HOUSE DOCKET, NO. 1468 FILED ON: 1/20/2011

HOUSE . . . . . No. 1119

The Commonwealth of Massachusetts

PRESENTED BY:

Steven M. Walsh

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 to establish early voting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven M. Walsh	*11th Essex*

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HOUSE . . . . . No. 1119

By Mr. Walsh of Lynn, a petition (accompanied by bill, House, No. 1119) of Steven M. Walsh relative to allowing cities and towns to provide for early voting in elections in the Commonwealth. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *689* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to establish early voting.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 54 of the Massachusetts General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting the following provisions:

(a) Pursuant to a request, in person, by a qualified voter, as defined by Section 1 of Chapter 51 of the General Laws, the local election officers and registrars of every city or town shall allow any qualified voter to cast a ballot for any biennial state election, special state election, primary, or special primary prior to an election day. Cities and towns may also provide for early voting in elections not held in conjunction with State elections.

(b) Early voting shall begin on the 14th day preceding an election. The early

9 voting period shall end on the day preceding an election. In case of a special election the
10 early voting period shall begin on the 8th day preceding an election and shall end on the day
11 preceding an election.

12 (c) In order to allow for early voting, the registrars of each city or town shall identify and
13 provide for at least one centrally-located and convenient polling location within each city or
14 town for use during the early voting period. The designation of an early voting polling location
15 must be made 30 days in advance of the election. The location and hours of the polling location
16 are within the discretion of the registrars of each city or town. However, each early voting
17 polling location must be open for eight hours on each weekday during the early voting period.
18 The polling location must be open for an aggregate of eight hours each weekend during the early
19 voting period. Further, the polling location shall be accessible to persons with disabilities and

20 suitable voting machines shall be made available to all qualified voters.

21 (d) The registrars for each city or town shall publish the location of the early voting
22 polling place as well as the applicable dates and hours. Said publication shall occur during the
23 week prior to the commencement of the early voting period and at least once a week during the
24 early voting period. Notice of the dates and hours of early voting shall be sent to every
25 newspaper listed in the Directory of New England Newspapers and Periodicals, located in such
26 town or city. Notice of the dates and hours of early voting shall also be conspicuously posted in
27 the office of the city clerk or on the principal official bulletin board of each city or town and any
28 other public building deemed necessary.

29 (e) The secretary of state must provide a sufficient number of early voting ballots and
30 Early Voting Certificates to the registrars of each city or town for use during the early voting

31 period. The early voting ballots shall be similar to the official ballots used on the Election Day
32 with the exception that they shall be printed on paper differing in color from that used for the
33 official or absentee ballot. The ballots and Early Voting Certificates must be delivered to the
34 registrars of each city or town 30 days in advance of the early voting period.

35 (f) Early voting ballots and Early Voter Certificates shall be provided to each qualified
36 voter who participates in early voting.

37 (g) Qualified voters shall sign, under the pains of perjury, an Early Voter Certificate,
38 swearing that they are voting under their legal name and address and that they will not partake in
39 any fraudulent activities while participating in the early voting period. The Early Voting
40 Certificate will also require qualified voters to provide their ward and precinct information. In
41 order to facilitate the organization of ballots by ward and precinct on election night, the Early
42 Voting Certificate shall be attached to the sealed early voting ballot. The Early Voting
43 Certificate shall have the following form:

44 EARLY VOTING VOTER CERTIFICATE

45 I, _____, am a qualified elector in this election and registered voter of _____ County,
46 Massachusetts. I do solemnly swear or affirm that I am the person so listed on the voter
47 registration rolls of _____ County and that I reside at the listed address. I understand that if I
48 commit or attempt to commit fraud in connection with voting, vote a fraudulent ballot, or vote
49 more than once in an election I could be convicted of a felony of the third degree and both fined
50 up to $5,000 and imprisoned for up to 5 years. I understand that my failure to sign this certificate
51 invalidates my ballot.

52 (h) In compliance with Section 60 of Chapter 51 of the General Laws, before the
53 commencement of the early voting period, the registrars for each city or town shall prepare a list
54 for the early voting polling location, containing the names and residences of all persons qualified
55 to vote therein, as the same appear upon the annual register, and shall reasonably transmit the
56 same to the election officers at every polling location designated by the registrars.

57 (i) The presiding election officer at the early voting polling location shall cause to be
58 placed on the voting lists opposite the name of any qualified voter who participates in early
59 voting the letters in capital EV designating an early voter.

60 (j) At the end of each day during the early voting period, the presiding election officer
61 must separate, compile, and record the early ballots cast at each polling location into the
62 appropriate ward and precinct. The resulting list of early voters shall be updated daily and saved
63 electronically. By 5:00 pm on the day before the Election Day, the list shall be forwarded to the
64 appropriate ward and precinct location.

65 (k) Sections 65, 66, 72, 73 and 75 of chapter 54, governing the conduct of elections shall
66 apply to the conduct of polling locations during early elections.

67 (l) The ballot boxes for early voting shall be sealed and locked each night and
68 maintained securely by the election officers.

69 (m) The registrars for each city or town shall designate a location for the counting of
70 early and absentee ballots. The early and absentee ballots shall be opened at the close of all
71 polling locations on Election Day. All totals shall be added to the totals at the relevant wards
72 and precincts.