

Acts (2022)

Chapter 92

AN ACT FOSTERING VOTER OPPORTUNITIES, TRUST, EQUITY AND SECURITY

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith voter opportunities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. Section 1F of chapter 51 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out the words “eight o’clock post meridian of the twentieth” and inserting in place thereof the following words:- 5:00 p.m. of the tenth.

SECTION 2. Section 26 of said chapter 51, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words “eight o’clock in the evening” and inserting in place thereof, in each instance, the following words:- 5:00 p.m.

SECTION 3. Said section 26 of said chapter 51, as so appearing, is hereby further amended by striking out, in line 10, the word “twentieth” and inserting in place thereof the following word:- tenth.

SECTION 4. Said chapter 51 is hereby further amended by striking out section 28, as so appearing, and inserting in place thereof the following section:-

Section 28. Registrars shall hold a continuous session from 9:00 a.m. until 5:00 p.m. on the last day for registration established under section 26; provided, however, that a town having less than 1,500 voters may hold a session from 9:00 a.m. until 11:00 a.m. and from 3:00 p.m. until 5:00 p.m.

SECTION 5. Section 33A of said chapter 51, as so appearing, is hereby amended by adding the following sentence:- The state secretary shall make the online portal accessible in English, Spanish, Portuguese, Chinese and such additional languages as the state secretary deems necessary or required by law.

SECTION 6. Section 42G^{1/2} of said chapter 51, as so appearing, is hereby amended by inserting after the word “vote”, in line 57, the following words:- pursuant to subsection (d) of section 65.

SECTION 7. Said section 42G^{1/2} of said chapter 51, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) In accordance with the memorandum of understanding required by subsection (b), each eligible applicant for services at an automatic voter registration agency who meets the qualifications to register to vote and does not decline to register to vote under subsection (d) of section 65 shall be registered as a voter under said section 65 as of the date the registrars add the person’s name and address to the register of voters, pursuant to paragraph (4) of said

subsection (d) of said section 65; provided, however, that an applicant who meets the qualifications to register to vote, does not decline to register to vote under said subsection (d) of said section 65 and completes a qualifying transaction with an automatic voter registration agency not less than 10 days before an election shall be entitled to vote in that election. If necessary to comply with federal law, the division of medical assistance and the commonwealth health insurance connector authority may allow an applicant to decline to register to vote at the time of application. Otherwise, all automatic voter registration agencies, including the registry of motor vehicles, shall transmit records of all eligible applicants as provided in subsection (e) and these applicants may decline to register to vote only after receiving notice from the registrars under paragraph (3) of said subsection (d) of said section 65.

SECTION 8. Section 47C of said chapter 51, as so appearing, is hereby amended by adding the following paragraph:-

To the extent feasible, the state secretary shall make the statewide list of registered voters contained in the central registry of voters established in this section available to the local election officers at each polling location.

SECTION 9. Chapter 54 of the General Laws is hereby amended by striking out section 14, as so appearing, and inserting in place thereof the following section:-

Section 14. For any primary or election, if the city or town clerk determines in writing that there is a deficiency in the number of required election officers within the 6 weeks preceding the primary or election, 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 sections 11B and 12. If the position of warden, clerk or inspector, or deputy of any such officer, if any, is vacant within the 3 weeks preceding any primary or election, the city or town clerk may fill the vacancy by appointing a competent person willing to serve, 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.

SECTION 10. Said chapter 54 is hereby further amended by striking out section 25B, as so appearing, and inserting in place thereof the following 2 sections:-

Section 25B. (a)(1) The election officers and registrars of every city or town shall allow any registered voter qualified under section 1 of chapter 51 to vote early by mail for any municipal preliminary or election or presidential or state primary or election, including any such special preliminary, primary or election, or any primary or election held pursuant to section 140 to fill a vacancy for senator or representative in congress; provided, however, that the select board, board of selectmen, town council or city council of each city and town may, after a public hearing and by recorded and public vote not less than 45 days prior to the date of the preliminary or election, opt out of the provisions of this subsection for any regular or special municipal preliminary or municipal election; provided further, that any registered voter qualified under section 1 of chapter 51 shall be allowed to vote early by mail for any municipal preliminary or municipal election held on the same day as any presidential or state primary or election or any

primary or election held pursuant to section 140 to fill a vacancy for senator or representative in congress; and provided further, that this subsection shall not apply to an annual or special town meeting.

(2) Any registered voter wanting to vote early by mail may file with the voter's local election official an application for an early voting ballot for a preliminary, primary or election or for all preliminaries, primaries and elections authorized pursuant to this subsection during the calendar year. Any form of written communication evidencing a desire to have an early voting ballot sent for use for voting at a preliminary, primary or election shall be given the same effect as an application made in the form prescribed by the state secretary. Applications shall be acceptable if they are signed or submitted electronically; provided, however, that any electronic signature shall be written in substantially the same manner as a handwritten signature. No application shall be deemed to be seasonably filed unless it is received in the office of the city or town clerk or registrars of voters before 5 p.m. on the fifth business day preceding the preliminary, primary or election.

(3) A family member of a person qualified to vote early by mail may apply in the manner described under paragraph (2) on behalf of such person. Such applicant shall state the applicant's relationship to the early voter, shall sign the application under the pains and penalties of perjury and shall transmit the application to the clerk of the city or town where the early voter is registered.

(4) A voter wishing to apply to vote early by mail in any presidential or state primary or election or any primary or election held pursuant to section 140 to fill a vacancy for senator or

representative in congress and who needs accommodation by reason of disability and is unable to independently mark a paper ballot may apply for such accommodations in a form and manner prescribed by the state secretary. Accommodations shall include, but not be limited to: (i) clear and accessible electronic instructions for completion, printing and returning of the ballot; (ii) an accessible blank electronic application that can be: (A) completed by the voter electronically; (B) signed with a wet signature, a hand drawn electronic signature or the voter's typewritten name as a signature if the voter is unable to independently insert a hand-drawn signature on the application due to a disability; and (C) submitted electronically, by mail or by delivering it, in person or by a family member, to the office of the appropriate city or town clerk; (iii) an authorized accessible blank electronic ballot that can be filled out electronically, printed and signed; provided, however, that the accessible electronic ballot marking system the voter utilizes to access their blank electronic ballot shall not collect or store any personally identifying information obtained in the process of filling out the ballot; (iv) an accessible electronic affidavit that may be used for certification of an accessible electronic ballot and signed with a wet signature, a hand-drawn electronic signature or the voter's typewritten name as a signature if the voter is unable to independently insert a hand-drawn signature on the ballot due to a disability; (v) an envelope to return the ballot to the voter's town or city clerk with postage guaranteed; and (vi) hole punched markers in place of a wet signature required for certification if an electronic affidavit of certification is not utilized. A voter with accommodations in receipt of a ballot pursuant to this section may complete and return the ballot by: (i) submitting it electronically; (ii) delivering it, in person or by a

family member, to the office of the appropriate city or town clerk or a secured municipal drop box for the city or town where the voter is registered; or (iii) mailing it to the appropriate city or town clerk; provided, however, that the state secretary shall provide an envelope to allow for returning the ballot pursuant to clause (ii) or (iii).

(5) A voter wishing to apply to vote early by mail in a municipal preliminary or election authorized pursuant to this subsection and who needs accommodation by reason of disability and is unable to independently mark a paper ballot may request an accommodation from their local election official. The request shall be received by the local election official not later than the seventh business day preceding the preliminary or election. Upon receiving such a request from a registered voter by phone or electronically, the local election official shall grant reasonable accommodations to the voter.

(6) The state secretary shall establish, implement and maintain an internet portal on the secretary's website to allow a voter to request an early voting ballot for preliminaries, primaries and elections authorized pursuant to this subsection or an absent voting ballot for primaries and elections authorized pursuant to section 86. The voter shall be able to request that the ballot be mailed to the voter's home address, or a different mailing address as designated by the voter, or provided electronically if the voter is approved to utilize an accessible electronic ballot as an accommodation under paragraph (4). Any request under this paragraph shall not require the voter's wet signature.

(7) (i) Not later than 45 days before any presidential or regular state primary or biennial state election or a primary held pursuant to section 140 to fill a vacancy for senator in congress, the state secretary shall mail to all registered voters who are registered to vote not less than 60 days before such primary or election, at their residential addresses or mailing addresses if different from their residential address listed in the central registry, an application for an early voting ballot for the applicable primary or election and any city or town election held on the same day as such primary or election. The application shall also allow a voter to request an early voting ballot for: (A) the remaining state primary or election in the calendar year; or (B) if applicable, the election held pursuant to section 140 to fill a vacancy for senator in congress. The state secretary need not mail an application to a voter whose previous application for an absent voting ballot or early voting ballot for the applicable primary or election has been accepted.

(ii) Each application mailed pursuant to this paragraph shall: (A) be pre-addressed to the city or town clerk with return postage guaranteed; (B) be provided in any language required by the bilingual election requirements of the federal Voting Rights Act, 52 U.S.C. 10503; (C) be in a form prescribed by the state secretary in accordance with state and federal law; (D) include clear instructions for completing and returning the application; and (E) allow a voter to designate the mailing address to which the ballot shall be sent.

(iii) Each application mailed pursuant to this paragraph to a voter in the city of Boston 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.

(iv) To minimize mailings and costs, the state secretary may seek to include said applications in any other mailings required by this chapter or otherwise issued to such registered voters at such time; provided, however, that such a mailing shall clearly indicate that applications to vote early by mail are contained therein and that any voter who previously returned an accepted application for an absent voting ballot or early voting ballot in the calendar year need not return an additional application for the applicable primary or election.

(v) The applications required pursuant to this paragraph shall be made available on the website of: (A) the state secretary; and (B) each city and town.

(8) The election officers and registrars of every city or town shall include an application for an early voting ballot with the acknowledgment notice sent to any person registering to vote or changing their voter registration address; provided, however, that the application shall be in the form prescribed by the state secretary pursuant to paragraph (7).

(9) Upon receipt of an early voting application, the election officers shall verify the voter's information and, if confirmed, shall record the voter as "EV" on the voting list. If the election officers find that the person signing the application is not a duly registered voter or the family member of a voter, they shall send the voter written notice to that effect and shall preserve the application during the time fixed by law for the preservation of ballots cast in the coming election, after which time the application shall be destroyed.

(10) Early voting ballots authorized pursuant to this section shall be mailed by the appropriate local election officials as soon as such materials are available. The mailing of an early voting ballot shall include: (i) instructions for early voting; (ii) instructions for completing the ballot; (iii) an inner envelope where the ballot shall be placed after voting that contains an affidavit of compliance to be filled out by the voter and notice of the penalties under section 26 of chapter 56; and (iv) an outer envelope that is pre-addressed to the local election official with postage guaranteed. To the extent feasible, the state secretary shall include on the outer envelope a system that generates a postmark for determining the date upon which the envelope was mailed.

(11) Early voting ballots authorized pursuant to this section shall be provided to the voter in the language required pursuant to clauses (ii) and (iii) of paragraph (7).

(12) The provisions of section 81 relative to spoiled ballots shall apply to early voting ballots under this section; provided, however, that a request for a substitute ballot from a voter who has received a ballot by mail shall not be valid unless it is accompanied by the spoiled ballot and received in the office of the city or town clerk or the registrars before 5 p.m. on the fifth day preceding the election for which such substitute voting ballot is requested.

(13) An early voting ballot received by mail may be returned by the voter or a family member by: (i) delivering it in person to the office of the appropriate city or town clerk; (ii) delivering it to an early voting location for the appropriate city or town during the early voting in-

person hours; (iii) dropping it in a secured municipal drop box for the city or town where the voter is registered; or (iv) mailing it to the appropriate city or town clerk.

All early voting ballots submitted by mail, delivered in person to the office of the city or town clerk, returned to a secured municipal drop box for the city or town where the voter is registered or returned electronically pursuant to the accommodations granted to a voter by reason of disability under paragraph (4) shall be received by the city or town clerk before the hour fixed for closing the polls on the day of a preliminary, primary or election; provided, however, that an early voting ballot mailed on or before the day of a biennial state election shall be accepted until 5 p.m. on the third day after the election and shall be processed in accordance with section 95. A postmark, if legible, shall be evidence of the time of mailing.

(14) Upon receipt of a completed early voting ballot, the local election official shall open the outer mailing envelope and examine the inner secrecy envelope without opening it, compare the signature thereon with the signature on the application therefor, except if a family member signed the application or the voter received assistance in signing the application or the envelope, and examine the affidavit on each such envelope. If the affidavit has been improperly executed or does not sufficiently indicate that the ballot was marked and mailed or delivered as required by this section, the local election official shall mark across the face thereof "Rejected as defective" and shall notify the voter and send the voter a new ballot. If the early voting ballot is accepted, the local election official shall record the date and secure the ballot in its envelope until processing in accordance with law.

(b)(1) The local election officers and registrars of every city or town shall allow any registered voter qualified under section 1 of chapter 51 to vote early in person for any: (i) presidential or state primary or biennial state election or primary or election held pursuant to section 140 to fill a vacancy for senator or representative in congress; and (ii) city or town election held on the same day as a primary or election enumerated in clause (i). Any voter wishing to vote early in person in such primaries or elections may do so at the time, manner and location prescribed in this section.

(2) Early voting in person shall be conducted:

(i) from the seventeenth day through the fourth day, inclusive, preceding a biennial state election and any city or town election held on the same day as a biennial state election; and

(ii) from the tenth day through the fourth day, inclusive, preceding any: (A) presidential or state primary or primary or election held pursuant to section 140 to fill a vacancy for senator or representative in congress; and (B) city or town election held on the same day as a primary or election enumerated in subclause (A).

(3) Early voting in person shall be conducted on weekend dates during the early voting period as follows: (i) for municipalities with less than 5,000 registered voters, for not less than 4 hours each weekend, with at least 1 day per weekend, for not less than 2 hours on a weekend day in which voting is conducted; (ii) for municipalities with not less than 5,000 registered voters but less than 25,000 registered voters, for not less than 6 hours each weekend, with at least 1 day per weekend, for not less than 3 hours on a weekend day in which voting is conducted; (iii) for municipalities with not less than

25,000 registered voters but less than 40,000 registered voters, for not less than 4 hours each weekend day; (iv) for municipalities with not less than 40,000 registered voters but less than 75,000 registered voters, for not less than 6 hours each weekend day; and (v) for municipalities with not less than 75,000 registered voters, for not less than 8 hours each weekend day. For each other day during the early voting period, early voting in-person shall be conducted as follows: (i) for municipalities with less than 5,000 registered voters the city council of a city or board of selectmen or select board of a town may, at a public meeting held not less than 20 days before the first day of the early voting period, vote to provide early voting hours of not less than 25 per cent of the usual business hours of the town clerk; (ii) for municipalities with more than 5,000 registered voters but less than 40,000 registered voters: (A) for the fifteenth day to the eleventh day, inclusive, preceding a biennial state election, the city council of a city or board of selectmen or select board of a town may, at a public meeting held not less than 20 days before the first day of the early voting period, vote to provide early voting hours of not less than 50 per cent of the usual business hours of the city or town clerk; and (B) for the eighth day to the fourth day, inclusive, during the usual business hours of each city or town clerk; and (iii) for municipalities with more than 40,000 registered voters, during the usual business hours of the city or town clerk. A city or town may, in its discretion, provide for additional early voting hours beyond the hours required by this paragraph.

(4) Each city and town shall establish an early voting site that shall include the local election office for the city or town; provided, however, that if the city or town determines that the office is

unavailable or unsuitable for early voting, the registrars of each city or town shall identify and provide for an alternative public building that is centrally-located, suitable and convenient within the city or town as an early voting site; and provided further, that when designating early voting sites, a city or town shall consider, to the extent feasible, diverse geographic locations and whether such sites would have an impact on access to the polls on the basis of race, national origin, disability, income or age. A city or town may also provide for additional early voting sites at the discretion of the registrars for that city or town. Each early voting site shall be accessible to persons with disabilities in accordance with state and federal law.

(5) The designation of an early voting site shall be made not less than 14 days prior to the beginning of the early voting period established in this section. Not less than 5 business days prior to the beginning of the early voting period and at least once during the early voting period, the registrars for each city and town shall publish notice of the location of the early voting sites as well as the applicable dates and hours. Such notice shall be conspicuously posted: (i) in the office of the city or town clerk and on the principal official bulletin board of each city or town; (ii) on any other public building considered necessary; (iii) on the city or town's website; and (iv) on the website of the state secretary.

(6) Prior to the beginning of in-person early voting, the local election officials for each city and town shall prepare a list for the early voting sites, containing the names and residences of all persons qualified to vote at each voting site as the names and residences

appear upon the annual register, and shall reasonably transmit the applicable list to the local election officers at each early voting site designated by the registrars.

(7) A voter seeking to vote in person at an early voting site shall provide their name and address to the local election officer who shall, upon finding the voter's name and address upon the list, repeat it loudly and clearly, mark the list and provide the voter with an early voting ballot and an envelope containing an affidavit, which shall include a notice of penalties under section 26 of chapter 56. The registrar or presiding election officer at the early voting site shall cause to be placed on the voting list opposite the name of a qualified voter who participates in early voting, the letters "EV" designating an early voter.

(8) Upon marking their early voting ballot, enclosing it in the secrecy envelope and executing the affidavit, the voter shall return the ballot envelope to a local election officer at the early voting site who shall review the envelope to ensure the affidavit has been signed by the voter. After a ballot envelope has been accepted, it shall be securely stored at the early voting site until such time as it is transported to the office of the local election official, but not later than the close of early voting for that day.

(c)(1) The select board, board of selectmen, town council or city council of each city and town may vote to authorize early in-person voting for any other city or town preliminary or election not included in subsection (b). Such vote may only be taken after a request from not less than 50 percent of the registrars of the city or town

recommending in-person early voting; provided, however, that such vote shall occur not less than 5 business days prior to the proposed beginning of early voting.

(2) As part of the vote to allow early in-person voting under this subsection, a city or town shall set the early voting period to begin not sooner than 17 days before the preliminary or election and end not later than 2 business days preceding the preliminary or election.

(3) Early voting under this subsection shall be conducted during the usual business hours of the city or town clerk unless different hours are set as part of the vote to allow early in-person voting, including any weekend hours.

(4) The city or town clerk shall establish an early voting site for early in-person voting under this subsection that is centrally-located, suitable and in a convenient public building. Notice of the early voting location, dates and hours shall be posted not less than 48 weekday hours before the early voting period begins.

(5) A voter voting early in person under this subsection shall be provided with a ballot and an envelope where the ballot is placed after voting that contains an affidavit of compliance to be filled out by the voter. A voter voting early in person shall complete an affidavit under the regulations promulgated by the state secretary for the administration of early voting, as applicable, which shall include a notice of penalties under section 26 of chapter 56.

(d) The registrars shall prepare lists of all voters casting ballots during the early voting period pursuant to this section and update the voter list in a manner prescribed by the state secretary. Once an early

voting ballot is cast, the voter shall not vote again.

(e) The early voting ballot of any voter who was eligible to vote at the time the ballot was cast shall not be invalid solely because the voter became ineligible to vote by reason of death after casting the ballot. For purposes of this subsection, the term “cast” shall mean that the voter has: (i) deposited the early voting ballot in the mail for ballots mailed; (ii) returned the early voting ballot to the appropriate local election official either by hand or by depositing it in a secured municipal drop box, where available, for the city or town where the voter is registered; (iii) completed voting in person at an early voting location; or (iv) submitted a ballot electronically pursuant to the accommodations granted to a voter by reason of disability under paragraph (4) of subsection (a).

(f) Sections 37 and 38 of chapter 53 shall apply to unenrolled voters and voters enrolled in political designations voting early in primaries. The registrar or presiding election official at the early voting site shall cause the name of the party of the ballot being voted to be recorded on the voting list. Once the party selection has been recorded on the voting list, a voter shall not request or vote on the ballot of another party.

(g) Not less than 30 days prior to each presidential primary, state primary, state election, and primary or election held pursuant to section 140 to fill a vacancy for senator or representative in congress, the state secretary shall deliver to each city and town, in quantities as the state secretary determines necessary, the following papers: (i) official early voting ballots similar to the official ballot to be used at the election; provided, however, that a sufficient quantity of such

ballots are printed in the languages necessary to accommodate the selection of a bilingual ballot by voters pursuant to clauses (ii) and (iii) of paragraph (7) of subsection (a); (ii) envelopes of sufficient size to contain the ballots specified in clause (i) bearing on their reverse the voter's affidavit; (iii) return envelopes, pre-addressed to the local election official with postage guaranteed, for any ballot requested for voting by mail; and (iv) instructions for voting by mail to be sent to each voter who requests to cast a ballot by mail. The voting period for early voting by mail shall begin as soon as all necessary early voting materials have been received by the local election official pursuant to this subsection.

(h) Any early voting ballot cast pursuant to this section may be opened and deposited into a tabulator in advance of the date of the preliminary, primary or election in accordance with regulations promulgated by the state secretary; provided, however, that municipalities that do not have a tabulator may open and deposit early voting ballots into a ballot box; provided further, 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 preliminary, primary or election; and provided further, that notice of the date, time and location of any such opening or depositing shall be posted not less than 2 business days in advance of the opening or depositing; and provided further, that the opening or depositing shall be open to the public. Disclosing any such result before such time shall be punished as a violation of section 14 of chapter 56.

All envelopes referred to in this section shall be retained with the ballots cast at the preliminary, primary or election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

(i) The state secretary shall promulgate regulations to implement this section including, but not limited to, a process for establishing additional early voting sites and a process for applying for, receiving, separating, compiling, recording and securing early ballots and advance depositing.

(j) Section 72 shall not apply to this section; provided, however, that a city or town, at the discretion of its election officers and registrars, may detail a sufficient number of police officers or constables for each early voting site at the expense of the city or town to preserve order, protect local election officers and supervisors from any interference with their duties and aid in enforcing the laws relating to elections.

(k) Not later than 45 days after each presidential primary, regular state primary, biennial state election and primary or election held pursuant to section 140 to fill a vacancy for senator or representative in congress, the state secretary shall submit a report to the house and senate committees on ways and means and the joint committee on election laws on the costs to implement subsection (a) of this section. The report shall include, but not be limited to: (i) the number of ballot applications with postage guaranteed mailed to voters; (ii) where available, the number of ballot applications with postage guaranteed returned requesting a ballot; (iii) the total number of ballots cast by mail; (iv) total cost and amounts paid for using federal funds; and (v)

where available, the number of ballot applications that were returned as undeliverable and a description of the reasons why each application was returned, including, but not limited to, a change of address or the intended recipient being deceased.

Section 25C. (a) For the purposes of this section, the following words shall have the following meanings:

“Applicable statewide election”, a presidential or regular state primary or biennial state election or a primary or election held pursuant to section 140 to fill a vacancy for senator in congress.

“Facility”, a correctional facility, house of correction, jail or department of youth services.

(b) The officer in charge of a facility shall develop and publish policies and procedures that govern the facilitation of voting and voter registration for eligible voters in the facility; provided, however, that the policies and procedures shall include, but not be limited to:

(i) the distribution of voter education and election information provided by the state secretary, including, but not limited to: (A) the display of posters in prominent locations visible to individuals who are incarcerated at the facility; and (B) the dissemination of written notices about voting rights and procedures to all individuals who are incarcerated at the facility and who may be eligible to vote;

(ii) for any preliminary, primary or election, assisting an individual who is incarcerated at the facility and who may be eligible to vote in registering as a voter and in applying for an early voting by mail or absent voting ballot, including as a specially qualified voter; provided, however, that such assistance shall include, but not be limited to: (A)

distributing forms prepared by the state secretary for those purposes, including ballot applications or voter registration forms; (B) providing an individual with access to a writing implement sufficient to properly complete the registration and application forms; (C) providing records that may serve as proof of residence for the purpose of voter registration or that provide a voter with their last known address, such as intake forms, arrest records or other forms in the possession of the facility; (D) providing voter information packets generated by the state secretary and, where possible, by nonpartisan community groups, nonpartisan volunteers or other nonpartisan stakeholders; and (E) facilitating the timely return of an application for an eligible voter to be permitted to vote early by mail;

(iii) facilitating the expeditious and timely receipt and return of an early voting by mail or absent voting ballot by an eligible individual who is incarcerated at the facility, including, but not limited to, by: (A) providing access to a writing implement sufficient to properly complete the ballots; (B) establishing locations where voters may complete ballots and other paperwork in private, where feasible; and (C) facilitating the mailing of completed mail ballots as soon as practicable; provided, however, that an employee, contractor, agent, official or representative of the department of correction shall not open or inspect any completed mail ballot unless it is to investigate reasonable suspicion of a prohibited activity;

(iv) providing means of tracking: (A) complaints by an individual who is incarcerated at the facility related to voting or registration; (B) numbers of individuals who are incarcerated who sought to vote; and (C) the outcome of their requests; and

- (v) policies for collaboration with local election officials, civic engagement community groups and other stakeholders.
- (c) The officer in charge of a facility shall:
- (i) not later than 45 days before an applicable statewide election, display or distribute any informational posters or packets provided by the state secretary pursuant to subsection (d) or, if received after such date, immediately upon receipt; provided, however, that the distribution and announcements of such information shall be continued through the conclusion of such election;
- (ii) not later than 14 days before an applicable statewide election, file a written report with the state secretary, in a form prescribed by the state secretary, that details the actions taken under this section; provided, however, that the report shall be a public record; and
- (iii) appoint a subordinate officer at the facility to supervise the actions required by this section.
- (d) Not later than 90 days before an applicable statewide election, the state secretary shall: (i) create and distribute to sheriffs and superintendents of facilities voter information signs and information for display and distribution in facilities; and (ii) distribute to local election officials information on: (A) the qualifications and rights of eligible incarcerated voters; (B) how to process a voter registration or ballot application from an eligible incarcerated voter; (C) current law pertaining to those rights and processes; and (D) the presumed residence for voting purposes of an eligible incarcerated voter and instances in which an eligible incarcerated voter can maintain the facility in which they are confined as their address for voting purposes.

(e)(1) Prior to the expiration of the term for a person who is incarcerated in a correctional facility, the officer in charge of the facility shall provide, in writing, a document prepared by the state secretary explaining: (i) the voting rights of a person who is incarcerated in a correctional facility upon discharge from a correctional facility; and (ii) instructions for the person to register to vote following discharge from the facility. The officer in charge of the facility shall provide the person with a voter registration form with a postage guaranteed envelope, and assistance, if requested, to complete such form.

(2) The state secretary shall prepare and transmit the document required pursuant to paragraph (1) to the local election officials for each city and town.

(f)(1) For each applicable statewide election, following the close of registration pursuant to section 26 of chapter 51 but not later than the day of the election, the officer in charge of a facility, except for the department of youth services, shall transmit to the state secretary: (i) a list containing information about persons who are newly incarcerated in the correctional facility due to a felony conviction since the time of last reporting under this section; (ii) a list containing information about persons who were incarcerated in the correctional facility due to a felony conviction but were discharged since the time of last reporting under this section; and (iii) a list containing information about persons in the facility who are detained pre-trial or convicted of a misdemeanor.

(2) The lists required by paragraph (1) shall include, for each person listed: (i) name; (ii) date of birth; (iii) last 4 digits of social security number or driver's license number, if available; (iv) address on-file, including street, city or town and state; and (v) the name and address of the facility where the person is detained.

(g) The state secretary shall submit a report to the joint committee on election laws not later than 6 months following each applicable statewide election, including anonymized, aggregated data on the number of: (i) eligible incarcerated voters at the time of the election in each municipality; and (ii) incarcerated voters who requested an early voting by mail or absent voting ballot and the outcome of that request in each municipality, including the reasons for rejection, if applicable. The state secretary may coordinate with local election officials and officers in charge of facilities to aggregate such data, where available. The submitted report shall be a public record, but other materials generated for the purpose of the state secretary's compilation of the report shall not be public records.

(h) Not later than 30 days before any municipal, state or presidential election, each city or town clerk shall post on the city or town's website and report to the state secretary any measures undertaken to facilitate voting for eligible incarcerated voters.

SECTION 11. Section 65 of said chapter 54, as so appearing, is hereby amended by adding the following paragraph:-

This section shall apply to early voting locations under section 25B while voting is being conducted.

SECTION 12. Said chapter 54 is hereby further amended by striking out section 67, as so appearing, and inserting in place thereof the following section:-

Section 67. One voting list shall be delivered to the ballot clerks and another may be delivered to the officer in charge of the ballot box; provided, however, that the city or town clerk may opt to use only 1 voting list at the check in. When a ballot is delivered to a voter, the voter's name shall be checked on the voting list and, except where the city or town clerk has opted to not use a check-out list, it shall be checked on the second voting list when the voter deposits the ballot. Where a check-out list is used, the officer in charge of the ballot box and the officer in charge of the voting list shall either: (i) be of different political parties; or (ii) not be of the same political party if the election officers have been appointed pursuant to section 14 without regard to political party membership. No person shall vote if the person's name is not on the voting list, nor until the local election officer shall check the person's name thereon, unless the person presents a certificate from the registrars of the city or town as provided by section 51 or section 59 of chapter 51 or unless the person is voting by provisional ballot under section 76C. A city or town may vote to use electronic poll books rather than paper voting lists in accordance with section 33I.

SECTION 13. Said chapter 54 is hereby further amended by striking out section 72, as so appearing, and inserting in place thereof the following section:-

Section 72. The select board, board of selectmen, town council or city council of each city and town, in consultation with its election officers and registrars, shall detail a sufficient number of police officers or constables for each building that contains the polling place for 1 or more precincts at every election therein to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections.

SECTION 14. Said chapter 54 is hereby further amended by striking out section 83, as so appearing, and inserting in place thereof the following section:-

Section 83. In a precinct at which a check-out table is used, a voter, after marking the voter's ballot, shall give the voter's name, and, if requested, residence, to an officer in charge of the ballot box, who shall distinctly announce the voter's name and, if requested, residence. If the name is found on the voting list by the local election officer, the local election officer shall distinctly repeat the name and check it on the voting list. The voter may then deposit the ballot in the ballot box. No ballot without the official endorsement, except as provided in section 61, shall be deposited in the ballot box. A city or town clerk may opt to eliminate the use of a voting list at the check-out table but shall maintain an officer in charge of the ballot box.

SECTION 15. Subsection (d) of section 87 of said chapter 54, as so appearing, is hereby amended by adding the following paragraph:-

To the extent feasible, the state secretary shall include on the envelopes required pursuant to this subsection a system that generates a postmark for determining the date upon which the envelope was mailed.

SECTION 16. Section 89 of said chapter 54, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- No application for an absent voting ballot to be sent by mail shall be deemed to be seasonably filed unless it is received in the office of the city or town clerk or registrars before 5 p.m. on or before the fifth business day preceding the election for which the ballot is being requested.

SECTION 17. Section 91B of said chapter 54, as so appearing, is hereby amended by inserting after the word “prepaid”, in line 5, the following words:- and with return postage guaranteed.

SECTION 18. Said chapter 54 is hereby further amended by striking out section 91C, as so appearing, and inserting in place thereof the following section:-

Section 91C. (a) For the purposes of this section, “voter” shall mean an individual voting pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act.

(b) A voter wishing to cast an absentee ballot in any preliminary, primary or election may apply for such ballot in a form and manner prescribed by the state secretary; provided, however, that the secretary shall permit a voter to apply through an electronic application that: (i) includes clear instructions for completing and returning the application; and (ii) can be: (A) completed by the voter electronically; (B) signed with a wet signature or hand-drawn electronic signature; and (C) submitted electronically, by mail or by delivering it to the office of the appropriate city or town clerk. The most recent version of the Federal Post Card Application shall be one such application that shall be accepted by the state secretary pursuant to this section.

(c) An application pursuant to subsection (b) shall permit a voter to request to receive an absentee ballot: (i) by mail, in accordance with section 91B; (ii) by fax; (iii) by email; or (iv) electronically through an electronic system that is approved by the state secretary and allows a voter to receive, mark, verify and cast a ballot electronically; provided, however, that any electronic system approved by the state secretary under this section shall: (A) provide an electronic voter affidavit that may be used for certification of an electronic ballot and signed with a wet signature or hand-drawn electronic signature; and (B) not store personal identifying information beyond the time necessary to confirm the identity of the voter.

(d) Upon receipt of a properly executed application for an absentee ballot from a voter, the city or town clerk shall retain the application and, without delay, enter the application in the voter registration information system. The city or town clerk shall expeditiously transmit a ballot or access to an electronic ballot to all voters for whom an application was received in accordance with subsection (c).

(e) The state secretary shall provide clear instructions to voters for returning the marked absentee ballot to the appropriate city or town clerk to be counted; provided, however, that the voter may return the ballot to the city or town clerk: (i) by mail; (ii) by fax; (iii) by email; (iv) electronically through the electronic system approved by the state secretary, subject to the regulations promulgated by the secretary; or (v) by delivering it to the office of the city or town clerk or a secured municipal drop box for the city or town where the voter is registered.

(f) If a request for an absentee ballot is received from a voter 45 or more days before a federal election and the state secretary has determined that the city or town clerk is unwilling or unable to transmit the ballot not less than 45 days before the election, the state secretary may, on behalf of the city or town clerk, after notice to the city or town clerk and in accordance with the voter's choice, electronically transmit or mail the appropriate absentee ballot and instructions to the voter not later than 45 days prior to the federal election. The state secretary shall enter in the voter registration information system the transmission date on which absentee voters were sent ballots by the state secretary pursuant to this subsection.

(g) The state secretary shall promulgate regulations to implement this section.

SECTION 19. Section 92 of said chapter 54, as so appearing, is hereby amended by adding the following subsection:-

(d) The absent voting ballot of any voter who was eligible to vote at the time the ballot was cast shall not be deemed invalid solely because the voter became ineligible to vote by reason of death after casting the ballot. For purposes of this subsection, the term "cast" shall mean that the voter has: (i) deposited the absent voting ballot in the mail for ballots mailed; (ii) returned the absent voting ballot to the appropriate local election official either by hand or by depositing it in a secured municipal drop box, where available, for the city or town where the voter is registered; or (iii) returned the absent voting ballot electronically pursuant to section 91C.

SECTION 20. Said chapter 54 is hereby further amended by striking out section 93, as so appearing, and inserting in place thereof the following section:-

Section 93. All absent voting ballots submitted by mail, delivered in person to the office of the city or town clerk, returned to a secured municipal drop box for the city or town where the voter is registered or returned electronically pursuant to section 91C shall be received by the city or town clerk before the hour fixed for closing the polls on the day of a primary or election; provided, however, that an absent voting ballot mailed on or before the day of a biennial state election shall be accepted until 5 p.m. on the third day after the election and shall be processed in accordance with section 95. A postmark, if legible, shall be evidence of the time of mailing.

SECTION 21. Section 95 of said chapter 54, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following 2 paragraphs:-

Any absent voter ballot cast pursuant to section 86 may be opened and deposited into a tabulator in advance of the date of the primary or election in accordance with regulations promulgated by the state secretary; provided, however, that municipalities that do not have a tabulator may open and deposit early voting ballots into a ballot box; provided further, 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 election; and provided further, that notice of the date, time and location of any such opening or depositing shall be posted 2 business days in advance of the opening or depositing; and provided further, that the opening or

depositing shall be open to the public. Disclosing any such result before such time shall be punished as a violation of section 14 of chapter 56.

If not advance deposited, the city or town clerk, on the day of the election but not later than 1 hour after the hour for the closing of the polls, shall transmit all envelopes purporting to contain official absent voting ballots received on or before the close of business on the day preceding the day of the election, and that have not been marked "Rejected as Defective" as provided in section 94, to the local election officers in the several precincts where the voters whose names appear on such envelopes assert the right to vote or to a central tabulation facility designated in accordance with regulations promulgated by the state secretary. The local election officer in charge of the polling place or central tabulation facility shall immediately, after receipt of any such envelopes, distinctly announce the name and residence of each such voter and check the voter's name on the voting lists referred to in section 60 of chapter 51, on the voter's certificate of supplementary registration attached to such lists as provided in section 51 of said chapter 51 or on the lists of specially qualified voters, if it has not already been so checked. The city or town clerk shall open the envelopes in which the ballot is enclosed in such a manner as not to destroy the affidavit thereon, take the ballot therefrom without opening it or permitting it to be examined and deposit it in the ballot box. All envelopes referred to in this section shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

SECTION 22. Section 100 of said chapter 54 is hereby repealed.

SECTION 23. Not later than July 1, 2022, the state secretary shall enter into the agreement with the Electronic Registration Information Center, Inc. as required by section 47C of chapter 51 of the General Laws.

SECTION 24. Not later than 30 days after the effective date of this act, the state secretary shall conduct a public awareness campaign to inform voters in the commonwealth of the provisions of this act, including, but not limited to, measures to promote public awareness of: (i) expanded early voting options; (ii) the requirements and procedures for early voting by mail, including, but not limited to, information related to the ability of a voter who requests but does not return an early voting by mail ballot to vote in person on election day; (iii) the availability of accommodations for voters with disabilities; (iv) the availability of assistance under section 79 of chapter 54 of the General Laws for voters who have limited English proficiency; and (v) information explaining that the processing of mail ballots and the tabulating of the results of the election may extend a few days past the day of the election. The public awareness campaign shall: (i) be linguistically diverse and culturally competent; (ii) be provided in multiple formats for viewing and include, but not be limited to, outreach through digital and social media; and (iii) ensure specific outreach is conducted for groups and communities that have historically underused mail voting and early voting.

SECTION 25. The electronic instructions and accommodations prescribed by the state secretary pursuant to paragraph (4) of subsection (a) of section 25B of chapter 54 of the General Laws, as

inserted by section 10, shall comply with requirements contained in Title II of the federal Americans with Disabilities Act and shall conform, to the extent feasible and required under law, with the Web Content Accessibility Guidelines 2.1 Level AA and best practices from the National Institute of Standards and Technology.

SECTION 26. Sections 1 to 4, inclusive, shall take effect 30 days after the effective date of this act.

SECTION 27. Not later than 30 days after the effective date of this act, the state secretary shall implement the internet portal required by paragraph (6) of subsection (a) of section 25B of chapter 54 of the General Laws, as inserted by section 10.

SECTION 28. Section 18 shall take effect on December 1, 2022. The state secretary shall promulgate regulations necessary to implement section 91C of chapter 54 of the General Laws, as inserted by section 18, not later than January 1, 2023.

SECTION 29. Sections 6 and 7 shall take effect on January 1, 2023.

SECTION 30. Section 25C of chapter 54 of the General Laws, as inserted by section 10, shall take effect on January 1, 2023.

Approved, June 22, 2022.