



The Commonwealth of Massachusetts

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Elections Division

Election Advisory #24-03

In-Person Early Voting

October 8, 2024

This Advisory contains information about in-person early voting for the November 5, 2024 State Election, which begins October 19 and ends November 1. This Advisory also includes information about voter registration during in-person early voting and pre-registrants turning 18 on or before Election Day.

Voter Registration During In-Person Early Voting

The last day to register for the State Election, October 26, is during the in-person early voting period. On or before October 26, voters can register to vote at an in-person early voting location and proceed to vote early. The process for voters to register and vote is based on whether there is direct VRIS access at the location.

Direct VRIS Access

If in-person early voting is in your office, voters should use the two-part voter registration form. After the applicant completes the form, you must review it for completeness. Voters registering on or before October 26 should be entered into VRIS as new voters and the acknowledgment notice printed immediately. The voter should then be given the notice and allowed to vote early.

If the application is incomplete or can't be processed, notify the voter and provide an opportunity to correct any deficiencies. However, they are not eligible to vote until their registration is accepted and processed in VRIS.

Without Direct VRIS Access

If you do not have VRIS access at your early voting location, you will be unable to process the voter registration before the voter early votes. If early voting is in city/town hall, voters should use the two-part registration form, otherwise, a mail-in voter registration form should be used.

After completing the voter registration form, the voter must complete a Same Day Provisional Affirmation. This affirmation is for voters registering during early voting and does not require registration details. The voter must then vote provisionally.

After the registration and affirmation are complete, the voter must be provided a ballot, EV7 envelope, and a provisional ballot envelope. They must be instructed to insert their marked ballot in the EV7, sign the EV7, then insert the EV7 into the provisional envelope.

If the voter registration is verified when later entered in VRIS, the ballot can be accepted by removing the EV7 from the provisional envelope and storing it with other early voting envelopes. You must keep the provisional ballot envelope and update the voter's EV information in VRIS. If the voter's registration is rejected when later processed, you must include notification that the ballot will not be counted with the rejection notice.

While you are not required to offer voter registration at early voting locations outside your office, we strongly recommend providing the option to register to vote at all early voting locations. Additional training for staff at the early voting location on processing voter registration forms and provisional ballots should be provided.

Pre-Registrants Turning 18 by Election Day

A pre-registrant who will be 18 on or before the next election can vote in that election by mail or during in-person early voting, even if they are not 18 at the time. VRIS allows you to register as a voter a pre-registrant who will be 18 by the next election either on their 18th birthday or the last day to register for that election, whichever is first. For the State Election, pre-registrants turning 18 between October 26 and November 5 will be able to be added as voters on or after October 26.

The process for in-person early voting for pre-registrants depends on if you have VRIS access at your early voting location. Pre-registrants appearing to vote early in person on or before October 26 will not be on the voter list.

Direct VRIS Access

If you have access to VRIS, verify the pre-registrant's information and eligibility in Res/Vot: Certify: Pre-Registrants. They must confirm their information, including that they reside at the address where they are pre-registered. If confirmed, you must provide them a ballot and envelope and manually record the information, including the date they are voting. Once certified as a voter, update their record in VRIS to record them as an EV and indicate they have a ballot accepted.

Without Direct VRIS Access

If a pre-registrant goes to an early voting location without VRIS before being certified as a voter, their information must be confirmed before they vote. There are two ways to confirm their pre-registrant status. The first is for staff to contact your office and verify the voter is in the pre-registrant queue in VRIS and eligible. The staff should confirm the pre-registrant's address and information. The second option is to verify the pre-registrant's information on the SOC website by entering their name, date of birth, zip code, and verifying a result displays. The direct link is <https://www.sec.state.ma.us/VoterRegistrationSearch/MyVoterRegStatus.aspx> or you can go to www.voteinma.com and select "Check My Voter Information."

If you can't confirm a pre-registrant's status, they should be offered the opportunity to complete a voter registration form and same day provisional affirmation if voting on or before October 26. If they refuse or if they are voting after October 26, they should be provided a provisional ballot.

Voting by Mail

If a pre-registrant applies to vote by mail, first verify their application information against their VRIS record in your pre-registrant queue. Once confirmed, mail a ballot to the address on their vote by mail application.

If the pre-registrant returns their ballot before becoming a voter in VRIS, keep a manual record of the ballot information. Once they are certified as a voter, create them as an EV and enter the information tracked outside VRIS. If the pre-registrant returns the ballot after becoming eligible to be a voter, make sure they are certified as a voter, then create an EV record and update that record with the ballot information.

Location Setup and Staffing

Location Setup

Early voting locations must be accessible, with at least one accessible booth and at least one AutoMark Voter Assist Terminal at each location. You must also provide a sufficient number of marking shelves or compartments for voters.

Staffing and Check Out

While not required to have a full complement of poll workers, you must have sufficient staffing at each location to verify voters, including processing inactive voters and asking for identification from voters flagged to show ID and/or listed as inactive. Staff must also ensure voters receive the correct ballot and envelope, collect voted ballots, and confirm the voter signed the EV7 envelope. The total number of staff is at your discretion, but must be adequate to keep track of voters and ballots.

A check out is not required, but an election worker should monitor the box where ballots are deposited. They must also inspect the EV7 before the voter leaves to confirm it is complete and includes the voter's signature.

Storage of Ballots

Voters should be provided a secure box to deposit their completed EV7 in after voting early in person. You can use the bottom box from your tabulator for the voter to insert their ballot envelope in the slot. Ballots must be securely stored at each early voting location during early voting hours until transferred to your office. This includes having a covering over the container. Do NOT simply leave EV ballot envelopes unsecured.

Voters may also return vote by mail or absentee ballots to an early voting location during early voting hours. These ballots must be secured **separately** from ballots completed during in-person early voting, since they must be checked into VRIS upon return to the local election office as returned mail-in ballots.

Observers and the 150 Foot Rule

Observers must be allowed in the early voting location outside the "guardrail," unless disorderly or obstructing voter access. Unlike observers at the polling place, observers at an early voting location may NOT challenge early voters at the location. They can only challenge an early voter when the ballot is removed from the envelope, which could be at an advance processing location, a Central Tabulation Facility, or polling location on Election Day.

The 150 foot rule prohibiting campaigning around polling places has been extended to early voting locations as well. This means that there can be no campaigning for or against or promoting or opposing a candidate or question to be voted for at that election within 150 feet of the entrance to an early voting location during early voting hours. Signature gathering of any kind is also prohibited during early voting hours within 150 feet.

In-Person Early Voting

All registered voters in a municipality can vote early at any early voting location in the municipality. The process for in-person early voting is similar to Election Day, but the voter is provided an envelope to place their ballot in before depositing it in the ballot box.

Early Voting List

Each early voting location must have an early voting list with ALL registered voters in the city or town listed. The list can be a printed list, the list already maintained in VRIS, or an electronic list (such as an electronic poll book). If using an electronic list, you must have a printed backup. It is also recommended to have a printed backup if using VRIS.

The early voting list can be arranged alphabetically by voter name, unlike the Election Day voter list in most municipalities. All lists (printed, VRIS, or electronic) will indicate if a voter is required to show ID or if they are inactive voters, as well as whether the voter applied to vote absentee or early.

Check-In

At check-in, the voter must state their name and address aloud and the election worker must repeat it loud enough for any observers to hear. The election worker must find the voter's name and address on the list then mark the list to indicate the voter has been provided a ballot. The voter must then be given an EV/AV ballot and an EV7 envelope.

Completing the Ballot

After marking their ballot, the voter must place the ballot in the EV7 envelope and complete the required information on the envelope. Before the voter leaves, the election worker must examine the envelope to make sure it is completed and signed by the voter.

Inactive Voters

Inactive voters are eligible to vote, if:

- They haven't moved from the address where they are registered
- They moved within the same city/town where they are registered
- They moved to a different city/town in Massachusetts in the last 6 months and haven't re-registered

Inactive voters must complete the Affirmation of Current & Continuous Residence and show identification before being provided a ballot. After completing the affirmation and showing identification, the voter must be given an EV/AV ballot and EV7 envelope and be allowed to vote. If a voter does not have acceptable identification, they must still be allowed to vote but the ballot must be challenged.

- Inactive voters on the voter list **should not** be given a provisional ballot!

A roster style affirmation for all inactive voters to sign instead of individual forms can be used. A sample is on the S drive of your VRIS computer. You can modify the form for early voting and add a column for ward and precinct so all inactive voters can use one roster instead of separate ones for each precinct.

Challenged Ballots

If an inactive voter does not have acceptable identification, they must be allowed to vote but their ballot must be challenged at the early voting location before the voter marks their ballot. The election officer

must issue the voter the challenged voter's oath. On the ballot, they must record the name and address of the voter and challenger, as well as the reason for the challenge. The election worker should mark the envelope and voter list with "CV."

Only challenges to inactive voters without identification can be made at the early voting location. All other challenges must be done with the ballot is removed from the envelope.

Identification

Certain voters may be required to show identification. In addition to inactive voters, new voters who registered to vote by mail and whose identification number could not be verified will need to show identification.

Valid identification must contain the voter's name and address, such as a driver's license, bank statement, government check, utility bill, rent receipt on landlord's letterhead, etc.

If a voter is flagged on the voter list as "ID" and they do not have identification, they must cast a provisional ballot.

Only voters flagged as required to show ID or who are inactive should be asked to show identification. If using electronic poll books, make sure early voting workers are not asking voters to show identification. While scanning voter driver's licenses may make the check-in process faster, it must be clear to the voter that providing their license is optional. Any signs you may post must also clearly indicate showing their license is optional and not required. All voters must still state their name and address before being provided a ballot.

Early/Absentee Voters With Accepted Ballots

Any voter whose mail ballot has already been accepted cannot vote in person.

- On printed voter lists, early voters and absentee voters whose ballots have been accepted in VRIS will have an "X" printed in the box next to their name.

Early/Absentee Voters With Unreturned or Rejected Ballots

Early voters and absentee voters who applied for a ballot that was not returned or was rejected will appear on the printed voter list with "EV" or "AV," but will not have an "X" in the box. **These voters can vote in person.**

These voters are not required to complete a form before voting or to return their mail-in ballot. Check-in workers should verbally inform the voter that by voting in person, any previously requested ballot will not count.

You will not be able to enter their in-person ballot information into VRIS until the previous early voting record is rejected, since VRIS does not allow a second ballot to be added if the first is listed as "not returned." You must reject the first ballot as "ballot already accepted" (since you've already accepted the ballot at the early voting location). The received date would be the date the voter voted early and the method is in person. You can also select these options in EV Scan with the radio button set to "Receiving In." Once the first ballot has been rejected, the in-person EV ballot can be entered as the second ballot in either EV Search or EV Scan.

Provisional Ballots

A provisional ballot must be offered to anyone claiming the right to vote whose name is not on the voter list, who claims their information is incorrect, or is flagged to show identification but does not.

If a voter's name is not on the list or there is a listing error and it is on or before the last day to register, they should be provided with an opportunity to register to vote. Follow the procedures outlined above for registering voters and having them vote at an early voting location. If a voter does not want to register to vote, they should be provided a provisional ballot.

A voter casting a provisional ballot must complete the Provisional Ballot Affirmation. After the voter completes the affirmation, they should be asked for identification. Even if the voter does not provide identification, they must be allowed to cast a provisional ballot. The voter should be given a Provisional Ballot Information Sheet, an EV/AV ballot, an EV7 early ballot envelope, and a provisional ballot envelope.

The election worker must write "Provisional" in the header at the top of the ballot and write the EV provisional ballot number, ward and precinct on the Information Sheet (which the voter keeps) and the provisional ballot envelope. The voter should be instructed to complete their ballot, seal it in the EV7 and sign the affidavit on EV7. The EV7 must then be placed in a provisional ballot envelope, which must be stored in a secure area and NOT mixed with other completed early voting ballots. The election worker must keep the completed Affirmation and complete the Provisional Voting Roster with the voter's name, address, date of birth, and EV provisional ballot number as well as the reason code.

The information on the provisional ballot affirmation and roster will be needed to conduct the investigation into the qualifications of the voter. The provisional ballot must be resolved within the same timeframe as all provisional ballots (within 12 days of the election) and entered in VRIS. Provisional early ballots, however, may be investigated at any point prior to Election Day. If the disposition is resolved before Election Day, you may send the early ballot to be counted at the polls with all other ballots.

Assistance to Voters

A voter voting early in-person may receive assistance. An early voter who informs the election worker that they need assistance due to physical disability or inability to read their ballot is entitled to receive assistance. They may designate a person of their choice to assist them or request that the election official assist them in completing their ballot. The best option, however, is to inform the voter about the AutoMark and provide them an opportunity to mark their ballot independently. Please note that the assisting person must add their name in the appropriate place on the EV7 affidavit envelope.