

SENATE No. 419

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 establishing an early electronic voting option for municipal elections.

PETITION OF:

NAME:

Barry R. Finegold

DISTRICT/ADDRESS:

Second Essex and Middlesex

SENATE No. 419

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 419) of Barry R. Finegold for legislation to establish an early electronic voting option for municipal elections. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act establishing an early electronic voting option for municipal elections.

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 25B of chapter 54 of the General Laws is hereby amended by
2 inserting after paragraph (5) of subsection (c) the following paragraphs:-

3 (6) For any other city or town preliminary, primary or election not included in subsection
4 (b) of this section, the select board, board of selectmen, town council or city council of a
5 municipality may vote to authorize any registered voter qualified under section 1 of chapter 51 to
6 vote early through an electronic system that is approved by the state secretary. Such vote by the
7 select board, board of selectmen, town council or city council shall: (i) only be taken after a
8 request from not less than 50 percent of the registrars of the municipality recommending the
9 authorization of early electronic voting; and (ii) occur not less than 60 days prior to the proposed
10 beginning of early electronic voting.

11 (7) As part of the vote to authorize early electronic voting under paragraph (6), a
12 municipality shall set the early electronic voting period to begin not sooner than 17 days before

13 the preliminary, primary or election and end not later than 2 business days before the
14 preliminary, primary or election. Early electronic voting under this subsection shall be conducted
15 during the usual business hours of the city or town clerk unless different hours are set as part of
16 the vote to allow early electronic voting, including any weekend hours.

17 (8) A voter wishing to cast an early electronic ballot in a preliminary, primary or election
18 for which early electronic voting has been authorized pursuant to paragraph (6) shall apply for
19 such ballot in a form and manner prescribed by the state secretary; provided, however, that the
20 secretary shall permit a voter to apply through an electronic application that: (i) includes clear
21 instructions for completing and returning the application to the appropriate city or town clerk;
22 and (ii) can be: (A) completed by the voter electronically; (B) signed with a wet signature or
23 hand-drawn electronic signature; and (C) submitted electronically, by mail or by delivering it to
24 the office of the appropriate city or town clerk.

25 (9) Upon receipt of a properly executed application from a voter for an early electronic
26 ballot, the city or town clerk shall retain the application and, without delay, enter the application
27 in the voter registration information system. Upon the commencement of the early electronic
28 voting period or upon the clerk's receipt of the voter's application, whichever is later, the city or
29 town clerk shall expeditiously transmit access to an early electronic ballot, pursuant to paragraph
30 (10), to all voters from whom a properly executed application was received; provided, however,
31 that the city or town clerk shall not transmit access to an early electronic voting ballot to any
32 voter after the conclusion of the early electronic voting period.

33 (10) During the early electronic voting period, a voter who has received access to an early
34 electronic ballot may vote through an electronic system that is approved by the state secretary

35 and allows a voter to receive, mark, verify and cast a ballot electronically; provided, however,
36 that any electronic system approved by the state secretary under this section, subject to
37 regulations promulgated by the state secretary, shall: (i) provide an electronic voter affidavit that
38 may be used for certification of an electronic ballot and signed with a wet signature or hand-
39 drawn electronic signature; (ii) not store personal identifying information beyond the time
40 necessary to confirm the identity of the voter; and (iii) provide clear instructions to voters for
41 returning the marked ballot electronically to the appropriate city or town clerk to be counted.

42 SECTION 2. Subsection (e) of section 25B of chapter 54 of the General Laws is hereby
43 amended by inserting, after the phrase “submitted a ballot electronically pursuant to”, the
44 following words:- paragraphs (6) through (11) of subsection (c) or.

45 SECTION 3. Not later than four months after the effective date of this act, the state
46 secretary shall promulgate regulations necessary to implement paragraphs (6) through (11) of
47 subsection (c) of section 25B of chapter 54 of the General Laws, as inserted by section 1 of this
48 act.