

Municipal Alert
July 16, 2020

**Bill No. 4820 to Expand Vote by Mail and Early Voting:
Primary and General Elections**

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On July 6, 2020, Governor Charlie Baker signed “An Act Relative to Voting Options in Response to COVID-19 (“Act”)” into law. The Act contains several important amendments to the Massachusetts Elections Law, M.G.L. c. 54 and applies to all federal, state and local elections through the end of 2020. The Act, designed to make voting more convenient and reduce crowding at the polls, affords all Massachusetts voters the option to vote by mail and extends the time allowed for early in-person voting.

Voter Registration

Under the Act, unregistered and eligible individuals may register up to 10 days before the election, as opposed to the previous deadline for registration of 20 days before the election. The board of registrars must hold registration sessions for at least three hours on the tenth day prior to the election.

Vote by Mail

The Act extends the option to vote by mail to every registered voter in the Commonwealth. This should significantly help maintain or increase voter turnout levels in the upcoming elections by adjusting the process to address the public health realities imposed by the COVID-19 pandemic. The Act provides that any written communication evidencing a desire to vote by mail signed by a voter and sent in a seasonable manner to the appropriate municipal clerk or official will suffice. In an attempt to maximize voter participation, the Secretary of State’s Office will send an application to vote by mail to the mailing address of every registered voter by July 15, 2020 and again in early September 2020. Voters will also be able to request a mail-in ballot at an online portal on or about October 1, 2020.

To vote by mail in the primary election, which will be held on September 1, 2020, mail-in applications must be received by the appropriate municipal clerk or official before 5 P.M. on Wednesday, August 26, 2020. To vote by mail in the general election, which will be held on November 3, 2020, mail-in applications must be received by the appropriate municipal clerk or official by 5 P.M. on Wednesday, October 28, 2020.

Mail-in ballots may be mailed, submitted in a secure drop box, or delivered in person to the office of the city or town clerk. A mail-in ballot must be received by the clerk before the polls



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close on the day of the primary election in order to be counted. For a ballot to be counted in the general election it must either be received prior to the time the polls close or post-marked on or before November 3, 2020 and received no later than November 6 at 5 P.M.

In-Person Early Voting

In addition to voting by mail, every registered voter will be given the option to cast an early in-person ballot in the primary and general elections, including any concurrent city or town elections. The early voting period for the primary election will begin on Saturday, August 22, 2020 and end on Friday, August 28, 2020. The early voting period for the general election will begin on Saturday, October 17, 2020, and end on Friday, October 30, 2020.

The Act requires cities and towns to be open for a certain minimum number of hours for early in-person voting, based on population, for the first Saturday and Sunday of the respective early voting periods (August 22-23 and October 18-19):

- For municipalities with fewer than 5,000 registered voters, for a period of at least 2 hours each day;
- For municipalities with 5,000 or more registered voters or more but less than 20,000 registered voters, for a period of at least 4 hours each day;
- For municipalities with 20,000 or more registered voters but fewer than 40,000 registered voters, for a period of at least 5 hours each day;
- For municipalities with 40,000 or more registered voters but fewer than 75,000 registered voters, for a period of at least 6 hours each day;
- For municipalities with 75,000 or more registered voters, for a period of at least 8 hours each day.

For the remaining days of the early in-person voting period, voting shall be conducted during the normal hours of operation of each city or town clerk's office. Each city or town must establish an early voting site(s) for the primary and general elections. The early voting site(s) must include the municipal election office unless it is unsuitable and/or unavailable. In such a situation, the city or town must provide an alternative centrally-located, suitable and convenient public building as an early voting site. All voting sites need to be accessible to persons with disabilities in accordance with federal law.

Municipalities must designate their early voting sites by August 7, 2020 for the primary election and October 2, 2020 for the general election. The location, voting dates and hours of the early voting sites must be posted in a conspicuous manner (1) in the office of the city or town clerk; (2) on any other public building considered necessary; (3) on the city or town's website; and (4)



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on the website of the state secretary, no later than August 14, 2020 for the primary election and October 9, 2020 for the general election, and at least once during the respective voting periods.

Changing Polling Places

The select board, board of selectmen, or town or city council may, by recorded and public vote, change any polling place to be used at the primary or general election at least 20 days prior to the date of the election if the public convenience or public health would be better served. The public body must evaluate and issue a report on whether the change would have a disparate adverse impact on access to the polls on the basis of race, national origin, disability, income or age. The report must be published on the municipality’s website and at the clerk’s office within 3 days prior to changing a polling place. Registered voters must be notified of the new site(s) using electronic means, to the extent available, such as via email or reverse 911 call.



This Client Alert was prepared by Joseph Prive and was reviewed by Cindy Amara, Karis North, Rachel Mills, and Kier Wachterhauser. If you have any questions, please contact Cindy Amara, Karis North, Rachel Mills, or the attorney assigned to your account, or call (617) 479-5000.

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