

Expanded voting options for 2020 elections in Massachusetts passes Senate

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The Senate passed expanded vote-by-mail legislation Tuesday that would allow voters to avoid the polls, but still participate, during the upcoming primaries and general election if they feel unsafe due to the ongoing pandemic.

The Senate approved its own version (S 2755) of vote-by-mail legislation that would offer registered voters three options to cast a ballot: during extended early voting periods, voting in-person on election day, or voting-by-mail. Between early voting and vote-by-mail, the reforms could substantially reduce lines on Nov. 3 and increase interest in sometimes lower-turnout primary contests, supporters said.

As social distancing has pushed people away from crowded, public locations, officials saw voting-by-mail as a way to offer a safe alternative to keep participation high during the 2020 elections. After adopting several amendments, the Senate unanimously passed the bill that would instruct Secretary of State William Galvin to mail every voter an application for a ballot by July 15.

The bill now goes back to the House, which approved the initial voting bill on June 4, and it must be reconciled between leaders of both branches before final legislative votes can be taken and the bill can be sent to Gov. Charlie Baker for review.

Operating in a virtual session with many members participating via phone, senators dispensed with 41 amendments over the

course of nearly three hours. Senate President Karen Spilka said she thought the session went smoothly and the bill “will provide the most robust vote-by-mail ever in the history of Massachusetts.”

“We need to get this on the governor’s desk quickly so that the secretary of state can start working on it, the clerks can start working on it, and we can help them all meet their obligations,” she told the News Service, adding that the two branches must work together to push the legislation forward.

Sen. Barry Finegold, the Senate chair of the Election Laws Committee, said the process of crafting the pandemic voting bill was a “balancing act” and it did not come “without its challenges.” Provisions in the bill, he said, create new tasks for local clerks and “because of that we will do everything we can to be helpful to them.”

“Our goal with this legislation was to make it easier for people to exercise their fundamental democratic right to vote during these unprecedented times,” he said during the session. “This is the first time in the history of the commonwealth that we are offering early voting for primaries, sending out applications to vote by mail, and counting ballots after Election Day.”

Minority Leader Bruce Tarr questioned whether the expanded voting methods would be limited to the 2020 elections, or extended to future elections. Finegold said the provisions of the bill would expire Dec. 31.

Prior to Tuesday’s session, Common Cause Massachusetts and more than 80 organizations, including ACLU and MassPIRG, threw their support behind three amendments filed by Sens. Jo Comerford, Adam Hinds, and Eric Lesser dealing with an online portal to request ballots, postmarking ballots to ensure they are properly counted, and extending the deadline to request mail-in or absentee ballots to the Friday before Election Day.

All three were adopted during Tuesday's session.

Lesser's amendment would require Secretary of State William Galvin to offer a functional online portal no later than Oct. 1 for voters to request mail-in ballots for the general election. Lesser said requesting ballots online is easier, reduces local clerks' workload, and is "more in line with how most of us live our lives" in an increasingly online world.

If ballots are returned via bulk mail, some advocates have raised concerns that those ballots would not receive a postmark and might not be counted because it would be difficult to determine if it was mailed by a voter on time. As amended, the Senate bill would ask Galvin to pursue "a system which generates a postmark for determining the date upon which the envelope was mailed."

Sen. Jamie Eldridge and others pointed to recent elections in other states as examples of what Massachusetts should avoid.

Eldridge said nearly 70 percent of Wisconsin's African American voters live in Milwaukee, where the city reduced its physical polling location in the spring primary from 180 to five. The Acton Democrat sponsored a successful amendment to limit any last-minute changes to Massachusetts polling locations.

One amendment from Sen. Becca Rausch would have required the secretary of state to mail out ballots for the general election to every voter in the state who registered before Oct. 14, removing the step of asking voters to apply for a ballot. The Needham Democrat withdrew her amendment without asking for a vote and pointedly targeted Galvin for what she described as "disingenuous and belittling" remarks on the proposal.

The package would have included an official ballot, instructions for early voting, instructions for completing the ballot, an inner envelope to place the ballot, and an outer

envelope addressed to the local election official with postage guaranteed. Rausch said mailing every active, registered voter a ballot without the need for an application process would have removed unnecessary barriers for residents.

“An op-in vote-by-mail system creates additional bureaucracy for our clerks to manage. Automatic vote-by-mail is administratively simpler and more efficient,” she said during the session. “But we will not be adopting this policy today. And it’s important to say why. Our chief elections official simply will not make it happen.”

Galvin’s office declined to comment on Rausch’s statements.

MassVOTE Executive Director Cheryl Clyburn Crawford said while the organization is disappointed that voters will not automatically receive ballots this fall, they applauded the Senate for passing the legislation.

“This fall’s elections will undoubtedly prove challenging. Nevertheless, we believe the Senate bill passed today will provide local election officials the tools they need to run our elections this fall, while allowing voters to cast their ballot in a safe, secure manner,” she wrote in a statement. “With COVID19 impacting all sectors of society, from public health to the economy, voters deserve to face the least amount of burdens as possible when voting this fall.”

Citing the financial impact the Senate’s bill would have on municipalities for early voting and other measures, Tarr sought to “affirm our obligation to compensate cities and towns for the cost we are imposing on them” through an amendment guaranteeing prompt reimbursement. That amendment was rejected without further debate.

At the start of Tuesday’s session, Majority Leader Cindy Creem said the Senate took care to avoid “lofty ideas that could never be adopted in a timely manner,” pointing to the new technology deployed by the Iowa caucuses earlier this year

which ultimately turned into a boondoggle.

“Admirable goal, however for a host of reasons, the process failed. Our process today that we are voting on will not fail,” she said.