (d); provided,
138 however, that a permanent mail voter who is not enrolled in a political party will not receive a
139 primary mail ballot unless such selection is made.

140 (3) Any registered voter who requested and cast a vote by mail ballot in both the 2020
141 state primary and 2020 election shall be automatically enrolled as a permanent mail voter
142 pursuant to this section.

143 (4) A voter may terminate their status as a permanent mail voter at any time by: (i) filing
144 with the state secretary a permanent mail voter termination request in a form prescribed by the
145 secretary and made available in paper and electronic formats; or (ii) so indicating using the
146 secure online portal provided by the state secretary pursuant to paragraph (d).

147 (d) The state secretary shall implement and maintain a secure online portal to allow any
148 qualified voter to: (i) submit a mail voting application; (ii) establish or terminate their status as a
149 permanent mail voter; (iii) select a desired political party primary ballot, if the voter is not
150 enrolled in a political party; and (iv) request a vote by mail ballot be sent to a mailing address
151 other than the voter's address on file in the central registry of voters. The portal system shall not
152 require the voter's signature.

153 (e) A voter wishing to apply to vote by mail or establish or terminate permanent mail
154 voter status who needs accommodation in the application, request, or voting processes by reason
155 of disability may request such accommodation(s) from the state secretary. Upon receiving
156 information from the voter consistent with the application and request provisions in this section
157 either by phone or electronically, the state secretary shall grant accommodations to the voter.
158 Accommodations shall include, but not be limited to: (i) clear and electronic accessible
159 instructions for completion, printing and returning of a vote by mail ballot; (ii) an authorized
160 accessible blank electronic ballot that can be filled out electronically, printed and signed;
161 provided, however, that the accessible electronic ballot marking system the voter utilizes to

162 access their blank electronic ballot shall not collect or store any personally identifying
163 information obtained in the process of filling out the ballot; (iii) an envelope to return the ballot
164 to the voter's town or city clerk; and (iv) hole punched markers in place of a wet signature
165 required for certification. The electronic instructions and accommodations in this section shall
166 comply with requirements contained in Title II of the federal Americans with Disabilities Act
167 and shall conform to the Web Content Accessibility Guidelines (WCAG) 2.1 AA and the
168 National Institute of Standards and Technology report titled "Principles and guidelines for
169 remote ballot marking systems." Upon printing the ballot, the voter shall place the ballot in the
170 envelope provided by the state secretary.

171 (f) Local election officials shall deliver vote by mail ballots to voters as soon as such
172 materials are available; provided, however, that said mailing shall include: (i) instructions for
173 voting by mail; (ii) instructions for completing the vote by mail ballot; (iii) an inner envelope in
174 which the ballot is placed after voting containing an affidavit in compliance with the
175 requirements of paragraph (j) of section 25B of chapter 54 of the General Laws, to be completed
176 by the voter or appropriate designee; and (iv) an outer envelope that is pre-addressed to the local
177 election official with postage guaranteed; provided further, that a voter may request a vote by
178 mail ballot and accompanying papers in person at the office of the local election official, and
179 may complete and return said ballot in person as part of the same transaction.

180 (g) A voter in receipt of a vote by mail ballot pursuant to this section may complete and
181 return the ballot by: (i) delivering it in person to the office of the appropriate local election
182 official; (ii) dropping it in a secured municipal ballot drop box; (iii) mailing it to the appropriate
183 local election official; or (iv) delivering it in person to their regular polling place prior to the
184 closing of the polls on a primary or election day.

185 (h) Each municipality shall maintain at least one secured municipal ballot drop box in a
186 public location that is accessible to voters for not less than twelve hours each day, including
187 business hours. A municipality with more than twenty-five thousand registered voters shall
188 maintain at least one secured municipal ballot drop box for each twenty-five thousand registered
189 voters during any voting by mail period. Locations for municipal ballot drop boxes shall be
190 selected by the select board, town council or city council to prioritize, to the extent feasible: (i)
191 proximity to public transportation and availability of parking; (ii) equitable distribution across
192 population centers; (iii) access for persons with disabilities; and (iv) use of public buildings. A
193 municipality shall maintain such ballot drop boxes from the earliest date that ballots become
194 available to voters through the hour fixed for the closing of the polls for any annual or special
195 municipal or state primary or election. A municipality with fewer than five thousand voters in
196 excess of any twenty-five thousand registered voter increment may apply to the state secretary
197 for waiver of the requirement to maintain an additional secured municipal ballot drop box for
198 such population. The state secretary shall grant a waiver application made under this paragraph
199 upon a determination that such waiver would serve the public interest.

200 (i) The registrars or local election officials shall prepare lists of all voters casting ballots
201 by mail pursuant to this section. The registrar or other designated election official shall cause to
202 be placed on the voting lists opposite the name of a qualified voter who requests a vote by mail
203 ballot by mail the letters “EV,” but shall not strike out the voter’s name unless the voter’s ballot
204 has been received by the local election official. The official or designee shall strike out the
205 voter’s name upon receipt and processing of the vote by mail ballot. A qualified voter who has
206 requested but not returned an early voting by mail ballot may vote in person in any annual or
207 special municipal or state primary or election.

208 (j) All mail voting ballots delivered in person to the office of the local election official,
209 returned to a secured municipal drop box, or returned in person to a voter's regular polling place
210 on the date of a primary or election as provided in this section shall be received by the local
211 election official before the hour fixed for closing the polls. A vote by mail ballot submitted by
212 mail that is mailed on or before the date set for the primary or election and received by the local
213 election official not later than 5 P.M. on the tenth day following the primary or election shall be
214 processed in accordance with the second paragraph of section 95 of chapter 54. A postmark, if
215 legible, shall be evidence of the time of mailing.

216 (k) Notwithstanding any general or special law to the contrary, any vote by mail ballot
217 cast pursuant to this section may be opened in advance of the applicable annual or special
218 municipal or state primary or general election, and deposited into a tabulator or a ballot box in a
219 municipality or precinct that uses paper ballots in advance of the date of the applicable annual or
220 special municipal or state primary or general election or at any time following the closing of the
221 polls on the date of a municipal or state primary or general election; provided, however, that such
222 ballots shall be kept secured, locked and unexamined, and that no results shall be determined or
223 announced until after the time polls close on the date of the primary or the general election.
224 Disclosing any such result before such time shall be punished as a violation of section 14 of
225 chapter 56.

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

229 (m) The department of corrections, in conjunction with the state secretary and local
230 elections officials, shall ensure that eligible voters who are incarcerated shall have access to
231 voting by mail. No incarcerated individual who is eligible to vote shall be deprived of a mail
232 voting application, a vote by mail ballot, a writing implement sufficient to properly complete the
233 vote by mail ballot, or the ability to return the ballot by mail. Notwithstanding any special or
234 general law to the contrary, no employee, contractor, agent, official, or representative of the
235 department of corrections shall open or inspect any outgoing completed mail voting application
236 or vote by mail ballot. The department of corrections shall convey to the federal postal
237 authorities any outgoing completed mail voting application or vote by mail ballot within 24
238 hours of collection, except on Sundays or postal holidays.

239 (n) The state secretary shall promulgate regulations to implement this section.

240 SECTION 8. Section 72 of chapter 54 of the General Laws, so appearing, is hereby
241 amended by striking out the word “shall” and inserting in place thereof the following words:-
242 may opt to.

243 SECTION 9. Not later than June 30, 2022, the state secretary shall mail to all registered
244 voters at their residential addresses, or mailing addresses if different from their residential
245 addresses listed in the central registry of voters, a permanent mail voter status request form as
246 provided in section 25C of chapter 54, unless the voter previously established their status as a
247 permanent mail voter. The mailing shall: (i) include clear instructions for completing and
248 returning the application; (ii) allow a voter to designate the mailing address to which their ballots
249 shall be sent; and (iii) be pre-addressed to the local election official with postage guaranteed.

250 SECTION 10. Not later than June 30, 2022, the state secretary shall conduct a public
251 awareness campaign to inform voters throughout the commonwealth of the provisions of this act,
252 including, but not limited to, measures to promote public awareness of permanent mail voter
253 status and expanded mail voting options. The public awareness campaign shall be linguistically
254 diverse and culturally competent and shall include, but not be limited to, outreach through digital
255 and social media.

256 SECTION 11. Chapter 149 of the general laws is hereby amended by striking out section
257 178 and inserting in place thereof the following section:-

258 Section 178. Paid leave of absence from work for voting.

259 (a) For purposes of this section, the terms "employer" and "employee" shall be defined as
260 in section 1 of chapter 175M.

261 (b) An employee who is eligible to vote shall be entitled, upon request, to take two hours
262 of paid leave to be used for the purpose of casting a ballot in any annual or special municipal or
263 state primary or election. An employee may elect to take their two hours of paid voting leave at
264 any point during the early voting period provided in section 25B of chapter 54, the mail voting
265 period provided in section 25C of chapter 54, or on the date of a primary or election.

266 (c) It shall be unlawful for any employer to interfere with, restrain, or deny the exercise
267 of, or the attempt to exercise, the right to take paid voting leave under this section as a negative
268 factor in any employment action such as evaluation, promotion, disciplinary action or
269 termination, or otherwise subjecting an employee to discipline for the use of paid voting leave
270 under this section.