



Programs & Services Committee Report

City of Newton **In City Council**

Wednesday, May 6, 2020

Present: Councilors Krintzman (Chair), Greenberg, Albright, Wright, Humphrey, Noel, Baker, and Ryan,

City Staff: City Clerk David Olson

#246-20 Resolution to the State Legislature in support of mail in voting
COUNCILORS DANBERG, BOWMAN, NOEL, HUMPHREY, CROSSLEY, DOWNS, WRIGHT, GREENBERG, NORTON, GROSSMAN, ALBRIGHT, LEARY, RYAN, MALAKIE, KRINTZMAN, KELLEY, MARKIEWICZ, LIPOF, AUCHINCLOSS, LAREDO, GENTILE AND GREENBERG requesting that the Newton City Council approve and send a Resolution to the Secretary of the Commonwealth and State Legislators requesting that the Legislature quickly approve all mail in voting for the 2020 elections and that the Secretary of the Commonwealth develop plans to implement it in Massachusetts.

Action: **Programs and Services Approved 6-02 (Councilors Wright, Baker abstaining)**

Notes: Councilor Danberg presented the request for a resolution to the Secretary of the Commonwealth and the state legislature to authorize voting by mail for the September 1 state primary and the November 3 state election in light of the COVID-19 emergency. Councilor Danberg stated that an in-person primary was held in Wisconsin in early April. She noted that there was a shortage of poll workers and the National Guard had to be called in to assist. Due to the shortage in poll workers, only 5/180 polling locations could be opened, causing long lines and the inability to social distance. Five states in the country (Colorado, Hawaii, Utah, Oregon and Washington) already allow mail in voting. Massachusetts allows early voting, but not mail-in voting at this time. For reasons of health and safety, it is intended that a resolution can be sent in support of mail in voting.

City Clerk David Olson noted that there are currently six bills relative to mail in voting at this time with more likely to come. He stated that the language in the bills ranges from allowing residents to apply for a ballot to be mailed to mailing each registered voter a ballot. He expressed some concern, noting that Secretary Galvin's bill pushes the mailing process onto municipalities, expands the number of hours for early voting and still requires the polling locations to be open. Mr. Olson suggested that there are more effective ways to conduct a mail in election and noted that the City should be reducing the number of early voting hours and encouraging voters to mail ballots in. He noted that some poll workers have already indicated hesitation with regard to working during the fall elections. Mr. Olson noted that the fall elections will be very expensive to conduct.

The Committee emphasized their support for the resolution, noting that some states already have mail in voting and Oregon has been voting by mail since 1995. It was suggested that allowing mail-in voting will strengthen the democratic process. The Committee shared concerns relative to voter and poll worker safety, noting that many poll workers are high risk for COVID-19 due to age. It was noted that the resolution, as written, calls for the authorization of mail in voting but does not support a specific bill. The Committee agreed that sending a resolution in support of mail in voting will demonstrate support, but the legislature can work to determine the best solutions.

The Committee questioned whether electronic voting might be an option, but it was noted that elections security would be a major issue for electronic voting. Councilor Noel motioned to approve the item which carried six in favor, none opposed and abstentions from Councilors Wright and Baker (who abstained due to the uncertainty of the unique situation).

The meeting adjourned at 9:45 PM.

Respectfully Submitted,

Josh Krintzman, Chair



NEWS

William Francis Galvin
Secretary of the Commonwealth

State House, Room 337
Boston, Massachusetts 02133

Contact: Debra O'Malley
Telephone: 617-727-9180

May 6, 2020

SECRETARY GALVIN RELEASES PLAN TO EXPAND VOTING OPTIONS THIS FALL

Secretary of the Commonwealth William F. Galvin has released a package of proposed legislative changes he believes will be necessary for the safe and orderly administration of elections this fall. With his proposal, Galvin seeks to expand existing voting by mail procedures so that any Massachusetts voter could choose to vote by mail in the September 1st State Primary and the November 3rd State Election.

Galvin's plan would also expand in person early voting for both the primary and the election. The plan calls for 18 days of early voting for the November election, including two weekends, as well as 7 days of early voting ahead of the September primary.

"I want to make sure that any voter who wants to cast their ballot by mail is able to do so this fall, but it is also essential that we preserve in person voting as an option for those who need it," Galvin said. "The best way to do that is to spread it out over as many days as possible, to avoid crowding in the polling places."

While early voting by mail is currently allowed for November, current state law limits the availability of those mail-in ballots to a 2 week early voting period prior to the election. There is currently no option for voters to request a no-excuse mail-in ballot for the September primary. Galvin is asking the Legislature to allow election officials to mail early ballots to any voter who has requested one, as soon as the ballots are ready.

Other provisions in Galvin's plan are meant to make it easier for voters to request a mail-in ballot. Under the proposal, voters would be able to submit their request for a mail-in ballot electronically. For those who wish to apply using a paper application, Galvin's office plans to distribute applications across the Commonwealth.

"My Elections Division will be working to make sure applications are distributed to all voters, through a variety of methods. We are also in discussions with the Post Office right now to determine the best way to ensure voters do not need to pay for postage to return their mail-in ballots," Galvin continued.



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The proposal also increases options for returning an early ballot, which right now can only be returned by mail or in person by the voter. Galvin's plan would allow voters to return their ballots to an official drop box or ask a family member to deliver the ballot by hand.

Also included in the package are provisions for voters who are hospitalized or quarantined immediately before the election. Galvin's office is proposing that voters admitted to a healthcare facility or forced to self-quarantine within one week of the election be allowed to designate someone to hand-deliver a ballot to them.

Galvin is encouraging the Legislature to act quickly on the proposal, as the printing of ballots for the State Primary will begin immediately after the upcoming June 2nd candidate filing deadline.

"We need to have our plan in place very soon, so that my office can order a sufficient number of mail-in ballot materials for voters, and so that voters can start getting those ballots," Galvin said. "The more time our local election officials have to prepare, the more smoothly this election will run for everyone."

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The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Elections Division

M E M O R A N D U M

To: William Francis Galvin, Secretary of the Commonwealth

From: Michelle K. Tassinari, Director and Legal Counsel,
Elections Division

CC: John Rosenberry, Legislative Director

Date: May 6, 2020

Re: Proposed Legislation for Expanded Early Voting for the 2020 State
Primary and State Election

Given the COVID-19 pandemic, the state of emergency declared by Governor Baker pursuant to Executive Order 591, and the fluid nature of the situation, we believe it is necessary to act now to expand voting options for the state primary and state election. This includes expanded voting by mail and early voting in person opportunities.

Under the current statutory scheme, there is no early voting (either by mail or in person) for the September 1st State Primary and early voting for the November 3rd State Election is limited to a 12 day period before the election with no required weekend hours. The existing provisions allow for early voting in person during the 2 weeks before the election and limit the mailing of ballots until that time as well. The proposed legislation would allow 7 days of in person early voting for the State Primary, including one weekend, and 18 days of in person early voting for the State Election, including two weekends. The legislation proposes minimum hours for each weekend day based on the number of registered voters.

The legislation would also allow any voter to vote early by mail, without an excuse, and allow local election officials to mail those ballots out as soon as they are printed and available.

The proposed 7 day early voting period for the State Primary would allow those voters who need or want to vote in person more opportunities to do so. This would allow polling places to be less crowded, with in person early voting spread out over 8 days, including one weekend.

The proposed expansion of early voting for the State Election would add a second weekend to the early voting period and mandate minimum hours based on the number of registered voters in a municipality. In the past, the one Saturday during the early voting period was only optional for local election officials to be open but for those that were open, it has been a popular day for voters to go to early voting locations, sometimes leading to lines longer than those one would expect on Election Day. It is our hope that requiring weekend hours, including the addition of a second weekend, to the early voting period would limit crowding at early voting locations and at polling places on Election Day.

Other provisions of this legislation are intended to make it easier for voters to request and return mail-in ballots. If passed, this legislation would allow voters to submit applications for mail-in ballots electronically; allow the return of an early ballot by a family member; expand hand-delivery of ballots to voters admitted to the hospital or quarantined; and bring mail-in ballot request deadlines in line with the recommendations of the U.S. Postal Service, so that voters who submit timely applications will receive their ballots in time to have them counted.

It is necessary to resolve this issue as soon as possible so that we are able to adequately prepare to administer increased voting by mail. Specifically, we will need to procure the supplies necessary for printing more ballots and envelopes in anticipation of an increase in requests for ballots by mail.

We have been in communication with other states who are also seeking to increase voting by mail options for the upcoming elections, which we've been told will create a supply chain issue for materials and equipment. As such, we want to make sure we have the time to order the paper for ballots, create and have envelopes manufactured, and determine the needs for other equipment that local election officials may need to process vote by mail ballots.

We believe that with these expanded voting options, the voters of Massachusetts will be able to fully participate in the democratic process in a safe and convenient manner.

Draft Legislation

An Act expanding voting opportunities including voting by mail in response to the declaration of emergency to respond to COVID-19 for the 2020 state primary and state election

SECTION 1. Notwithstanding the provisions of section 25B of chapter 54 of the General Laws or any general or special law to the contrary, there shall be early voting in person and by mail for the 2020 state primary. Early voting shall also apply to any city or town election held at the same time as the state primary.

(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 in person for the 2020 state primary during the early voting period, which shall begin on Saturday, August 22, 2020 and end on Friday, August 28, 2020.

(b)(1) Any qualified voter wanting to early vote by mail may file with their local election official an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at the primary shall be given the same effect as an application made in the form prescribed by the state secretary. Local election officials shall send early voting by mail ballots to those voters who have applied as soon as ballots are available.

(2) No application for an early mail-in ballot for the primary shall be deemed to be seasonably filed unless it is received in the office of the local election official before noon on Tuesday, August 25, 2020.

(c) Early voting in person for the 2020 state primary shall be conducted on Saturday, August 22, 2020 and Sunday, August 23, 2020, as follows: for municipalities with less than 5,000 registered voters, for a period of a minimum of two (2) hours each day; for municipalities with 5,000 or more, but less than 20,000 registered voters, for a period of a minimum of four (4) hours each day; for municipalities 20,000 or more, but less than 40,000 registered voters, for a period of a minimum of five (5) hours each day; for municipalities with 40,000 or more, but less than 75,000 registered voters, for a period of a minimum of six (6) hours each day; and for municipalities with 75,000 or more registered voters, for a period of a minimum of eight (8) hours each day. For each other day during the early voting period, 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.

(d) All early voting ballots voted by mail for the 2020 state primary shall be received by the city or town clerk before the hour fixed for closing the polls.

(e) Each city and town shall establish an early voting site for the 2020 state primary 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.

(f) The designation of an early voting site for the 2020 state primary shall be made no later than August 7, 2020. No later than August 14, 2020, and at least once during the voting period, the registrars for each city or town shall post the location of the early voting sites as well as the applicable dates and hours. Notice shall 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.

(g) No later than August 3, 2020, the state secretary shall deliver to each city or town, in quantities as the state secretary determines necessary, the following papers: (1) official absentee/early voting ballots for the 2020 state primaries, similar to the official ballot to be used at the primaries; and (2) envelopes of sufficient size to contain the ballots specified in clause (1) bearing on their reverse the voter's affidavit in compliance with the requirements of subsection (i).

(h) An early voting ballot along with an envelope shall be provided to each qualified voter who participates in early voting for the 2020 state primary.

(i) 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.

(j) Prior to the beginning of early voting for the 2020 state primary, 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.

(k) 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.

(l) 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.

(m) The provisions of sections 37 and 38 of chapter 53 of the General Laws shall apply to unenrolled voters and voters enrolled in political designations. The registrar or presiding 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 cannot request or vote on the ballot of another party.

(n) The counting of early voting ballots including, but not limited to, informing election officers and any challengers present under section 85A shall be set by 950 C.M.R. § 47.00 so far as applicable. All envelopes referred to in this section shall be retained with the ballots cast at the 2020 state primary and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

(o) The provisions of 950 C.M.R. § 47.00 shall apply to early voting at the 2020 state primary to the extent feasible, but the secretary shall update the rules to accommodate the dates set forth herein.

(p) A city or town may opt to detail a sufficient number of police officers or constables for each early voting site for the 2020 state primary 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.

(q) 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 2020 state primary.

SECTION 2. (a) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law to the contrary, 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 in person for the 2020 biennial state election during the early voting period, which shall begin on Tuesday, October 13, 2020 and end on Friday, October 30, 2020. Early voting shall also apply to any city or town election held at the same time.

(b)(1) Any qualified voter wanting to early vote by mail may file with their local election official an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at the election shall be given the same effect as an application made in the form prescribed by the state secretary. Local election officials shall send early voting by mail ballots to those voters who have applied as soon as ballots are available.

(2) No application for an early mail-in ballot for the state election shall be deemed to be seasonably filed unless it is received in the office of the local election official before noon on Tuesday, October 27, 2020.

(c) Early voting for the 2020 state election shall be conducted on Saturday, October 17, 2020, Sunday, October 18, 2020, Saturday, October 24, 2020 and Sunday, October 25, 2020 as follows: for municipalities with less than 5,000 registered voters, for a period of a minimum of two (2) hours each day; for municipalities with 5,000 or more, but less than 20,000 registered voters, for a period of a minimum of four (4) hours each day; for municipalities with 20,000 or more, but less than 40,000 registered voters, for a period of a minimum of five (5) hours each day; for municipalities with 40,000 or more, but less than 75,000 registered voters, for a period of a minimum of six (6) hours each day; and for municipalities with 75,000 or more registered voters, for a period of a minimum of eight (8) hours each day. For each other day during the early voting period, 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.

(d) No later than October 9, 2020, the state secretary shall deliver to each city or town, in quantities as the state secretary determines necessary, the following papers: (1) official absentee/early voting ballots, similar to the official ballot to be used at the election; and (2) envelopes of sufficient size to contain the ballots specified in clause (1) bearing on their reverse the voter's affidavit in compliance with the requirements of subsection (j) of section 25B of chapter 54.

(e) Local election officials shall transmit early voting ballots requested to be mailed as soon as ballots are available and shall include an early voting inner envelope, early voting instructions and a return envelope preaddressed to the local election official. The early voting inner envelope shall contain the affidavit in compliance with subsection (j) of section 25B of chapter 54 and shall include a notice of penalties under section 26 of chapter 56.

(f) All early voting ballots voted by mail shall be received by the city or town clerk before the hour fixed for closing the polls.

(g) The local election officials shall cause to be placed on the voting lists opposite the name of a qualified voter who has requested and been sent an early voting ballot the letters "EV" designating an early voter and shall update the voter list in a manner prescribed by the state secretary.

(h) Regulations duly promulgated for the administration of early voting shall apply to the extent practicable. Notwithstanding any general or special law or regulation to the contrary, the state secretary may modify the regulations that the state secretary considers necessary for the orderly administration of the state primary or state election by providing notice of the change to local election officials, by filing notice with the rules and regulations division, by posting on the state secretary's website and by whatever other means the state secretary considers appropriate.

SECTION 3. Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law to the contrary, the election officers and registrars of every city or town shall allow any qualified voter, as defined in section 1 of chapter 51, to vote early by mail for any city or town election held on or before December 31, 2020.

SECTION 4. For an election held on or before December 31, 2020 any person taking precaution related to COVID-19 in response to a declared state of emergency or from guidance from a medical professional, local or state health official, or any civil authority shall be deemed to be unable by reason of physical disability to cast their vote in person at a polling location.

SECTION 5. Notwithstanding sections 25B and 89 of chapter 54 of the General Laws or any other general or special law to the contrary, applications for early and absentee ballots for all elections held on or before December 31, 2020 shall be acceptable if they are signed or submitted electronically, provided that any electronic signature be written in substantially the same manner as a hand-written signature.

SECTION 6. Chapter 54 of the General Laws is hereby amended by striking out section 89 and inserting in place thereof the following –

Any form of written communication evidencing a desire to have an absent voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary.

No application for an absent 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 of voters on or before the seventh day preceding the election for which the ballot is being requested; provided, however, that if the seventh day preceding such election is a Sunday or a legal holiday, then it shall be received by such clerk or registrars before 5 o'clock post meridian on the business day preceding the seventh day before the election.

No application for an absentee ballot to be voted in person shall be deemed to be seasonably filed unless it is received in the office of the city or town clerk or registrars of voters on or before noon on the day preceding the election for which such absent voting ballot is requested; provided, however, that if the day preceding such election is a Sunday or legal holiday, then it shall be received by such clerk or registrars before five o'clock post meridian on the last previous day on which such office is open.

The provisions of section eighty-one relative to spoiled ballots shall apply to absent voting ballots; provided, however, that no request for a substitute ballot from a voter who has received their ballot by mail shall be valid unless it is accompanied by the spoiled ballot and received in the office of the city or town

clerk or the registrars of voters before noon on the day preceding the election for which such substitute absent ballot is requested.

No ballot shall be mailed or delivered, as provided in section ninety-one B, until an application has first been filed and certified by the registrars and returned to the clerk, as provided in section ninety-one. Said application may request an absent voting ballot for each regular or special election which occurs within the calendar year in which the application is received by the city or town clerk or registrars.

A family member of a person qualified to vote by absent voting ballot may apply in the same manner on behalf of such person. Such applicant shall state his relationship to the absent 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 of the absent voter's residence.

SECTION 7. Chapter 54 of the General Laws is hereby further amended by striking subsection (a) of section 92 and inserting in place thereof the following –

(a) A voter who receives the ballot by mail, as provided in subsection (a) of section ninety-one B, may return it by mail to the city or town clerk in the envelope provided pursuant to subsection (d) of section eighty-seven; or via a secured municipal drop box, where provided; or such voter or a family member may deliver it in person to the office of the city or town clerk. A voter to whom a ballot was delivered in person at the office of the clerk as provided in said subsection (a) of said section ninety-one B shall return it without removing the ballot from such office.

SECTION 8. Chapter 54 of the General Laws is hereby further amended by striking out subsection (c) of section 91B and inserting in place thereof the following –

(c) To a voter who states, under penalty of perjury, that they have been admitted to a health care facility, as defined in section twenty-five B of chapter one hundred and eleven on or after the seventh day before the relevant election, the ballot and accompanying papers shall, unless the clerk determines there is insufficient time, be delivered in the same manner as provided in subsection (b); provided, however, that if permitted in the sole discretion of the city or town clerk, a person designated in writing by the voter and who is not a candidate for an office at the election, may instead perform the functions of an election official. If the health care facility is outside the city or town and no such designated person is available for such purpose, the ballot need not be delivered in person, but may be mailed.

SECTION 9. Notwithstanding any other general or special law to the contrary, the provisions of subsection (c) of section 91B of chapter 54 of the General Laws

shall apply to voters who have been instructed to self-quarantine in their home beginning after noon on the seventh day before the any election held on or before December 31, 2020.

SECTION 10. Chapter 54 of the General Laws is hereby further amended by striking out the last sentence of subsection (b) of section 25B and inserting in place thereof the following –

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 o'clock post meridian on the seventh day preceding the election.

SECTION 11. Section 25B of chapter 54 of the General Laws is hereby further amended by striking out subsection (c) and inserting in place thereof the following –

(c) The voting period for in person 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. The voting period for mail-in early voting shall begin as soon as all necessary early materials have been received by the local election official.

SECTION 12. Notwithstanding the provisions of section 24 of chapter 54 or any other general or special law to the contrary, the board of selectmen, town council or city council may vote to change any polling place to be used at an election in 2020 at least 10 days prior to the date of the election. If the board of selectmen, town council or city council determine that the public convenience would be better served, they may house all polling places in a single building within the municipality, if such building is suitably equipped. In cities, the city council may designate polling places in non-adjacent precincts if they determine the public convenience would be better served. When the polling places have been designated under the provisions of this section, the board of registrars shall post on the municipal website and at other such places as it may determine, a description of the polling places and shall notify voters by using an electronic means, to the extent available, such as via email or reverse 9-11 call.

SECTION 13. This act shall take effect upon its passage.