

SENATE No. 439

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 improving voting access and elections infrastructure.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>2/3/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/14/2023</i>

SENATE No. 439

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 439) of Rebecca L. Rausch, Lydia Edwards and James B. Eldridge for legislation to improve voting access and elections infrastructure. Election Laws.

The Commonwealth of Massachusetts

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

An Act improving voting access and elections infrastructure.

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 2020
2 Official Edition, is hereby amended, in line 7, by inserting after the words “voter registration”
3 the following words:- . A person registering as a voter may, at the same time, establish their
4 status as a permanent mail voter, as provided in section 25C of chapter 54, by indicating their
5 desire to elect such status on the affidavit of voter registration.

6 SECTION 2. Section 65 of said chapter 51, as so appearing, is hereby amended by
7 striking out subparagraph (3) of paragraph (d) and inserting in place thereof the following
8 paragraph:-

9 (3) The registrars shall notify each person under paragraph (1) of the person’s
10 opportunity to: (i) decline to register to vote; (ii) adopt a political party affiliation, in which case
11 the person shall also sign an eligibility requirement acknowledgement and attestation; and (iii)
12 become a permanent mail voter as provided in section 25C of chapter 54. Such notification shall

be provided in English and Spanish and any additional languages to be determined by the state secretary. The registrars shall include with such notification a postage guaranteed permanent mail voter status request form, as provided in section 25C of chapter 54.

SECTION 3. Section 28 of chapter 53 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

State primaries shall be held on the second Tuesday in June in even-numbered years and on the fourth Tuesday preceding special state elections, except that primaries before special elections for senator or representative in congress shall be held on the sixth Tuesday preceding said elections. If a religious holiday falls on or immediately before the second Tuesday in June in an even-numbered year, the state primary shall be held on a date set by the general court within seven days of the second Tuesday in June. The state secretary shall publish the date of the state primary not later than February 1 of each even-numbered year by: (i) providing notice of the date to the state parties; (ii) filing notice with the state publications and regulations division; (iii) posting the information on the website of the state secretary; and (iv) any other means necessary to ensure proper notification. Presidential primaries shall be held on the first Tuesday in March in any year in which presidential electors are to be elected. Notwithstanding any provision of law to the contrary, any town may hold its preliminary or regular town elections on the same date designated as the date to hold a presidential primary, in any year in which presidential electors are to be elected, or a state primary, in any even-numbered year, provided that such election is by a ballot independent of the ballot used for a presidential primary or state primary. City and town primaries before all city and town elections shall be held on the 28th day preceding such elections.

SECTION 4. Section 24 of chapter 54 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out the word “aldermen” each time it appears and inserting in place thereof the words:- city council.

SECTION 5. Said section 24 of chapter 54, as so appearing, is hereby further amended by striking out the word “selectmen” each time it appears and inserting in place thereof the words:- select board or town council.

SECTION 6. Said section 24 of chapter 54, as so appearing, is hereby further amended by adding the following sentence:- The board of election commissioners in the city of Boston, the city council in any other city or the select board or town council in any town shall designate at least one polling place located within one mile of any public or private institution of higher education located within the geographical limits of the city or town, including without limitation any community college as defined in section 10 of chapter 15A.

SECTION 7. Section 25B of said chapter 54, as so appearing and as amended by chapter 92 of the acts of 2022, is hereby amended in paragraph (a)(2) by striking out the words “during the calendar year” and inserting in place thereof the following words:- for a single calendar year or permanently. Any qualified voter may become a permanent mail voter by: (i) filing with the state secretary a permanent mail voter status request in a form prescribed by the secretary and made available in paper and electronic formats; (ii) indicating their request to establish permanent mail voter status on an affidavit of registration as provided in section 44 of chapter 51; or (iii) opting into permanent mail voter status using the secure online portal provided by the state secretary pursuant to this section. A permanent mail voter who is not enrolled in a political party may select their desired political party primary ballot using the secure online portal

provided by the state secretary pursuant to paragraph (d); provided, however, that a permanent mail voter who is not enrolled in a political party will not receive a primary ballot by mail unless such selection is made.

SECTION 8. Said section 25B of chapter 54, as so appearing, is hereby further amended in paragraph (a)(6) by inserting after the word “(4)” the following words:- . The voter shall also be able to establish or terminate their status as a permanent mail voter and select a desired political party primary ballot, if the voter is not enrolled in a political party.

SECTION 9. Said section 25B of chapter 54, as so appearing, is hereby further amended in paragraph (a)(7)(i) by striking out the words “or (B)” and inserting in place thereof the following words:- (B) each annual or special municipal or state primary or election for which they remain qualified to vote; or (C).

SECTION 10. Said section 25B of chapter 54, as so appearing, is hereby further amended in paragraph (a)(13) by striking out the second paragraph and inserting in place thereof the following paragraph:-

All early voting ballots delivered in person to the office of the city or town clerk, returned to a secured municipal drop box for the city or town where the voter is registered 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 preliminary, primary, election, or biennial state election. All early voting ballots submitted by mail shall be mailed by the voter on or before the day of a preliminary, primary, election, or biennial state election, accepted until 5:00 p.m. on the fifth day thereafter,

and shall be processed in accordance with section 95. A postmark, if legible, shall be evidence of the time of mailing.

SECTION 11. Said section 25B of chapter 54, as so appearing, is hereby further amended in paragraph (a) by inserting the following new paragraphs:-

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

(16) Each municipality shall maintain at least 1 secured municipal ballot drop box in a public location that is accessible to voters for not less than 12 hours each day, including business hours. A municipality with more than 25,000 registered voters shall maintain at least 1 secured municipal ballot drop box for each 25,000 registered voters during any voting by mail period. Locations for municipal ballot drop boxes shall be selected by the select board, town council or city council to prioritize, to the extent feasible: (i) proximity to public transportation and availability of parking; (ii) equitable distribution across population centers; (iii) access for persons with disabilities; and (iv) use of public buildings. A municipality shall maintain such ballot drop boxes from the earliest date that ballots become available to voters through the hour fixed for the closing of the polls for any annual or special municipal or state primary or election. A municipality with fewer than 5,000 voters in excess of any 25,000 registered voter increment may apply to the state secretary for waiver of the requirement to maintain an additional secured municipal ballot drop box for such population. The state secretary shall grant a waiver

100 application made under this paragraph upon a determination that the waiver would serve the
101 public interest.

102 SECTION 12. Paragraph (b) of said section 25B of chapter 54, as so appearing, is hereby
103 repealed.

104 SECTION 13. Said section 25B of chapter 54, as so appearing, is hereby further amended
105 in paragraph (c)(1) by striking out the first sentence and inserting in place thereof the following
106 sentence:- The select board, board of selectmen, town council or city council of each city and
107 town may vote to authorize early in-person voting for any preliminary, primary or election.

108 SECTION 14. Section 72 of said chapter 54, as so appearing and as amended by
109 amended by chapter 92 of the Acts of 2022, is hereby amended by striking out the word “shall”
110 and inserting in place thereof the following word:- may.

111 SECTION 15. Chapter 149 of the General Laws, as appearing in the 2020 Official
112 Edition, is hereby amended by striking out section 178 and inserting in place thereof the
113 following section:-

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

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

117 (b) An employee who is eligible to vote shall be entitled, upon request, to take 2 hours of
118 paid leave to be used for the purpose of casting a ballot in any annual or special municipal or
119 state primary or election. An employee may elect to take their paid voting leave at any point

120 during the early voting period provided in section 25B of chapter 54 or on the date of a
121 preliminary, primary or election.

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

127 SECTION 16. Not later than June 30, 2024, the state secretary shall mail to all registered
128 voters at their residential addresses, or mailing addresses if different from their residential
129 addresses listed in the central registry of voters, a permanent mail voter status request form as
130 provided in section 25B of chapter 54 of the General Laws. The mailing shall: (i) include clear
131 instructions for completing and returning the application; (ii) allow a voter to designate the
132 mailing address to which their ballots shall be sent; and (iii) be pre-addressed to the local
133 election official with postage guaranteed.