

Amendment #5 to H4667
Removal of EV by mail and Voter Confidentiality

Mr. Cusack of Braintree moves to amend the bill by adding the following SECTION:

SECTION 8A. Chapter 54 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking section 25B and inserting in its place thereof the following section:-

Section 25B. (a) The election officers and registrars of every city or town shall allow any qualified voter, as defined in section 1 of chapter 51, to cast a ballot for any biennial state election during the early voting period as set forth in this section including, but not limited to, any city or town election held at the same time.

(b) The voting period for early voting shall run from the eleventh business day preceding the general election until the close of business on the business day preceding the business day before the election; provided, however, that if the eleventh business day before the election falls on a legal holiday the early voting period shall begin on the first business day prior to the legal holiday.

(c) Early voting shall be conducted during the usual business hours of each city or town clerk. A city or town may, in its discretion, provide for additional early voting hours beyond the hours required by this subsection, including weekend hours.

(d) Each city and town shall establish an early voting site that shall include the 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 centrally-located, suitable and convenient public building within each city or town as an early voting site. 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.

(e) The designation of an early voting site shall be made not less than 14 days prior to the beginning of the voting period established in subsection (b). Not less than 7 days prior to the beginning of the early voting period and at least once during the voting period, the registrars for each city or town shall publish the location of the early voting sites as well as the applicable dates and hours. Notice shall be published in every newspaper listed for the city or town in the New England Newspaper & Press Association and shall also be conspicuously posted

in the office of the city clerk or on the principal official bulletin board of each city or town, on any other public building considered necessary, on the city or town's website, if any, and on the website of the state secretary.

(f) At least 21 days prior to each biennial state election, the state secretary shall deliver to each city or town, in quantities as the state secretary determines necessary, official early voting ballots, similar to the official ballot to be used at the election.

(g) An early voting ballot shall be provided to each qualified voter who participates in early voting.

(h) A qualified voter casting a ballot at an early voting site shall complete an affidavit under the regulations promulgated pursuant to this chapter, which shall include a notice of penalties under section 26 of chapter 56.

(i) Prior to the beginning of early voting, the registrars for each city or 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 election officers at each early voting site designated by the registrars.

(j) The registrar or presiding official at the early voting site shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters "EV" designating an early voter.

(k) The registrars shall prepare lists of all voters casting ballots during the early voting period and update the voter list in a manner prescribed by the state secretary. Early voting ballots are considered cast ballots and are not a public record as outlined in section 109 of Chapter 54.

(l) The state secretary shall promulgate regulations to implement this section including, but not limited to, a process for establishing additional early voting locations and a process for receiving, separating, compiling, recording, securing, and tabulating early voter ballots.

(m) Section 72 shall not apply to this section; provided, however, that a city or town may opt to 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 the election officers and supervisors from any interference with their duties and aid in enforcing the laws relating to elections.

(n) No early voting ballot cast under this section shall be counted if the officer charged with the duty of counting the ballot is cognizant of the fact that the voter has died prior to the opening of the polls on the day of the

election.

(o) After marking their early voting ballot, voters shall deposit ballots directly into a ballot box or tabulator. Tabulation of results will be in accordance with sections 105 and 105A of Chapter 54.

This Section shall take effect immediately upon passage.