

SENATE No. 2654

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 establishing vote by mail in 2020.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>4/17/2020</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>4/15/2020</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>4/15/2020</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>4/15/2020</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>4/15/2020</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>4/15/2020</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>4/15/2020</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>4/15/2020</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>4/15/2020</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>4/16/2020</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>4/16/2020</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/16/2020</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>4/16/2020</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>4/17/2020</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>4/17/2020</i>

<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>4/17/2020</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>4/19/2020</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>4/20/2020</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>4/20/2020</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>4/21/2020</i>

SENATE No. 2654

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 2654) (subject to Joint Rule 12) of Rebecca L. Rausch, Adrian C. Madaro, Adam G. Hinds, Nika C. Elugardo and other members of the General Court for legislation to establish vote by mail in 2020. Election Laws.

The Commonwealth of Massachusetts

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

An Act establishing vote by mail in 2020.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to safeguard the right to vote during the unprecedented COVID-19 public health crisis, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and health.

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 47C of chapter 54 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by adding the following paragraph:-

3 The central registry shall be digitally maintained using the most advanced applicable
4 technology reasonably available to the secretary. The secretary shall provide to the election
5 officials at each polling place in the commonwealth, digital access to the central registry
6 sufficient to allow for designated election officials to conduct real-time searches of the registry
7 and to modify a voter’s registration information upon presentation by the voter of appropriate
8 documentation to justify the modification.

9 SECTION 2. Chapter 54 of the General Laws, as appearing in the 2018 Official Edition,
10 is hereby amended by adding the following section:-

11 Section 163. (a) This section shall be known and may be cited as the 2020 Vote By Mail
12 Act.

13 (b) Notwithstanding the provisions of section 25B of chapter 54 of the General Laws or
14 any other general or special law to the contrary, an early voting ballot cast by mail under this
15 section shall be timely case if: (i) in a state primary election, the ballot is received by the city or
16 town clerk at or before the hour fixed for closing the polls; and (ii) in a state general election, the
17 ballot is postmarked no later than election day and received by the city or town clerk no later
18 than 5 days following election day.

19 (c) Notwithstanding the provisions of said section 25B of chapter 54 of the General Laws
20 or any other general or special law to the contrary, the secretary of the commonwealth shall, not
21 less than 18 days in advance of a scheduled state election, cause to be delivered to every
22 registered voter at the address listed in the central registry a ballot package for early voting by
23 mail. The ballot package shall include: (i) an official ballot; (ii) a secrecy envelope or sleeve; (iii)
24 a postage prepaid return envelope, addressed to the clerk of the city or town in which the voter is
25 registered, which envelope shall bear: (1) an affidavit to be signed by the voter confirming the
26 voter's compliance with section 26 of chapter 56 of the General Laws, and (2) the date by which
27 the enclosed ballot must be postmarked or received in order to be timely cast, provided that said
28 date shall appear in bold font and in a font size at least 12 points larger than any other type on the
29 envelope; and (iv) instructions, printed in English, Spanish, Portuguese, Chinese, and Haitian, for

30 properly completing and mailing the ballot to ensure every registered voter has clear guidance
31 and the greatest opportunity to vote by mail.

32 For a state primary election, the secretary shall cause to be delivered to voters registered
33 with a political party the primary ballot for that party. Voters unenrolled in a political party may
34 request a specific party's primary ballot in a manner to be determined by the secretary; provided,
35 however, that the secretary shall implement a system for receiving requests both electronically
36 via web portal and in hard copy via postal mail; and provided further, that voters must submit the
37 request to the secretary no later than 35 days in advance of a scheduled state primary election.

38 (d) Notwithstanding the provisions of said section 25B of chapter 54 of the General Laws
39 or any other general or special law to the contrary, a voter desiring to vote by mail using the
40 ballot described in paragraph (c) of this section shall: (i) mark said ballot in the presence of no
41 other person, except as provided in paragraph (e) of this section; (ii) enclose and seal the ballot in
42 the return envelope provided; (iii) execute the affidavit on the return envelope; and (iv) mail the
43 ballot, sealed in the return envelope, to the city or town clerk.

44 (e) Notwithstanding the provisions of said section 25B of chapter 54 of the General Laws
45 or any other general or special law to the contrary, a voter unable to mark their ballot or execute
46 the affidavit on the return envelope due to physical disability or inability to read English may be
47 assisted in completing and submitting their ballot by another person designated by the voter,
48 which designated person shall add their name in the appropriate space on the return envelope.

49 (f) Notwithstanding the provisions of said section 25B of chapter 54 of the General Laws
50 or any other general or special law to the contrary, a voter who makes a mistake in marking their

51 ballot may return the ballot to the secretary of the commonwealth and request a new ballot.
52 Voters shall be allowed up to a total of three ballots.

53 (g) Notwithstanding the provisions of said section 25B of chapter 54 of the General Laws
54 or any other general or special law to the contrary, a voter who does not receive a vote by mail
55 ballot package may notify the secretary of the commonwealth and request a replacement ballot.
56 The secretary shall issue replacement ballots within 48 hours after receiving a request therefor.

57 (h) The secretary of the commonwealth shall procure, implement, and give all city and
58 town clerks access to ballot tracking software to permit the tracking of all ballots issued and cast
59 pursuant to the 2020 Vote By Mail Act.

60 (i) Notwithstanding the provisions of chapter 54 of the General Laws or any other general
61 or special law to the contrary, city and town clerks may, with the approval of the secretary of the
62 commonwealth or his designee and in consultation with the commissioner of the department of
63 public health, reasonably reduce the number of poll workers required at a polling place to protect
64 public health.

65 (j) If the state of emergency declared by the Governor on March 10, 2020 is still in effect
66 on the date of a state election, or as may be required due to the outbreak of the 2019 novel
67 coronavirus, known as COVID-19, the secretary of the commonwealth shall provide personal
68 protective equipment for all poll workers.

69 (k) The secretary of the commonwealth shall conduct a public awareness campaign to
70 inform voters throughout the commonwealth about this 2020 Vote By Mail Act and the attendant
71 procedures and requirements for voting by mail.

72 (l) Nothing contained herein shall prohibit any voter who does not return a valid ballot by
73 mail from voting in person on the election day applicable to the unreturned ballot.

74 (m) This section shall expire on December 31, 2020.

75 SECTION 3. Section 25B of said chapter 54 of the General Laws, as so appearing, is
76 hereby amended by adding after the word “chapter” in paragraph (n) the following:- “, provided,
77 however, that the election officers of any city or town shall be permitted to count early voting
78 ballots upon receipt or at any convenient time thereafter”.

79 SECTION 4. The secretary of the commonwealth shall use funds provided to the state
80 pursuant to the Help America Vote Act of 2002, 52 U.S.C. § 20901 et seq., known as HAVA, to
81 cover all costs associated with the implementation of this act, unless said costs are expressly
82 prohibited expenditures pursuant to HAVA.

83 SECTION 5. There shall be a 2020 Vote By Mail Fund that shall be administered by the
84 secretary of the commonwealth, for the purpose of administering the provisions of this Act. The
85 fund shall be supplemental to the HAVA funds accessible to the secretary, and shall be credited
86 with such additional appropriations as may be authorized or transferred by the general court and
87 specifically designated to be credited to the fund; provided, however, that any costs of
88 implementation must be paid first using funds made available to the state pursuant to HAVA,
89 unless said costs are expressly prohibited expenditures pursuant to HAVA, or until such funds
90 have been depleted.

91 SECTION 6. Notwithstanding any general or special law to the contrary, the first
92 Tuesday of November in even-numbered years shall be considered a “legal holiday” as defined
93 in the Eighteenth clause of section 7 of chapter 4 of the General Laws, to be observed in the

94 same manner as other legal holidays in the commonwealth; provided, however, that holiday
95 observance shall not apply public employees whose jobs pertain to the operation and
96 administration of elections.