

H.4359 - Bill fostering voter opportunities, trust, equity and security.

Sections 1, 2. Changes the voter registration deadline from 20 to 10 days before an election.

Sections 3, 4. Clarifies that an individual may opt out of automatic voter registration when applying for services through certain state agencies consistent with 2018 legislation.

Sections 5-9, 14. Permanently authorizes early voting in person and by mail for the biennial state election, presidential and state primaries, and federal and state special elections. Allows municipalities to opt-in to early voting for any municipal election.

Early Voting in Person:

- Early voting period:
 - Biennial state elections – a two week period from the 3rd Saturday through the Friday before the election.
 - Presidential or state primary and other authorized elections – a one week period from the 2nd Saturday through the Friday before the election.
- Early voting must be conducted during a city or town clerk’s usual business hours. Weekend hours are mandated based on the number of registered voters in a municipality. Municipalities may offer more hours than the mandatory amount.
- Municipalities must establish an early voting site that includes the local election office, and must consider diverse geographic locations and accessibility for minority communities.
- The State Secretary must deliver ballots to municipalities at least 21 days before a presidential or state primary and biennial state election.
- Voters must complete an affidavit and place their ballot in an envelope and the local election officer must review the envelope and ensure the affidavit is signed and stored secretly.
- Municipalities may, at their own expense, provide a police detail at early voting sites.
- If a municipality determines that there is a deficiency in required election officers for early in person voting, additional officers may be appointed without regard to political party membership, voter status, residence, or inclusion on a political party committee list.

Early Voting by Mail:

- Applications will be: (i) mailed to voters at least 45 days before a presidential or state primary or biennial state election at the address listed in the central registry; (ii) included with any acknowledgement notice to a voter registering or changing their voter registration address; and (iii) available on the State Secretary and local elections websites.
- Applications will include instructions and allow a voter to designate a mailing address to receive their ballot.
 - Applications will be provided in any language required by federal law, and, in Boston, will allow voters to request a ballot in any language available at the voter’s polling location.
- Any written communication requesting a mailed ballot will be sufficient.
- Applications must be received by the local election official by 5:00 p.m. on the 4th business day before the election.
- A voter may apply for an accommodation by reason of disability for a state election.
 - Available accommodations include: (i) electronically accessible instructions, applications, ballots, and affidavits; (ii) an option to provide necessary signatures through a typewritten name, wet signature, or electronic signature; (iii) an option to submit an application or ballot electronically; and (iv) hole punch markers in place of a wet signature for certification.
- A request for an accommodation in a municipal election must be received no later than the 7th business day preceding the election. After a request for an accommodation either by phone or electronically the request for a reasonable accommodation must be granted by the local election official.

- The State Secretary must deliver ballots and other materials to the local officials at least 30 days before an election. Local election official must begin sending ballots to voters as soon as all necessary materials are received.
- Ballots may be returned at the town or city clerk’s office, in a secured drop box, by mail, or electronically if such accommodation is granted due to disability.
- Ballots are due by the close of polls, except for a presidential election, when a ballot must be mailed on or before Election Day and received by 5:00 p.m. on the 3rd day after the election.
- The local election official must open the outer mailing envelope and examine the inner secrecy envelope, without opening, comparing the signature with the signature on the application. If improperly executed, the local election official must mark as “rejected as defective” and notify the voter and send a new ballot.

General Early Voting Provisions:

- Registrars must update voter lists to reflect early voters with a designation of “EV”.
- An early voting ballot will not be invalid solely because a voter died after casting it.
- Party enrollment rules will apply during early voting. An enrolled voter in a primary must select the ballot of their designated party, and an unenrolled voter may select any party’s ballot.
- Early voting ballots may be deposited into a tabulator or ballot box in advance of election day, but must be kept secured and unexamined. Disclosure of any results is punished as a violation of MGL 56:14. Regulations of the State Secretary apply to the counting of ballots.

Section 10. Correctional facilities must, (i) at least 45 days before a presidential or state primary or biennial state election, assist incarcerated individuals in registering to vote; (ii) at least 30 days before a presidential or state primary or biennial state election, provide to each incarcerated individual who may be eligible to vote an application to vote by mail; and (iii) ensure an application to vote by mail is returned in a timely manner.

Section 11. Requires the State Secretary to enter into an agreement with the Electronic Registration Information Center (ERIC) as required under MGL 51:47C by July 1, 2022.

Section 12. Requires the State Secretary to implement and maintain a system through its website for voters to request early or absent ballots.

Section 13. Requires the State Secretary to conduct a multi-lingual public information campaign on the availability of early voting, including accommodations, and must ensure outreach to minority communities.