



June 3<sup>rd</sup>, 2020

## Coalition Statement on H. 4768 and Necessary Amendments

Today the House will consider one of the most important pieces of legislation of the year. COVID-19 will continue to impact residents of our Commonwealth in the fall, and the legislation before you, H. 4768, protects the foundation of our democracy: our citizens' right to vote.

With this legislation, Massachusetts will join many other states in sending a mailed ballot application to all voters for the first time in 2020. This change, along with the on-line portal for requesting ballots and other reforms in the legislation, is substantial and significant. It will encourage many more people to vote from the safety of their own home and will improve the ability of local election officials to deal with a flood of mailed ballots.

We are pleased to see that the Ways and Means Committee strengthened the legislation by adding pre-paid postage to both ballots and applications. That is an important addition.

However, three critical changes are needed for the legislation to fulfill its promise.

*We urge the House support amendment numbers 6, 7, and 10:*

- *Amendment #6* allows local election officials to process mail ballots before Election Day in a central location. Votes would NOT be counted until the end of Election Day.
- *Amendment #7* would require officials to count all ballots mailed by Election Day (for the general election only) which are received by the following Monday.
- *Amendment #10* extends the period of time prior to Election Day during which individuals may register to vote.

### **#6 Alice Peisch -- Early central processing of ballots**

This amendment is a top request from the Town Clerks Association and is strongly supported by the Coalition. It is filed with only slightly different language in #17 and #19. We think the language of Amendment #6 is the clearest. Officials need to be able to process mail and early voting ballots before election day at their office or another secure location as opposed to at precinct polling places on election day. Opening, unfolding, checking in, and feeding tens of thousands of ballots or, in the case of Boston, hundreds of thousands, cannot realistically be

done in one day. These amendments DO NOT allow clerks to count votes, but merely to start scanning the ballots. Counting is a separate process that does not start until after the polls close on Election Day. In fact, the amendment imposes a significant penalty for doing so.

#### **#7 Marjorie Decker -- Counting all ballots mailed by Election Day**

Massachusetts must ensure that all ballots mailed by election day in November are counted, even if they arrive within a few days after the polls close. With an expected dramatic increase in the volume of mail-in ballots and a postal service that is not performing at peak capacity, extending the deadline will help ensure that tens of thousands of voters are not disenfranchised. Many other states, including California, Illinois, Maryland, New Jersey, North Carolina, Ohio, and Texas, already follow this rule to make sure that every vote counts *in all of their elections*. Many other states allow for receipt after Election Day if mailed the day before. PA just did this by executive order. For the September primary, mailed ballots will still have to be received by Election Day because of a tight deadline for printing the November election ballot. A similar amendment has also been filed: #4

#### **#10 Tricia Farley-Bouvier-- Later voter registration cutoff**

We should maximize voter registration by shortening the black-out period for voter registration, just as it was shortened for the spring local elections, or by adopting Election Day Registration in **Amendment #25**, as 21 other states have already done. During the crisis and well after, voter registration efforts will be severely curtailed. Far fewer voters will register at the RMV, and third-party registration efforts at events or door-to-door efforts will be dramatically reduced. Allowing for more time to register or update registrations, or better yet adopting Election Day registration, will help compensate for these COVID-related deficits.

The coalition supports many of the other amendments, is neutral on some, and only opposes Amendment #24 which eliminates early voting for the primary. For a full list please contact any of the members of the coalition.

*The Election Modernization Coalition is comprised of the ACLU of Massachusetts, Common Cause Massachusetts, the League of Women Voters of Massachusetts, Lawyers for Civil Rights, MASSPIRG, MassVOTE, and the Massachusetts Voter Table. The Coalition's longstanding goals include ensuring elections are accessible, participatory, accurate, and safe.*