

**HOUSE . . . . . No. 4737**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***John J. Lawn, Jr. and Michael J. Moran***

*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 ensuring safe and participatory 2020 state elections in response to COVID-19.

PETITION OF:

| NAME:                           | DISTRICT/ADDRESS:                                 |
|---------------------------------|---|
| <i>John J. Lawn, Jr.</i>        | <i>10th Middlesex</i>                             |
| <i>Michael J. Moran</i>         | <i>18th Suffolk</i>                               |
| <i>Eric P. Lesser</i>           | <i>First Hampden and Hampshire</i>                |
| <i>Ruth B. Balser</i>           | <i>12th Middlesex</i>                             |
| <i>Harriette L. Chandler</i>    | <i>First Worcester</i>                            |
| <i>Tram T. Nguyen</i>           | <i>18th Essex</i>                                 |
| <i>Adam G. Hinds</i>            | <i>Berkshire, Hampshire, Franklin and Hampden</i> |
| <i>Rebecca L. Rausch</i>        | <i>Norfolk, Bristol and Middlesex</i>             |
| <i>Tommy Vitolo</i>             | <i>15th Norfolk</i>                               |
| <i>Maria Duaine Robinson</i>    | <i>6th Middlesex</i>                              |
| <i>Christine P. Barber</i>      | <i>34th Middlesex</i>                             |
| <i>Claire D. Cronin</i>         | <i>11th Plymouth</i>                              |
| <i>Steven Ultrino</i>           | <i>33rd Middlesex</i>                             |
| <i>Kathleen R. LaNatra</i>      | <i>12th Plymouth</i>                              |
| <i>Richard M. Haggerty</i>      | <i>30th Middlesex</i>                             |
| <i>Danielle W. Gregoire</i>     | <i>4th Middlesex</i>                              |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i>                             |

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| <i>Thomas M. Stanley</i>        | <i>9th Middlesex</i>                     |
| <i>Adrian C. Madaro</i>         | <i>1st Suffolk</i>                       |
| <i>William C. Galvin</i>        | <i>6th Norfolk</i>                       |
| <i>Kay Khan</i>                 | <i>11th Middlesex</i>                    |
| <i>Jeffrey N. Roy</i>           | <i>10th Norfolk</i>                      |
| <i>José F. Tosado</i>           | <i>9th Hampden</i>                       |
| <i>Elizabeth A. Malia</i>       | <i>11th Suffolk</i>                      |
| <i>Lindsay N. Sabadosa</i>      | <i>1st Hampshire</i>                     |
| <i>Jonathan Hecht</i>           | <i>29th Middlesex</i>                    |
| <i>Marcos A. Devers</i>         | <i>16th Essex</i>                        |
| <i>Andres X. Vargas</i>         | <i>3rd Essex</i>                         |
| <i>Daniel Cahill</i>            | <i>10th Essex</i>                        |
| <i>Kevin G. Honan</i>           | <i>17th Suffolk</i>                      |
| <i>Jason M. Lewis</i>           | <i>Fifth Middlesex</i>                   |
| <i>Natalie M. Blais</i>         | <i>1st Franklin</i>                      |
| <i>Joanne M. Comerford</i>      | <i>Hampshire, Franklin and Worcester</i> |
| <i>David Paul Linsky</i>        | <i>5th Middlesex</i>                     |
| <i>Kenneth I. Gordon</i>        | <i>21st Middlesex</i>                    |
| <i>Michelle L. Ciccolo</i>      | <i>15th Middlesex</i>                    |
| <i>William J. Driscoll, Jr.</i> | <i>7th Norfolk</i>                       |
| <i>Carolyn C. Dykema</i>        | <i>8th Middlesex</i>                     |
| <i>David M. Rogers</i>          | <i>24th Middlesex</i>                    |
| <i>Carole A. Fiola</i>          | <i>6th Bristol</i>                       |
| <i>Mindy Domb</i>               | <i>3rd Hampshire</i>                     |
| <i>Sean Garballey</i>           | <i>23rd Middlesex</i>                    |
| <i>Frank A. Moran</i>           | <i>17th Essex</i>                        |
| <i>Linda Dean Campbell</i>      | <i>15th Essex</i>                        |
| <i>Jack Patrick Lewis</i>       | <i>7th Middlesex</i>                     |
| <i>Aaron Vega</i>               | <i>5th Hampden</i>                       |
| <i>Jay D. Livingstone</i>       | <i>8th Suffolk</i>                       |
| <i>Tami L. Gouveia</i>          | <i>14th Middlesex</i>                    |
| <i>Denise Provost</i>           | <i>27th Middlesex</i>                    |
| <i>Stephan Hay</i>              | <i>3rd Worcester</i>                     |
| <i>Edward F. Coppinger</i>      | <i>10th Suffolk</i>                      |
| <i>Sal N. DiDomenico</i>        | <i>Middlesex and Suffolk</i>             |
| <i>Louis L. Kafka</i>           | <i>8th Norfolk</i>                       |
| <i>James T. Welch</i>           | <i>Hampden</i>                           |
| <i>Lori A. Ehrlich</i>          | <i>8th Essex</i>                         |
| <i>Natalie M. Higgins</i>       | <i>4th Worcester</i>                     |

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| <i>James K. Hawkins</i>            | <i>2nd Bristol</i>                     |
| <i>Alice Hanlon Peisch</i>         | <i>14th Norfolk</i>                    |
| <i>Daniel R. Carey</i>             | <i>2nd Hampshire</i>                   |
| <i>Mike Connolly</i>               | <i>26th Middlesex</i>                  |
| <i>Peter Capano</i>                | <i>11th Essex</i>                      |
| <i>Joseph W. McGonagle, Jr.</i>    | <i>28th Middlesex</i>                  |
| <i>Paul F. Tucker</i>              | <i>7th Essex</i>                       |
| <i>Carlos González</i>             | <i>10th Hampden</i>                    |
| <i>Smitty Pignatelli</i>           | <i>4th Berkshire</i>                   |
| <i>Patrick Joseph Kearney</i>      | <i>4th Plymouth</i>                    |
| <i>Brian W. Murray</i>             | <i>10th Worcester</i>                  |
| <i>Christopher Hendricks</i>       | <i>11th Bristol</i>                    |
| <i>David Biele</i>                 | <i>4th Suffolk</i>                     |
| <i>Michael S. Day</i>              | <i>31st Middlesex</i>                  |
| <i>Marjorie C. Decker</i>          | <i>25th Middlesex</i>                  |
| <i>Tricia Farley-Bouvier</i>       | <i>3rd Berkshire</i>                   |
| <i>James J. O'Day</i>              | <i>14th Worcester</i>                  |
| <i>Brendan P. Crighton</i>         | <i>Third Essex</i>                     |
| <i>Michael J. Barrett</i>          | <i>Third Middlesex</i>                 |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i>                  |
| <i>Nika C. Elugardo</i>            | <i>15th Suffolk</i>                    |
| <i>Sarah K. Peake</i>              | <i>4th Barnstable</i>                  |
| <i>Brian M. Ashe</i>               | <i>2nd Hampden</i>                     |
| <i>Joan Meschino</i>               | <i>3rd Plymouth</i>                    |
| <i>Kate Lipper-Garabedian</i>      | <i>32nd Middlesex</i>                  |
| <i>Paul J. Donato</i>              | <i>35th Middlesex</i>                  |
| <i>Daniel J. Ryan</i>              | <i>2nd Suffolk</i>                     |
| <i>Christina A. Minicucci</i>      | <i>14th Essex</i>                      |
| <i>Kate Hogan</i>                  | <i>3rd Middlesex</i>                   |
| <i>John H. Rogers</i>              | <i>12th Norfolk</i>                    |
| <i>John J. Mahoney</i>             | <i>13th Worcester</i>                  |
| <i>Dylan A. Fernandes</i>          | <i>Barnstable, Dukes and Nantucket</i> |

**HOUSE . . . . . No. 4737**

By Messrs. Lawn of Watertown and Moran of Boston, a petition (subject to Joint Rule 12) of John J. Lawn, Jr., Michael J. Moran and others relative to safety and participation in the 2020 state elections in response to COVID-19. Election Laws.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act ensuring safe and participatory 2020 state elections in response to COVID-19.

*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. Notwithstanding any general or special law to the contrary, this act shall  
2 apply to the September 1, 2020 state primaries, in this act called the primary, and the November  
3 3, 2020 biennial state election, in this act called the election. Terms used in this act shall have the  
4 meanings assigned by section 7 of chapter 4 and section 1 of chapter 50 of the General Laws,  
5 unless a contrary meaning clearly appears. Other general and special laws shall continue to apply  
6 to the primary and the election, except to the extent that they are inconsistent with this act.

7           SECTION 2. The general court finds that all voters who are ill, are confined to their  
8 homes to avoid transmission of illness, or wish to avoid polling places as a precautionary  
9 measure related to COVID-19, are unable by reason of physical disability to cast their votes in  
10 person at the polling places.

11           SECTION 3. On or before the nineteenth day before the election only, the state secretary  
12 shall cause to be mailed to all voters at their residential addresses as shown in the central registry

13 of voters, without application, an absent voting ballot and accompanying papers, all in the  
14 languages otherwise required by law, as provided in section 91B of chapter 54 of the General  
15 Laws, except voters in designated health care facilities to whom subsection (b) of said section  
16 91B of said chapter 54 shall continue to apply. The state secretary shall pre-pay return postage  
17 for all ballots mailed under this section. Return of undeliverable ballots mailed under this section  
18 shall not be a basis for or evidence in a challenge under section 85 or 96 of said chapter 54, or  
19 removal from the register of voters under chapter 51 of the General Laws. Voters shall return  
20 absent voting ballots to the city or town clerk as provided in section 92 of said chapter 54. The  
21 city or town clerk shall provide a secure, locked dropbox outside the building in which the  
22 clerk's office is located, for absent voting ballots returned in person under subsection (a) of said  
23 section 92 of said chapter 54.

24 SECTION 4. Voters who do not receive a ballot under section 3, or who wish to have  
25 their ballot mailed to a different address or to vote in person at the clerk's office, may continue to  
26 apply in writing to the city or town clerk under section 89 of chapter 54 of the General Laws.  
27 The clerk shall count only the first non-rejected ballot received from any voter.

28 SECTION 5. The state secretary shall establish a statewide Internet portal through which  
29 a voter may apply for an absent voting ballot from the city or town clerk, as a form of written  
30 communication under section 89 of chapter 54 of the General Laws. The city or town clerk shall  
31 process such an Internet application under section 91 of said chapter 54. The Internet portal shall  
32 allow such a voter to track the progress of the application and receipt of the ballot.

33 SECTION 6. For the election only, the city or town clerk shall receive and count absent  
34 voting ballots mailed not later than November 3 if they are received not later than November 13.

35 A legible postmark shall be conclusive evidence of the date of mailing. Otherwise, the date of the  
36 voter's affidavit shall be the date of mailing.

37 SECTION 7. The state secretary, after consulting the department of public health, shall  
38 adopt regulations requiring public health safeguards at early voting sites and polling places,  
39 including required distancing of voters and election officers, frequent use of sanitizers,  
40 appropriate clothing, and use of marking pens.

41 SECTION 8. Early voting in person as provided by section 25B of chapter 54 of the  
42 General Laws, except subsections (b) and (e), shall apply to the primary and the election, but the  
43 first day of early voting shall be the eleventh business day before the primary and the sixteenth  
44 business day before the election.

45 SECTION 9. Election officers need not be residents of the city or town or voters. They  
46 may be appointed without regard to enrollment in a political party or to lists submitted by  
47 political party committees.

48 SECTION 10. The city or town clerk may decide that only one voting list shall be  
49 delivered to the ballot clerks, that there shall be no requirement to check the voter's name against  
50 a second list before the voter deposits the ballot under section 83 of chapter 54 of the General  
51 Laws, and that inspectors not be appointed for that purpose.

52 SECTION 11. Instead of transmitting absent voting ballots to polling places, the city or  
53 town clerk may decide that they shall be scanned in the clerk's office at any time. The clerk may  
54 also decide that early voting ballots shall be scanned in the clerk's office at any time. All such  
55 scanned ballots shall be kept secured, locked and unexamined, and no results shall be determined  
56 or announced until the time for closing the polls on the day of the primary or election. Disclosing

57 any such result before that time shall be punished as a violation of section 14 of chapter 56 of the  
58 General Laws.

59 SECTION 12. The last day for voter registration under sections 1F and 26 of chapter 51  
60 of the General Laws shall be the tenth day before both the primary and the election.

61 SECTION 13. The state secretary may adopt regulations to carry out this act.

62 SECTION 14. Sections 59 and 60 of chapter 56 of the General Laws shall apply to this  
63 act.