

# HOUSE . . . . . No. 711

By Mr. Walsh of Lynn, petition of Steven M. Walsh and others relative to allowing cities and towns to provide for early voting in elections in the Commonwealth. Election Laws.

## The Commonwealth of Massachusetts

### PETITION OF:

Steven M. Walsh	John D. Keenan
Thomas M. Menino	Carl M. Sciortino, Jr.
Elizabeth A. Malia	Anne M. Gobi
Willie Mae Allen	John W. Scibak
Gloria L. Fox	James B. Eldridge
Martin J. Walsh	Alice Hanlon Peisch
Patricia D. Jehlen	Thomas M. McGee
Edward M. Augustus, Jr.	Jennifer M. Callahan

In the Year Two Thousand and Seven.

AN ACT TO ESTABLISH EARLY VOTING.

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

1 Chapter 54 of the Massachusetts General Laws, as appearing in  
2 the 2004 Official Edition, is hereby amended by inserting the  
3 following provisions:

4 (a) Pursuant to a request, in person, by a qualified voter, as  
5 defined by Section 1 of Chapter 51 of the General Laws, the local  
6 election officers and registrars of every city or town shall allow any  
7 qualified voter to cast a ballot for any biennial state election, special  
8 state election, primary, or special primary prior to an election day.  
9 Cities and towns may also provide for early voting in elections not  
10 held in conjunction with State elections.

11 (b) Early voting shall begin on the 14th day preceding an election.  
12 The early voting period shall end on the day preceding an election.  
13 In case of a special election the early voting period shall begin on  
14 the 8th day preceding an election and shall end on the day preceding  
15 an election.

16 (c) In order to allow for early voting, the registrars of each city or  
17 town shall identify and provide for at least one centrally-located and  
18 convenient polling location within each city or town for use during  
19 the early voting period. The designation of an early voting polling  
20 location must be made 30 days in advance of the election. The loca-  
21 tion and hours of the polling location are within the discretion of the  
22 registrars of each city or town. However, each early voting polling  
23 location must be open for eight hours on each weekday during the  
24 early voting period. The polling location must be open for an aggre-  
25 gate of eight hours each weekend during the early voting period.  
26 Further, the polling location shall be accessible to persons with dis-  
27 abilities and suitable voting machines shall be made available to all  
28 qualified voters.

29 (d) The registrars for each city or town shall publish the location  
30 of the early voting polling place as well as the applicable dates and  
31 hours. Said publication shall occur during the week prior to the com-  
32 mencement of the early voting period and at least once a week  
33 during the early voting period. Notice of the dates and hours of early  
34 voting shall be sent to every newspaper listed in the Directory of  
35 New England Newspapers and Periodicals, located in such town or  
36 city. Notice of the dates and hours of early voting shall also be con-  
37 spicuously posted in the office of the city clerk or on the principal  
38 official bulletin board of each city or town and any other public  
39 building deemed necessary.

40 (e) The secretary of state must provide a sufficient number of  
41 early voting ballots and Early Voting Certificates to the registrars of  
42 each city or town for use during the early voting period. The early  
43 voting ballots shall be similar to the official ballots used on the Elec-  
44 tion Day with the exception that they shall be printed on paper dif-  
45 fering in color from that used for the official or absentee ballot. The  
46 ballots and Early Voting Certificates must be delivered to the regis-  
47 trars of each city or town 30 days in advance of the early voting  
48 period.

49 (f) Early voting ballots and Early Voter Certificates shall be pro-  
50 vided to each qualified voter who participates in early voting.

51 (g) Qualified voters shall sign, under the pains of perjury, an  
52 Early Voter Certificate, swearing that they are voting under their  
53 legal name and address and that they will not partake in any fraudu-  
54 lent activities while participating in the early voting period. The

55 Early Voting Certificate will also require qualified voters to provide  
56 their ward and precinct information. In order to facilitate the organi-  
57 zation of ballots by ward and precinct on election night, the Early  
58 Voting Certificate shall be attached to the sealed early voting ballot.  
59 The Early Voting Certificate shall have the following form:

60 EARLY VOTING VOTER CERTIFICATE

61 I, \_\_\_\_\_, am a qualified elector in this election and registered  
62 voter of \_\_\_\_\_ County, Massachusetts. I do solemnly swear or  
63 affirm that I am the person so listed on the voter registration rolls of  
64 \_\_\_\_\_ County and that I reside at the listed address. I understand  
65 that if I commit or attempt to commit fraud in connection with  
66 voting, vote a fraudulent ballot, or vote more than once in an elec-  
67 tion I could be convicted of a felony of the third degree and both  
68 fined up to \$5,000 and imprisoned for up to 5 years. I understand  
69 that my failure to sign this certificate invalidates my ballot.

70 (h) In compliance with Section 60 of Chapter 51 of the General  
71 Laws, before the commencement of the early voting period, the reg-  
72 istrars for each city or town shall prepare a list for the early voting  
73 polling location, containing the names and residences of all persons  
74 qualified to vote therein, as the same appear upon the annual reg-  
75 ister, and shall reasonably transmit the same to the election officers  
76 at every polling location designated by the registrars.

77 (i) The presiding election officer at the early voting polling loca-  
78 tion shall cause to be placed on the voting lists opposite the name of  
79 any qualified voter who participates in early voting the letters in cap-  
80 ital EV designating an early voter.

81 (j) At the end of each day during the early voting period, the pre-  
82 siding election officer must separate, compile, and record the early  
83 ballots cast at each polling location into the appropriate ward and  
84 precinct. The resulting list of early voters shall be updated daily and  
85 saved electronically. By 5:00 pm on the day before the Election  
86 Day, the list shall be forwarded to the appropriate ward and precinct  
87 location.

88 (k) Sections 65, 66, 72, 73 and 75 of chapter 54, governing the  
89 conduct of elections shall apply to the conduct of polling locations  
90 during early elections.

91 (l) The ballot boxes for early voting shall be sealed and locked  
92 each night and maintained securely by the election officers.

93 (m) The registrars for each city or town shall designate a location  
94 for the counting of early and absentee ballots. The early and  
95 absentee ballots shall be opened at the close of all polling locations  
96 on Election Day. All totals shall be added to the totals at the rele-  
97 vant wards and precincts.