ATTACHMENT H

December 11, 2020

To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 99 of House Bill No. 5164, “An Act Making Appropriations for the Fiscal Year 2021 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 99 permits eligible voters to vote early by mail in any municipal or state primary or election held on or before March 31, 2021. During this period, eligible voters who take precautions related to COVID-19 pursuant to the state of emergency or in response to medical guidance will also be allowed to vote by absentee ballot. These temporary changes will ensure that local elections continue to be administered safely as we work to overcome the pandemic. In furtherance of the foregoing, and to ensure maximum flexibility for local elections in the coming months, I am proposing to supplement this section by adding language that would allow municipalities to offer early voting in person if the local election official recommends it and the appropriate municipal authority votes to do so. In alignment with the provisions enacted in Section 99, this would apply to elections held on or before March 31, 2021.

For this reason, I recommend that Section 99 be amended by adding the following subsection:-

(l) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law or municipal ordinance to the contrary, upon a recorded and public vote by the select board, board of selectmen, town council or city council authorizing early in-person voting, any eligible voter of such municipality may vote early in-person for any annual or special municipal election held on or before March 31, 2021. Such vote may only be taken after a request from the city or town clerk or authorized local election official recommending in-person early voting and provided that such vote occurs not less than 5 business days prior to the proposed beginning of early voting and that such early in-person voting complies with the following:

1. A city or town, as part of the vote to allow early voting in-person, may set the early voting period to begin no sooner than 10 days before the election and end no later than the business day preceding the business day before the election.
2. Early voting shall be conducted during the usual business hours of the city or town clerk unless different hours are set as part of the vote, including any weekend hours.
3. The city or town clerk shall establish an early voting site that is centrally located, suitable and in a convenient public building. Notice of the early voting location, dates and hours must be posted at least 48 weekday hours before the early voting period begins.
4. A qualified voter voting early in person shall be provided with a ballot and an envelope where the ballot is placed after voting which contains an affidavit of compliance to be filled out by the voter. A qualified voter voting early in person shall complete an affidavit under the regulations promulgated by the state secretary for the administration of early voting and appearing at 950 CMR 47.00, as applicable, which shall include a notice of penalties under section 26 of chapter 56 of the General Laws.

Respectfully submitted,

Charles D. Baker

Governor