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11 Days After Deadline, No Regulations from Secretary of the Commonwealth on Safe Voting During the Pandemic

Under the [landmark legislation](#) signed into law last month providing Massachusetts residents with more voting options during COVID-19, **the Secretary of the Commonwealth was required to issue a number of new regulations related to safe voting during the pandemic.** Specifically, the law required him to “promulgate emergency regulations” regarding **the processing of mail ballots** in local communities by August 1, 2020, and further obligated him to issue regulations on **safe in-person voting** and **electronic poll books**. The electronic poll book regulations were due by July 15.

Eleven days have now elapsed since the August 1 deadline, without any sign that the Secretary has complied with the law by promulgating the regulations. The Secretary has further failed to issue regulations on poll worker PPE, on safety measures for keeping voters and elections officials safe, and on the use of electronic poll books -- all of which are required under the new voting law. This comes after the Secretary failed to mail ballot applications until after the deadline required by the law, and only after Lawyers for Civil Rights, Common Cause Massachusetts, and MassVOTE filed a lawsuit against the Secretary’s office.

We, the members of the Election Modernization Coalition, urge the Secretary of the Commonwealth to comply with the law and issue these regulations swiftly.

The regulations for processing ballots, called for by the fall elections law, fill a critical need. The law calls for the Secretary to issue clear, specific, and formal regulatory guidance to local election officials to govern how they handle the anticipated massive volume of mail-in ballots they are starting to receive. Because the task of processing mail and early ballots is normally left to election officials to squeeze in at polling locations during lulls on Election Day, or to complete after the polls close, the Legislature recognized that a provision for centralized processing in advance would be critical to ensuring that all mail ballots are counted. Regulations must be issued to ensure that our fall elections in Massachusetts do not look like spring elections in states like Wisconsin and Georgia, where hundreds of thousands of ballots that were not processed on time were left uncounted.

A delay from the Secretary has meant that some communities are not implementing all of the aspects of the new law. With the primary election only three weeks away, it may already be too late to adopt significant changes such as pre-election processing of ballots. We have seen how lack of time to implement new laws has led to confusion in other states. Massachusetts should minimize confusion and inefficiencies by adopting comprehensive and clear regulations immediately.

The Secretary has also failed to issue regulations on the use of electronic poll books, which the law required he provide by July 15, and regulations on public health safeguards including social distancing, the use of sanitizers, and personal protective equipment - regulations necessary to keep voters and elections officials safe. While there has apparently been some communication with elections officials from the DPH and Elections Division, these regulations are overdue to be issued to the public, and are critical to ensure safe voting throughout the fall elections.

As a coalition, we recognize that the office of the Secretary of the Commonwealth faces a great many challenges this election season. But it is up to the Secretary to provide the regulations in a timely manner and ensure that Massachusetts' communities have the tools to hold safe and accessible elections in the coming months.

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The Election Modernization Coalition includes Common Cause/MA, MassVOTE, the ACLU of Massachusetts, MASSPIRG, Mass Voter Table, Lawyers Committee for Civil Rights, League of Women Voters of Massachusetts.