

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Diana DiZoglio, (BY REQUEST)***

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*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 accessible electronic voting.

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PETITION OF:

NAME:

*Halley Kelly*

DISTRICT/ADDRESS:

*102 Eastman Lane, Amherst, MA 01003*

**SENATE . . . . . No.**

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By Ms. DiZoglio (by request), a petition (accompanied by bill) (subject to Joint Rule 12) of Halley Kelly for legislation relative to accessible electronic voting. Election Laws.

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**The Commonwealth of Massachusetts**

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

An Act relative to accessible electronic 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 Chapter 54 of the General Laws is hereby amended by adding the following section:-

2 Section 163. Accessible Remote Voting for Voters with Print Disabilities

3 (a) Definitions. The following definitions apply to this section 163

4 “WCAG 2.1” means the World Wide Web Consortium’s Web Content Accessibility  
5 Guidelines version 2.1, Level AA criteria that affect users with vision disabilities, available at  
6 [www.w3.org/TR/WCAG/](http://www.w3.org/TR/WCAG/). Unless otherwise provided in this Agreement, technical terms used in  
7 this Agreement have the same meaning as provided in WCAG 2.1.

8 “Print disabilities” are disabilities that make it difficult or impossible for an individual to  
9 effectively access standard print materials. Such disabilities include blindness, low 2 17442567.1  
10 17442567.2 vision, mobility/dexterity disabilities, or other disabilities that prevent or  
11 substantially limit access to standard printed text because the individual with the disability  
12 cannot read, write, hold, physically manipulate, or otherwise use standard print materials.

13 “Accessible Forms” are forms, applications, ballots, or transactions that are electronically  
14 fillable and submissible, produce a savable confirmation of submission for users, and are  
15 compliant with WCAG 2.1 AA.

16 “Accessible Ballots” are electronically fillable and submissible and are compliant with  
17 WCAG 2.1 AA. Accessible Ballots are received, marked, cast and submitted electronically, and  
18 ensure privacy and independence in voting for individuals with print disabilities who use  
19 common assistive technology, such as standard screen reader software (e.g., Job Access With  
20 Speech (“JAWS”), NonVisual Desktop Access (“NVDA”), VoiceOver, or Narrator), sip and puff  
21 devices (e.g., Sip/Puff Breeze, Jouse2), magnification, or speech to text software independently.

22 “Remote Voting Programs” are voting programs available to Massachusetts voters, such  
23 as the Absentee Voting Program and the Vote by Mail Program currently in effect until  
24 December 15, 2021, that permit a voter to privately and independently cast a ballot from a  
25 location other than an official polling site by mail, email, fax, and a web-based or other  
26 electronic system.

27 “Absentee Voting Program” is a voting program available in all Massachusetts elections  
28 for voters deemed to qualify to receive an absentee ballot. Registered Massachusetts voters are  
29 eligible to request and utilize an absentee ballot if they:

30 (1) are going to be absent from the city or town where they are registered to vote during  
31 polling hours on election day;

32 (2) have a disability that keeps them from voting at their polling site on election day; or

33 (3) are unable to cast their vote in person on election day due to their religious beliefs.

34 Massachusetts citizens who are not registered voters are eligible to vote absentee if they  
35 are:

36 (1) a military voter on active duty or a dependent family member of active-duty personnel  
37 protected by the Uniformed and Overseas Citizens Absentee Voting Act;

38 (2) a Massachusetts citizen residing outside of the United States protected by the  
39 Uniformed and Overseas Citizen Absentee Voting Act;

40 (3) a voter who has been admitted to a hospital within one week of the election; or

41 (4) a voter who is incarcerated.

42 “Vote by Mail Program” is a voting program currently available in all Massachusetts  
43 elections to all voters without any need to provide a reason or otherwise meet special criteria to  
44 participate.

45 (b) Accessible Remote Voting for Voters with Print Disabilities.

46 (1) The Commonwealth shall, for every election through December 31, 2025, provide an  
47 Accessible Electronic Remote Voting System for use by individuals with print disabilities  
48 participating in the Absentee Voting Program or, while it exists, the Vote by Mail Program to  
49 allow them to privately and independently cast a ballot electronically.

50 (2) The Accessible Electronic Remote Voting System shall comply with WCAG 2.1 and  
51 the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. §  
52 12131 et seq., and Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 29 U.S.C. §  
53 794 et seq.

54 (c) The Accessible Electronic Remote Voting System, unless ordered otherwise by either  
55 the Secretary of the Commonwealth of Massachusetts or a court of competent jurisdiction, shall  
56 include, at a minimum, the following accommodations for voters with print disabilities:

57 1) Accessible Forms to allow voters with print disabilities to apply to participate in  
58 Remote Voting Programs that permit use of a typed name or other proof of identity as a  
59 substitute for a hand-drawn signature, provided that this accommodation shall apply to the 2021  
60 regular municipal election and thereafter. This accommodation shall be available as soon as is  
61 practicable;

62 2) Accessible Forms or other accessible web-based or electronic means compliant with  
63 WCAG 2.1 by which a voter with print disabilities can privately and independently request to  
64 participate in the Accessible Electronic Remote Voting System and self-certify that they are  
65 voters with disabilities that prevent or substantially limit them from being able to privately and  
66 independently complete a paper ballot to participate in a Remote Voting Program;

67 3) An Accessible Ballot;

68 4) An accessible means of ballot certification that is electronically fillable and  
69 submissible and compliant with WCAG 2.1 that permits use of a typed name or other proof of  
70 identity or credentials as a substitute for a hand-drawn signature; and

71 5) A web-based platform or other accessible mechanism that complies with WCAG 2.1  
72 through which approved voters with print disabilities can electronically submit their Accessible  
73 Ballot and ballot certification in order to officially cast their vote as part of a Remote Voting  
74 Program.

75 (d) Upon adoption of this bill, the Commonwealth shall prominently display on its  
76 website information concerning the Accessible Electronic Remote Voting System and the  
77 procedures for voters who wish to apply for and receive accommodations for their print  
78 disabilities to enable them to vote privately and independently through all available Remote  
79 Voting Programs. The content referencing or otherwise relating to the Accessible Electronic  
80 Remote Voting System and related procedures on the Commonwealth's website shall be  
81 compliant with WCAG 2.1.

82 (e) No later than sixty (60) days after the adoption of this bill, the Commonwealth shall  
83 adopt or revise policies regarding its procedure for providing prompt and timely equal access to  
84 Remote Voting Programs for people with print disabilities as necessary to effectuate the terms of  
85 this Agreement, including:

86 1) Making clear that the Accessible Voting Coordinator will receive and resolve  
87 questions and complaints about the accessibility of the voting process for people with  
88 disabilities. The Accessible Voting Coordinator's contact information, including an email  
89 address, mailing address, and telephone number, shall be included in the policy and easily  
90 identifiable on the Commonwealth's website.

91 2) Establishing and processing the manner through which the Commonwealth will accept  
92 and address complaints and feedback from the public regarding its provision of the Accessible  
93 Electronic Remote Voting System.

94 3) Posting the policy prominently on the Commonwealth's website.

95 (f) For each election that occurs from the Effective Date through December 31, 2025,  
96 upon request, the Commonwealth will promptly provide Disability Law Center a report  
97 containing the following information for the preceding election:

98 1) The number of individuals who requested access to the Accessible Electronic Remote  
99 Voting System as an accommodation;

100 2) The number of individuals who were granted access to the Accessible Electronic  
101 Remote Voting System as an accommodation;

102 3) The number of individual who submitted a ballot using the Accessible Electronic  
103 Remote Voting System; and

104 4) A description of any complaints or feedback received by the Commonwealth from  
105 voters with disabilities regarding attempts to use or use of the Accessible Electronic Remote  
106 Voting System.