

## JOURNAL OF THE HOUSE.

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Wednesday, November 27, 2013.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of  
allegiance.

At the request of the Chair (Mr. Donato) the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### *Reconsideration.*

Election  
laws.

Mr. Murphy of Weymouth asked that the vote be reconsidered by which the House, on Wednesday last, passed to be engrossed the House Bill relative to election laws (House, No. 3772, amended); and the motion to reconsider was entertained and it prevailed.

The same member then moved that the vote be reconsidered by which the House adopted an amendment (offered by him), that the bill be amended by striking out section 5 and inserting in place thereof the following section:

“SECTION 5. Chapter 54 of the General Laws is hereby amended by inserting after section 25A the following section:—

Section 25B. (a) The local election officers and registrars of every city or town shall provide for a period of early voting for a qualified voter, as defined in section 1 of chapter 51, in order to cast a ballot during any election involving a presidential primary or presidential election.

(b) The voting period for early voting shall begin on the eleventh day before the primary or election and continue through the second day before the primary or election during the regular or normal business hours of the city or town clerk; provided, however, that if the eleventh day before the primary or election falls on a legal holiday the early voting period shall begin on the first weekday prior thereto. A city or town may, in addition to providing for early voting during regular or normal business hours and at the discretion of the registrars for the city or town, provide for additional early voting hours beyond the regular or normal hours, including weekend hours.

(c) For the purposes of early voting, an early voting location shall include a city hall election office and a town hall clerk's office; provided, however, that if the office is deemed unavailable or unsuitable for the purposes of early voting, the registrars of each city or town may identify and provide for an alternative centrally-located, suitable and convenient early voting location within each city or town for use during the early voting period. A city or town may also provide for additional early voting locations at the discretion of the registrars for that city or town. Each early voting location shall be accessible to persons with disabilities.

(d) The registrars for each city or town shall publish the location of the early voting location as well as the applicable dates and hours. Publication shall occur during the week prior to the commencement of the

early voting period and at least once during the period. Notice of the location, dates and hours of early voting shall be sent to every newspaper listed in the New England Newspaper Directory, located in that city or town. Notice of the locations, dates and hours of early voting shall also be conspicuously posted in the office of the city clerk or in the principal official bulletin board of each city or town, on any other public building deemed necessary, and on the city or town's website, if any.

(e) The state secretary shall provide a sufficient number of early voting ballots to the registrars of each city or town for use during the early voting period. The ballots shall be delivered to the registrars of each city or town 21 days in advance of the primary or election.

(f) Early voting ballots shall be provided to each qualified voter who participates in early voting.

(g) Prior to the commencement of early voting, the registrars for each city or town shall prepare a list for the early voting location, containing the names and residences of all persons qualified to vote therein, as the same appear upon the annual register, and shall reasonably transmit the same to the election officers at every early voting location designated by the registrars.

(h) The presiding election officer at the early voting location shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters 'EV' designating an early voter.

(i) At the end of each day during the early voting period, the presiding election officer shall separate, compile, and record early voting ballots cast at each early voting location into the appropriate ward and precinct.

(j) The ballot boxes for early voting shall be sealed and locked and maintained securely by the election officers.

(k) The registrars for each city or town shall designate a location for the counting of early voting ballots. All totals shall be added to the totals at the relevant wards and precincts.

(l) The state secretary shall promulgate rules and regulations to implement the requirements of this section."

The motion to reconsider prevailed.

Pending the recurring question on adoption of the amendment, Mr. Murphy of Weymouth moved to amend it by striking out proposed section 5 and inserting in place thereof the following section:

"SECTION 5. Chapter 54 of the General Laws is hereby amended by inserting after section 25A the following section:—

Section 25B. (a) The local election officers and registrars of every city or town shall provide for a period of early voting for a qualified voter, as defined in section 1 of chapter 51, in order to cast a ballot during any election involving a presidential primary or presidential election.

(b) The voting period for early voting shall begin on the eleventh day before the primary or election and continue through the second day before the primary or election during the regular or normal business hours of the city or town clerk; provided, however, that if the eleventh day before the primary or election falls on a legal holiday the early voting period shall begin on the first weekday prior thereto. A city or

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town may, in addition to providing for early voting during regular or normal business hours and at the discretion of the registrars for the city or town, provide for additional early voting hours beyond the regular or normal hours, including weekend hours.

(c) For the purposes of early voting, an early voting location shall include a city hall election office and a town hall clerk's office; provided, however, that if the office is deemed unavailable or unsuitable for the purposes of early voting, the registrars of each city or town may identify and provide for an alternative centrally-located, suitable and convenient early voting location within each city or town for use during the early voting period. A city or town may also provide for additional early voting locations at the discretion of the registrars for that city or town. Each early voting location shall be accessible to persons with disabilities.

(d) The registrars for each city or town shall publish the location of the early voting location as well as the applicable dates and hours. Publication shall occur during the week prior to the commencement of the early voting period and at least once during the period. Notice of the location, dates and hours of early voting shall be sent to every newspaper listed in the New England Newspaper Directory, located in that city or town. Notice of the locations, dates and hours of early voting shall also be conspicuously posted in the office of the city clerk or in the principal official bulletin board of each city or town, on any other public building deemed necessary, and on the city or town's website, if any.

(e) The state secretary shall provide a sufficient number of early voting ballots to the registrars of each city or town for use during the early voting period. The ballots shall be delivered to the registrars of each city or town 21 days in advance of the primary or election.

(f) Early voting ballots shall be provided to each qualified voter who participates in early voting.

(g) Prior to the commencement of early voting, the registrars for each city or town shall prepare a list for the early voting location, containing the names and residences of all persons qualified to vote therein, as the same appear upon the annual register, and shall reasonably transmit the same to the election officers at every early voting location designated by the registrars.

(h) The presiding election officer at the early voting location shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters 'EV' designating an early voter.

(i) At the end of each day during the early voting period, the presiding election officer shall separate, compile, and record early voting ballots cast at each early voting location into the appropriate ward and precinct.

(j) The ballot boxes for early voting shall be sealed and locked and maintained securely by the election officers.

(k) The registrars for each city or town shall designate a location for the counting of early voting ballots. All totals shall be added to the totals at the relevant wards and precincts.

(l) The state secretary shall promulgate rules and regulations to implement the requirements of this section.

(m) The provisions of section 72 of this chapter shall not apply to this section.

(n) Any person who casts a ballot during early voting shall be required to present a valid photo identification. For the purposes of this section, 'valid photo identification' shall mean a document that:

(1) shows the name of the individual to whom the document was issued, and the name conforms to the name of the individual's voter registration record;

(2) shows a photograph of the individual to whom the document was issued;

(3) includes an expiration date, and the document is not expired or expired after the date of the most recent general election; and

(4) was issued by the commonwealth of Massachusetts or the government of the United States.

A person seeking to vote that does not provide sufficient valid photo identification as defined in this section may be challenged under section 85 of this chapter.

Notwithstanding any special or general law to the contrary, the provisions of this subsection shall not take effect until such time as: (i) the executive office of administration and finance and the secretary of the commonwealth have furnished a study of its impact on the state's economy and the revenue cost to the commonwealth, including, but not limited to, a distributional analysis showing the impacts, if any, on the commonwealth's anticipated revenues for the current fiscal year, the balance of the commonwealth's stabilization fund, and any anticipated change in employment and ancillary economic activity; and (ii) legislation necessary to carry out any recommendations in the study has been filed and enacted pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”.

The further amendment was adopted, thus precluding a vote on the recurring amendment.

Mr. Rogers of Cambridge then moved that the vote be reconsidered by which the House adopted an amendment (offered by him), that the bill be amended striking out section 7 (as amended) and inserting in place thereof the following section:

“SECTION 7. (a) There shall be established an elections task force. The task force shall undertake a study of the effectiveness of the first election involving early voting pursuant to section 25B of chapter 54 of the General Laws. Said study shall include an analysis of: (1) the state and local costs of providing early voting; (2) the administrative requirements of implementing and providing early voting, including their impact on municipal clerks offices during the early voting period; (3) any instance of fraudulent voting or voter impersonation; (4) success in reducing the length of lines, waiting therein, and congestion at polling places on election day; (5) success in increasing voter turnout; and (6) the efficacy of checking names in early voting locations pursuant to section 67 of chapter 54 of General Laws, notwithstanding use of voting machines in that city or town.

(b) The task force shall consist of the house and senate chairs of the joint committee on election laws; the speaker of the house of representatives or a designee; the president of the senate or a designee; the house minority leader or a designee; the senate minority leader or a

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designee; the state secretary or a designee; 1 representatives of the Massachusetts Town Clerks Association; 1 representative of the Massachusetts City Clerks' Association; and 1 representative of the election laws advocacy community designated by the chairmen of the joint committee on election laws.

(c) The task force shall submit its report and recommendations, together with drafts of legislation to carry its recommendations into effect, to the joint committee on election laws and the state secretary no later than April 1, 2017." The motion to reconsider prevailed.

Pending the recurring question on adoption of the amendment, Mr. Murphy of Weymouth moved to amend it by striking out proposed section 7 and inserting in place thereof the following section:

"SECTION 7. (a) There shall be established an elections task force. The task force shall undertake a study of the effectiveness of the first election involving early voting pursuant to section 25B of chapter 54 of the General Laws. Said study shall include an analysis of: (1) the state and local costs of providing early voting; (2) the administrative requirements of implementing and providing early voting, including their impact on municipal clerks offices during the early voting period; (3) any instance of fraudulent voting or voter impersonation; (4) success in reducing the length of lines, waiting therein, and congestion at polling places on election day; (5) success in increasing voter turnout; (6) the efficacy of checking names in early voting locations pursuant to section 67 of chapter 54 of General Laws, notwithstanding use of voting machines in that city or town; and (7) more accessible voter registration, including, but not limited to, pre-registration for seventeen year olds, and same-day registration.

(b) The task force shall consist of the house and senate chairs of the joint committee on election laws; the speaker of the house of representatives or a designee; the president of the senate or a designee; the house minority leader or a designee; the senate minority leader or a designee; the state secretary or a designee; 1 representatives of the Massachusetts Town Clerks Association; 1 representative of the Massachusetts City Clerks' Association; and 1 representative of the election laws advocacy community designated by the chairmen of the joint committee on election laws.

(c) The task force shall submit its report and recommendations, together with drafts of legislation to carry its recommendations into effect, to the joint committee on election laws and the state secretary no later than April 1, 2017."

The further amendment was adopted, thus precluding a vote on the recurring amendment.

The bill, as amended, then was passed to be engrossed. The bill (House, No. 3788, published as amended) then was sent to the Senate for concurrence.

#### *Petitions.*

Petitions severally were presented and referred as follows:

Winchester,—  
Kenneth C.  
Albertelli.

By Mr. Lewis of Winchester, a petition (accompanied by bill, House, No. 3791) of Jason M. Lewis and Katherine M. Clark (by vote of the town) that the town of Winchester be authorized to continue the employment of police chief Kenneth C. Albertelli;

Framingham,—  
Robert Tibor.

By Representative Sannicandro of Ashland and Senator Spilka, a joint petition (accompanied by bill, House, No. 3792) of Tom Sanni-

candro, Karen E. Spilka and others (by vote of the town) for legislation to authorize the town of Framingham to continue the employment of police officer Robert Tibor;

By Representative McMurtry of Dedham and Senator Rush, a joint petition (accompanied by bill, House, No. 3794) of Paul McMurtry and Michael F. Rush (by vote of the town) for legislation to exempt the police department of the town of Westwood from the provisions of civil service law; and

Westwood  
police,—  
civil service.

By the same members, a joint petition (accompanied by bill, House, No. 3795) of Paul McMurtry and Michael F. Rush (by vote of the town) relative to the appointment of Barry Canavan as a fire fighter in the town of Westwood, notwithstanding the maximum age requirement;

Westwood,—  
Barry  
Canavan.

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

Miss Garry of Dracut presented a petition (subject to Joint Rule 12) of Colleen M. Garry relative to the penalties for operating a motor vehicle while under the influence of alcohol or controlled substances; and the same was referred, under Rule 24, to the committee on Rules.

Motor  
vehicle,—  
penalties.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary. Sent to the Senate for concurrence.

Miss Garry of Dracut presented a petition (subject to Joint Rule 12) of Colleen M. Garry (by vote of the town) that the secretary of energy and environmental affairs be directed to release an agricultural preservation restriction on a certain parcel of land held jointly by the Commonwealth and the town of Dracut; and the same was referred, under Rule 24, to the committee on Rules.

Dracut,—  
land.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Mr. Chan of Quincy presented a petition (subject to Joint Rule 12) of Tackey Chan and Barry R. Finegold relative to the distribution of renewable energy contracts; and the same was referred, under Rule 24, to the committee on Rules.

Renewable  
energy  
contracts.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Telecommunications, Utilities and Energy. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Patricia  
Kannler,—  
benefits.

By Mr. Brodeur of Melrose (by request), a petition (subject to Joint Rule 12) of Patricia Kannler and Gunther Kannler relative to employment benefits for said Patricia Kannler.

Needham,—  
land.

By Representative Garlick of Needham and Senator Rush, a joint petition (subject to Joint Rule 12) of Denise C. Garlick and Michael F. Rush for legislation to authorize the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Needham.

Alcohol  
purchases,—  
identification.

By Mr. Zlotnik of Gardner, a petition (subject to Joint Rule 12) of Jonathan D. Zlotnik relative to the use of fraudulent identification cards, by persons under the age of twenty-one, for the purpose of purchasing of alcohol or gaining access to an establishment to purchase alcohol.

Severally, under Rule 24, to the committee on Rules.

*Paper from the Senate.*

Charitable  
gaming.

A petition (accompanied by bill) of Gale D. Candaras and Joseph F. Wagner for legislation relative to charitable gaming, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Economic Development and Emerging Technologies.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1942) was referred, in concurrence, to the committee on Economic Development and Emerging Technologies.

*Reports of Committees.*

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Fire  
prevention  
tax credit.

Petition (accompanied by bill) of Antonio F. D. Cabral, Paul A. Schmid, III and Robert M. Koczera for legislation to establish a fire prevention tax credit for historic building. To the committee on Revenue.

Nantucket,—  
land.

Petition (accompanied by bill) of Timothy R. Madden (by vote of the town) for legislation to authorize the conveyance of certain property by the county and town of Nantucket, notwithstanding the uniform procurement law. To the committee on State Administration and Regulatory Oversight.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following House bills be scheduled for consideration by the House:

Lowell,—  
voting  
age.

Allowing citizens seventeen (17) years of age to vote in the city of Lowell municipal elections (printed as Senate, No. 317) [Local Approval Received];

Dedham  
Westwood  
water district.

Granting creditable service to employees of the Dedham Westwood water district (House, No. 2387);

Frances "Fanny"  
Appleton Bridge.

Designating a certain pedestrian bridge in the city of Boston as the Frances "Fanny" Appleton Bridge (House, No. 2904);

Relative to retail licenses for the sale of all alcoholic beverages at continuing care retirement communities (House, No. 3779); and

Assisted living,—  
liquor.

Authorizing the town of Burlington to grant additional alcoholic beverages licenses (House, No. 3688, changed) [Local Approval Received];

Burlington,—  
liquor  
licenses.

Under suspension of Rule 7A, in each instance, on motion of Mr. Peterson of Grafton, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Bill financing improvements to the Commonwealth's transportation system (House, No. 3763), ought to pass. Referred, under Rule 17G, to the committee on Bonding, Capital Expenditures and State Assets.

Transportation  
finance.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 695, 707 and 788, a Bill to protect our drinking water from hydraulic fracturing (House, No. 3796). Read; and referred, under Rule 33, to the committee on Ways and Means.

Drinking  
water,—  
fracturing.

By Ms. Peisch of Wellesley, for the committee on Education, on Senate, No. 209 and House, No. 450, a Bill relative to healthy youth (House, No. 3793). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Healthy  
youth.

*Emergency Measure.*

The engrossed establishing a sick leave bank for Joshua Rocha, an employee of the Department of Correction (see Senate, No. 1923), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Joshua  
Rocha,—  
sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

*Engrossed Bills.*

Engrossed bills

Relative to the adjustment of disability retirement benefits payable to Lynn police officer Gregory LeBlanc (see Senate, No. 1765) (which originated in the Senate);

Bills  
enacted.

Providing for recall elections in the town of Wales (see House, No. 641, amended); and

Relative to the town of Foxborough (see House, No. 1819, amended); (Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.



*Order.*

On motion of Mr. DeLeo of Winthrop,—

Next  
sitting.

*Ordered*, That when the House adjourns today, it adjourn to meet on Monday next at half past ten o'clock A.M.

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At twenty-two minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at half past ten o'clock A.M., in an Informal Session.