Thursday, June 4, 2020 (at 11:00 o’clock A.M.).

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.

_Pledge of allegiance._

_Moment of Silence._

During the session (the Speaker being in the Chair), the members and employees stood for a moment of silent tribute to honor the life of George Floyd, a 46-year-old black man who was killed in Minneapolis, Minnesota during an arrest for allegedly using a counterfeit bill. The moment of silence of 8 minutes and 46 seconds marked the amount of time that Mr. Floyd lay on the street with former Officer Derek Chauvin’s knee on his neck. The nationwide moment of silence was organized by the NAACP.

_Resolution._

Resolutions (filed with the Clerk by Messrs. Galvin of Canton and Kafka of Stoughton) congratulating William H. Struck III and Lynn K. Struck on the occasion of their fiftieth wedding anniversary, were referred under Rule 85, to the committee on Rules.

Mr. Galvin of Canton, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of the same member, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

_Paper from the Senate._

A Bill relative to the Hampshire Council of Governments (Senate, No. 2744) (on the residue of Senate bill No. 2302), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

_Reports of Committees._

By Mr. Mahoney of Worcester, for the committee on Public Health, on a petition, a Bill improving public health through immunizations (House, No. 1848). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill relative to the stabilization of rents in towns and cities facing distress in the housing market (House, No. 1316) [Representative Crocker of Barnstable dissenting].

By the same member, for the same committee, on a petition, a Bill enabling local options for tenant protections (House, No. 3924) [Representatives DeCoste of Norwell and Crocker of Barnstable dissenting].

By the same member, for the same committee, on a petition, a Bill authorizing the city of Somerville to enact right to purchase legislation (House, No. 4517) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.
Recess.

At two minutes after eleven o’clock A.M., on motion of Mr. Vieira of Falmouth (Mr. Donato of Medford being in the Chair), the House recessed until twelve o’clock noon; and at two minutes after twelve o’clock noon the House was called to order with Mr. Donato in the Chair.

Engrossed Bill – Land Taking.

The engrossed Bill to dissolve the Newburyport Redevelopment Authority and transfer its lands to the city of Newburyport (see House, No. 4545) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 177 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate further amendment of the House amendment of the Senate Bill relative to municipal governance during the COVID-19 emergency (Senate, No. 2680), reported by the committee on Bills in the Third Reading to be correctly drawn, was considered.

Mr. Speliotis of Danvers then moved that the House concur with the Senate in its further amendment with a still further amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document number 4777.

The still further amendment was adopted. The House then concurred with the Senate in its further amendment, as amended. Sent to the Senate for concurrence in the still further amendment.

The House Bill authorizing the town of Shutesbury to convey certain land (House, No. 4221), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by substitution of a bill with the same title (House, No. 4775), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.
The House Bill relative to voting options in response to COVID-19 (House, No. 4768, amended), was considered.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Moran of Boston and other members of the House moved to amend it by adding the following section:

“SECTION 19. Not later than July 15, 2020, the state secretary shall (a) promulgate regulations for electronic poll books required by section 33I of chapter 54 of the General Laws; and (b) certify one or more types of electronic poll books in time to be used in the 2020 state primary and the general elections, and all future elections, under said section 33I of said chapter 54.”

The amendment was adopted.

Mr. González of Springfield and other members of the House then moved to amend the bill by striking out section 11 and inserting in place thereof the following section:

“SECTION 11. Notwithstanding section 24 of chapter 54 of the General Laws or any other general or special law to the contrary, the select board, board of selectmen, town council or city council may vote to change any polling place to be used at the primary election or the general election at least 15 days prior to the date of the primary election or general election if it is determined that the public convenience or public health would be better served. If the select board, board of selectmen, town council or city council determines that the public convenience or public health would be better served, they may house all polling places in a single building within the municipality, if such building is suitably equipped. In cities, the city council may designate polling places in non-adjacent precincts if they determine the public convenience or public health would be better served. In making a decision to change a polling place, the select board, board of selectmen, town council or city council shall evaluate and report on whether such change would have a disparate impact on access to the polling place on the basis of race, national origin, disability, income or age, and no later than 3 days prior to changing a polling place, shall make publically available on its website and at the office of the town or city clerk a report on its evaluation. When the polling places have been designated pursuant to this section, the board of registrars shall post on the municipal website and at other such places as it may determine, a description of the polling places and shall notify voters by using an electronic means, to the extent available, such as via email or reverse 911 call.”

The amendment was adopted.

Mr. Hecht of Watertown then moved to amend the bill in section 16, in lines 277 and 278, by striking out the words “; provided, that any electronic signature shall be written in substantially the same manner as a handwritten signature”; and the amendment was rejected.

Ms. Gouveia of Acton and other members of the House then moved to amend the bill by striking out sections 11 and 18 and adding the following two sections:

“SECTION 20. Section 24A of Chapter 54, Section 24A of the General Laws is hereby amended by inserting after Section 24 the following section:

Section 24A. To ensure that in-person voting is as accessible and as safe as possible for all voters during the 2020 biennial general election and early voting, the state secretary, in consultation with the department of public health, shall issue guidance to the city and town clerks on holding safe, accessible, and fair elections. A draft of the guidance on Safe, Accessible, and Fair In-Person Voting shall be publicized and made available by June 29, 2020 for public input for ten calendar days. Opportunities for public input shall include electronic mail, online portal, and U.S.
Postal Service. The state secretary shall consider public input in devising final Guidance. Said Guidance shall be posted on the secretary of state’s website by July 17, 2020 and shall be submitted to the secretary of the executive office of public safety and the secretary of health and human services. The secretary’s guidance must include recommendations on:

(a) consideration of the layout of polling locations, including six foot markers and proper signage in and outside of the polling site, to facilitate physical distancing throughout the voting process, including while voters are standing in line (inside or outside the polling location), when entering the voting area, while voting, while casting their ballot, and exiting, ideally through a different door than the entrance.

(b) expansion and/or redesign of polling locations to accommodate physical distancing throughout the voting process, or, when necessary, the relocation of polling locations to protect health and safety, keeping in mind that closing familiar polling places and contraction in the number of polling locations should be a last resort and only to be used when other preparedness measures cannot adequately ensure safe voter participation. Polling place relocation or consolidation shall be done in a manner pursuant to Section 21 of this bill;

(c) implementation of curbside voting for voters with physical or health limitations;

(d) the protection of poll workers with personal protective equipment, adequate access to cleaning supplies throughout the day, access to hand-washing and bathrooms with adequate soap, water, and disposable paper towels, and appropriate distancing measures;

(e) voter access to hand-washing and bathrooms with adequate soap, water, and disposable paper towels;

(f) outreach, recruitment, and training of additional and reserve poll workers to ensure that the burden of administering the in-person election does not fall on poll workers at greater risk from COVID-19, and to guard against the possibility that a shortage of poll workers could compromise the administration of the election and the health and safety of voters. To help local elections officials recruit and train new poll workers, the state secretary shall establish a statewide portal to recruit poll workers and share names and contact information of interested volunteers with local elections officials, and shall also develop appropriate training materials;

(g) expanding public awareness and participation in early voting and absentee voting to reduce lines;

(h) expanded outreach on alternatives to in-person voting for those populations identified by the department of public health to be at great risk from COVID-19.

Following receipt of the state secretary’s guidance, cities and towns shall develop an election preparedness plan for in-person voting in the biennial state primary and general election, based on the guidance, that shall be posted on city or town website and submitted to the state secretary, secretary of health and human services, and secretary of public safety, including a plan to disseminate information within 25 days of election on any changes in polling locations. The local plans shall be posted no later than 30 days before the biennial primary and general state election.

SECTION 21. Notwithstanding section 24 of chapter 54 of the General Laws or any other general or special law to the contrary, the select board, board of selectmen, town council or city council may vote to change any polling place to be used at the primary election or the general election at least 25 days prior to the date of the primary election or general election. If the select board, board of selectmen, town council or city council determines that the public health would be better served, they may house all polling places in a single building within the municipality, if such building is
suitably equipped. In cities, the city council may designate polling places in non-adjacent precincts if they determine the public health would be better served. Polling places shall not be relocated if the relocation creates inequitable access to voting access based on geographical area, race, age, national origin, disability, or income level. When the polling places have been designated pursuant to this section, the board of registrars shall post on the municipal website, posting on principle bulletin boards, posting notice in large print in conspicuous locations, visible from the street, and initiating telephone or text alert if city or town has such a system, and at other such places as it may determine, a description of the polling places and shall notify voters by using an electronic means, to the extent available, such as via email or reverse 911 call.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 17 members voted in the affirmative and 139 in the negative.

[See Yea and Nay No. 178 in Supplement.]

Therefore the amendment was rejected.

Mr. Moran of Boston and other members of the House then moved to amend the bill in section 7, in line 199, by striking out the word “election” and inserting in place thereof the following: “or general elections, or in the case of ballots that are processed pursuant to subsection (k), prior to depositing such ballot into a tabulator or a ballot box.

(k) Notwithstanding any general or special law to the contrary, any absent ballot cast pursuant to section 86 of chapter 54 of the General Laws or any early voting ballot cast pursuant to this section or section 6 may be deposited into a tabulator or a ballot box in a municipality or precinct that uses paper ballots, in advance of the date of the primary or the general election. All ballots received pursuant to this section or section 6 may be opened in advance of the date of the primary or the general election, in accordance with regulations promulgated by the state secretary; provided, that such ballots shall be kept secured, locked and unexamined, and that no results shall be determined or announced until after the time polls close on the date of the primary or the general election. Disclosing any such result before such time shall be punished as a violation of section 14 of said chapter 56. Not later than August 1, 2020, the state secretary shall promulgate emergency regulations regarding the advance depositing of ballots.”.

The amendment was adopted.

Engrossed Bill – Land Taking.

The Chair (Mr. Donato of Medford) then interrupted the pending matter and placed before the House, there being no objection, the engrossed Bill authorizing the city of Woburn to use certain land for fire station purposes (see House, No. 4636) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, for its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 179 in Supplement.]
Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Unfinished Business.

The House then returned to consideration of the House Bill relative to voting options in response to COVID-19 (House, No. 4768, amended).

Pending the question on passing the bill, as amended, to be engrossed, Ms. Farley-Bouvier of Pittsfield and other members of the House moved to amend it in section 6, in line 62, by striking out the date: “August 12” and inserting in place thereof the date: “August 22”, in lines 65 and 66, by striking out the date: “October 14” and inserting in place thereof the date: “October 24”, in lines 86 and 87 by striking out the following: “noon on Tuesday, August 25” and inserting in place thereof the following: “5 P.M. on Friday, August 28”; and in lines 93 and 94 by striking out the following: “noon on Tuesday, October 27” and inserting in place thereof the following: “5 P.M. on Friday, October 30”; and

By inserting after section 17 the following section:

“SECTION 17A. Notwithstanding sections 26 and 28 of chapter 51 of the General Laws or any other general or special law to the contrary, the last day to register to vote for any election taking place on or before December 31, 2020 shall be 10 days before the date of such election; provided, that the board of registrars shall hold a registration session on that date not less than from 2:00 P.M. to 4:00 P.M. and from 7:00 P.M. to 8:00 P.M. The voting list to be used for any such election shall include all eligible voters registered as of that date.”.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 144 members voted in the affirmative and 12 in the negative.

[See Yea and Nay No. 180 in Supplement.]

Therefore the amendments were adopted.

Ms. Sabadosa of Northampton and other members of the House then moved to amend the bill by adding the following section:

“SECTION 20. (a) An individual who is eligible to vote may register on the day of the state primary or the state election by appearing in person at the polling place, during the hours it is open for voting, for the precinct in which the individual maintains residence on primary or election day or, during the early voting period, by appearing in person at an early voting site for the city or town in which the individual maintains residence during the hours it is open for voting, by completing a registration application in a form prescribed by the state secretary which complies with identity requirements of 52 U.S.C. section 21083, by presenting to the appropriate election official proof of residency and by making a written oath which shall be as follows: I certify that I: am a citizen of the United States; am at least 18 years old; am not under guardianship that prohibits me from registering and/or voting or otherwise prohibited from voting; am not temporarily or permanently disqualified by law because of corrupt practices in respect to elections; have not and will not vote in any other location within the Commonwealth or elsewhere; have read and understand this statement: I further understand that giving false information is a felony punishable by not more than 5 years imprisonment or a fine of not more than $5,000, or both.

(b) For purposes of this section, the term ‘proof of residence’ shall mean one of the following, so long as it includes the name of the applicant and the address from which the registrant is registering:

COVID-19,—
voting.

Amendments adopted,—
yea and nay
No. 180.
(i) a valid photo identification including, but not limited to, a Massachusetts driver’s license or other state-issued identification card; or
(ii) other documentation demonstrating the name and address where the registrant maintains residence and seeks to register including, but not limited to, a copy of a current utility bill, bank statement, government check, residential lease agreement, wireless telephone statement, paycheck, other government document or correspondence, a current student fee statement or other document from a post-secondary educational institution that verifies the student’s current address.

(c) Upon meeting the identity requirements of subsection (a), production of proof of residence, and the making of an oath sufficient to support registration, the ballot clerk or designee shall permit the registrant to vote at that primary or election. Any person who registers to vote on the day of the primary or election in accordance with this section shall, absent disqualification, be registered to vote at all subsequent primaries and elections.

(d) A registrant who fails to present suitable identification shall be permitted to deposit a provisional ballot pursuant to the provisions of section 76C of chapter 54, but shall be required to return within 2 business days after the primary or within 6 days after the election to present sufficient identification to the city or town clerk in order for the clerk to determine that the registrant is qualified to vote in the primary or election and has deposited an eligible provisional ballot.

(e) The state secretary shall make available to the election officers at each polling place, to the extent possible, access to the statewide list of registered voters as contained in the central registry of voters set forth in section 47C of chapter 51 of the General Laws. For the purposes of this section, an electronic or printed copy of all voters registered to vote in that precinct as of the last day of the registration period, as required by sections 55 and 60 of said chapter 51, shall be sufficient.

(f) The registrars may correct information supplied by the registrant to the extent necessary to maintain the integrity of their records. If an affidavit is incomplete or if it appears from the facts set forth in the affidavit that the registrant is not qualified to register as a voter, the registrars shall proceed in accordance with section 47 of chapter 51 of the General Laws.

(g) As soon as practicable after the election, the registrars shall add the registrant’s name, address and effective date of registration to the annual register of voters.

(h) A registered voter shall not re-register on the day of the primary for the exclusive purpose of altering party affiliation.

(i) Upon credible information or allegation of illegal voter registration, or credible information or allegation of illegal multiple voting, there shall be an investigation of the information or allegation by the attorney general, or by the district attorney having jurisdiction over the municipality in which the alleged illegal registration or illegal multiple voting occurred. Nothing in this subsection shall be construed as excluding enforcement of this section by any means otherwise provided by law.

(j) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter 56 of the General Laws.

SECTION (b). Chapter 51 of the General Laws is hereby amended by striking out section 33A, and inserting in place thereof the following section:—

(i) The state secretary shall create and maintain a secure online portal allowing a person to complete an affidavit of registration online. The registration, once completed, shall be transmitted by the state secretary to the appropriate local registrar.
(ii) The online affidavit may be submitted utilizing either: (i) the person’s signature from the registry of motor vehicles records, in which case the registrar of motor vehicles shall make appropriate provisions to facilitate the electronic transfer of the image of the signature to the central voter registry; or if no signature is available from the registry of motor vehicles records, then (ii) a digital image of the person’s written signature, uploaded to the online portal via a form provided by the state secretary.

(iii) The person submitting the online affidavit of registration shall affirmatively assent to the use of their signature from their driver’s license or non-driver identification card, or the use of the digital image of the person’s signature.

(iv) Nothing in this section shall be construed to change any registration deadline or qualification of voting.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 16 members voted in the affirmative and 139 in the negative.

[See Yea and Nay No. 181 in Supplement.]

Therefore the amendment was rejected.

Ms. Decker of Cambridge and other members of the House then moved to amend the bill in section 6, in line 116, by inserting after the word “election”, the second time it appears, the following: “; provided, however, that an early voting ballot cast for the general election that is returned by mail and postmarked not later than November 3, 2020 shall be received by the city or town clerk by 5 P.M. on Friday, November 6, 2020”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Lawn of Watertown; and on the roll call 136 members voted in the affirmative and 20 in the negative.

[See Yea and Nay No. 182 in Supplement.]

Therefore the amendment was adopted.

Ms. Robinson of Framingham and other members of the House then moved to amend the bill in section 6, in line 113, by striking out the words “submitted by mail,”; and by adding the following paragraph:

“Notwithstanding the provisions of section 25B of chapter 54 of the General Laws or any other general or special law to the contrary, all early voting ballots submitted by mail under this section shall be timely cast if the ballot is postmarked no later than election day and received by the city or town clerk no later than 5:00 p.m. on the fifth business day following election day, or, if the ballot is sent using metered mail, permit imprint, or such mail method that does not require or receive a postmark, received by the city or town clerk no later than 5:00 p.m. on the fifth business day following election day.”.

Mr. Lawn of Watertown thereupon raised a point of order that the amendment offered by the gentlelady from Framingham was improperly before the House for the reason that it conflicts with language inserted by amendment at this reading.

In answer to the point of order, the Chair (Mr. Donato of Medford) stated that the language contained in the amendment offered by the gentlelady from Framingham would conflict with language inserted by the amendment filed by Ms. Decker of Cambridge that had been adopted by the House.

The Chair therefore ruled that the point of order was well taken; and the amendment was laid aside accordingly.
Emergency Measures.

The Chair (Mr. Donato of Medford) then interrupted the pending matter and placed before the House, there being no objection, the engrossed Bill relative to municipal governance during the COVID-19 emergency (see Senate, No. 2680, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, the question being on adopting the emergency preamble.

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 14 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 put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, as required under the provisions of Emergency Rule 2(a)(5)(ii); and on the roll call 156 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 183 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

There being no objection, the engrossed Bill establishing a sick leave bank for Marta Romero, an employee of the Department of Developmental Services (see House, No. 4691), 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.

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 14 to 0. Sent to the Senate for concurrence.

Unfinished Business.

The House then returned to consideration of the House Bill relative to voting options in response to COVID-19 (House, No. 4768, amended).

Pending the question on passing the bill, as amended, to be engrossed, Mr. Michlewitz of Boston then moved to amend it in section 6, in line 56, by inserting after the word “election” the following: “; provided, however, that the state secretary shall not be required to send an application to any voter whose previous application for an absent or early ballot for the primary election or for all elections in calendar year 2020 has been accepted”, in line 60, by inserting after the word “election” the following: “; provided, however, that the state secretary shall not be required to send an application to any voter whose previous application for an absent or early ballot for the general election or for all elections in calendar year 2020 has been accepted”, by inserting after line 78 the following two paragraphs:

“(iii) The state secretary or the election officers and registrars of every city or town shall mail to any registered voter updating their address on or after July 15, 2020 and on or before August 22, 2020 an application for said voter to be permitted to vote early by mail for the primary election.

(iv) The state secretary or the election officers and registrars of every city or town shall mail to any registered voter updating their address on or after September
14, 2020 and on or before October 24, 2020 an application for said voter to be permitted to vote early by mail for the general election.”.

In lines 72 to 76, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following two paragraphs:

“(5)(i) Each application mailed pursuant to this subsection shall be provided in any language required by the bilingual election requirements of the federal Voting Rights Act, 52 U.S.C. § 10503.

(ii) Each application mailed to a voter in the city of Boston pursuant to this subsection shall include an option, which shall appear prominently on the application, to request a ballot printed in any language available at the voter’s polling location pursuant to chapter 166 of the acts of 2014.”; and

In line 103, by striking out the words “selected by the voter” and inserting in place thereof the word “required”; and

By striking out section 12 and inserting in place thereof the following section:

“SECTION 12. Notwithstanding section 29 of chapter 53 of the General Laws and sections 11, 11B, 12 and 13 of chapter 54 of the General Laws or any other general or special law to the contrary, for the primary election and general election, if there is a deficiency in the number of required election officers, the appointing authority may appoint election officers without regard to political party membership, voter status, residence in the city or town or inclusion on a list filed by a political party committee pursuant to said sections 11B and 12 of said chapter 54. If the position of the warden, clerk or inspector, or the deputy of any such officer, if any, is vacant within the 3 weeks preceding the primary or general election, the city or town clerk may appoint a person to fill the vacancy with a competent person willing to serve and without regard to political party membership, voter status, residence in the city or town or inclusion on a list filed by a political party committee pursuant to said sections 11B and 12 of said chapter 54.”.

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Lawn of Watertown; and on the roll call 155 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 184 in Supplement.]

Therefore the bill (House, No. 4778, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o’clock A.M.

At a half past seven o’clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o’clock A.M., in an Informal Session.