

Advocates: Mail method matters in voting reform bill

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As an extensive vote-by-mail bill moves to the Senate, one voting rights advocacy organization and the association representing town clerks hope the upper chamber will address several outstanding issues including delivery requirements for mail-in ballots.

The mail-in voting legislation (H 4768) comes as a response to public health concerns associated with COVID-19. As government officials urge social distancing, some voters might be discouraged from showing up in-person to the polls in September and November. The House, voting 155-1, sent the bill to the Senate Thursday night after tackling around 27 amendments.

MassVote Policy and Communications Manager Alex Psilakis said he hopes the Senate will address language in the bill dictating which mailing method the state will use – options include first class or bulk mail. Under the current bill, the state is required to pay for return envelopes but the postage class is not specified.

This poses an issue, Psilakis said, as the state could choose to use bulk mail, which is not postmarked. If the bulk mail arrives after Election Day, local clerks would not count it. To rectify the concern, Psilakis said the Senate could change the language to “mailed by” as opposed to “postmarked by.”

“That’s impacting thousands or tens of thousands or hundreds of thousands of voters, that’s going to mean their vote isn’t counted,” he said in an interview. “Some legislators are worried that if you allow people to mail it by Election Day,

that leaves more room for voter fraud and that's just not the case."

Rep. Natalie Blais (D-Sunderland) filed an unsuccessful amendment that would have required the state to pay for United States Postal Service first class mail for any mailing requirements detailed in the legislation.

Sen. Barry Finegold, Senate chair of Election Laws, said the legislation the House passed is a step in the right direction. The three options in the bill – early voting periods, voting in-person on Election Day, and voting by mail – help address public health concerns regarding physical distancing, he said.

Finegold said the House decision to institute the "postmarked by" deadline for mail-in ballots is sufficient.

"If you're concerned about the pandemic, you don't have to come to the polls, if you're concerned about the crowd, you can vote early," he told the News Service. "And if you'd like, the day of the election, you can show up the day of the election."

A timetable for Senate consideration of the bill was not available Friday from Senate President Karen Spilka's office. The Senate plans for next week currently include only two informal sessions.

Andy Dowd, legislative committee chair of the Massachusetts Town Clerks Association, said overall the bill addresses key concerns of local clerks such as allowing them to tabulate votes prior to Election Day. Dowd said he hopes the Senate will address the front-end process of requesting a ballot.

"The challenge on our end is that those application forms are going to be returned to us by mail or I believe there will be an option for folks to email them back, which is great. We like to make things as easy as possible," he told the News Service. "But then once we receive it, again, that's where the

manual labor intensive process tends to bog down the system.”

The House bill would direct Secretary of State William Galvin to send out applications for mail-in ballots by July 15 and provide early voting options before the September primary and November general elections.

Over the course of two days, House lawmakers hashed out what voting-by-mail would look like during the 2020 primaries and general elections. On Wednesday, lawmakers abruptly paused mid-debate out of respect for protests on Boston Common and logistical concerns surrounding traffic associated with the demonstrations.

Legislators resumed their session Thursday and worked for nearly eight hours before passing the bill. The session was the first serious test of the House’s new remote voting format for a bill with multiple amendments drawing debate. Chairman Aaron Michlewitz said overall, the session went smoothly.

“A few hiccups here and there, but most members that wanted to speak on an amendment were able to do that,” he told the News Service after Thursday’s session. “We were able to have a good dialogue with the membership, even though they were [participating] remotely.”

Rep. Paul Mark (D-Peru), who represents rural communities, raised during debate the need for funding to aid in the implementation of the bill for smaller municipalities. House Election Laws Chairman John Lawn said he understands this election cycle will place an “enormous” pressure on clerks to deal with an increase in mail.

“So we listened to that and working with the central tabulation amendment was their number one priority and I think that amendment really accomplishes that and helps out the clerks,” Lawn said, referencing an amendment that would allow clerks to tabulate votes prior to Election Day.

Psilakis said MassVote is also disappointed that the bill would close the period to request an absentee ballot seven days before election day – another point he hopes the Senate will tackle. In years prior, he said, a voter could request an absentee ballot at noon the day before the election.

“That’s something that we really don’t want to see,” he said. “Because loads of people could be in that situation where something comes up, and they just want to go to their local local hall to get their ballot.”

Finegold said it was important to institute a cutoff time to give clerks time to handle absentee ballots.

“I feel there’s plenty of options for people to get to the polls and to vote,” Finegold said.

The Election Modernization Coalition, a group of seven voting rights organizations that includes the ACLU, Common Cause Massachusetts, and MassVote – praised the House bill in a joint statement, writing Friday that the bill is “a very strong reform to our election laws.”

“This election is going to be one of the most consequential in our lifetime, with enormous implications for communities of color,” said Rahsaan Hall, director of the Racial Justice Program at the ACLU of Massachusetts. “We’re grateful to the House for moving this vital bill quickly. We need to protect democratic participation, safeguard public health, and ensure equitable ballot access for all voters.”