



The Commonwealth of Massachusetts

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Elections Division

Election Advisory #22-04

In-Person Early Voting and Last Day to Register to Vote

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In accordance with the requirements of the VOTES Act, in-person early voting for the state primary and state election overlaps the last day to register to vote for those elections. For the September 6, 2022 State Primary, the first day of in-person early voting is Saturday, August 27, 2022, which is also the last day to register for the State Primary. In-person early voting for the November 8, 2022 State Election begins October 22, 2022, while the last day to register to vote for that election is October 29, 2022.

Therefore, voters will be able to register to vote and update their voter registration during in-person early voting. These voters will be eligible to vote early after completing their voter registration. This advisory provides information about in-person early voting, including how to process voters registering during early voting and pre-registrants who will turn 18 on or before election day.

VOTER REGISTRATION DURING IN-PERSON EARLY VOTING

On or before the last day to register for the primary or election, a voter may register to vote at an in-person early voting location and proceed to vote early. The process for these voters to register and vote is determined by whether early voting is being held in the local election office or at another location and whether there is direct access to VRIS.

Early Voting in Local Election Office: When registering in your office, the two-part voter registration form should be used. Once completed by the applicant, you must review the application for completeness. Thereafter, if early voting is held in your office or a location with access to VRIS, voters registering at the early voting location on or before the last day to register should be processed as new voters in VRIS at the time they register and an acknowledgement notice printed immediately. The voter should then be provided with the acknowledgment notice and be allowed to vote early. If the application is incomplete or cannot

be processed, you must notify the voter and provide them with an opportunity to correct any deficiencies in their application before proceeding. However, they would not be eligible to vote early until their voter registration is accepted and processed in VRIS.

Early Voting Outside Local Election Office: If early voting is held at a different location than your office or where there is no direct access to VRIS, you will be unable to process the voter registration application prior to the voter early voting. If the early voting location is not in city or town hall, the voter should be provided with a mail-in voter registration form, otherwise they can complete the two-part form. After completing their voter registration form, the voter must fill out a provisional affirmation created specifically for voters registering during early voting, which does not require the voter to provide their registration date and registration information. The voter must then vote provisionally.

Once the registration form and same day provisional affirmation are complete, the voter must be provided with a ballot, an EV7 envelope and a provisional ballot envelope. . The voter must be instructed to insert their marked ballot into the EV7, sign the affidavit on the EV7, then insert the EV7 into a provisional envelope. If the voter registration is verified when later entered into VRIS, the provisional ballot can be accepted by removing the EV7 from the provisional envelope and storing it with the other early voting envelopes. You must also keep the provisional ballot envelope. Additionally, you must 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 their rejection notice.

Any other voter who casts a provisional ballot for the traditional reasons should receive the full provisional ballot affirmation and provisional ballot information sheet, which can be found on your L drive.

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

EARLY VOTING LOCATION SETUP AND STAFFING

Location Setup: Early voting locations must be accessible, including having at least one accessible booth and at least one AutoMark Voter Assist Terminal at each early voting location. You must also provide a sufficient number of marking shelves or compartments where voters can privately mark their early voting ballot.

Staffing: While you are not required to have a full complement of poll workers, sufficient staffing is necessary at each early voting location to verify voters, including processing paperwork for inactive voters and asking for identification from voters who are flagged to show ID and/or listed as inactive. Staff must also ensure voters receive the correct ballot and an envelope. Staff must also collect voted ballots and check to confirm that the voter has signed

the EV7 envelope. The total number of staff used is at the discretion of the local election official, however, there must be adequate staff to keep track of voters and ballots.

Checking Out: You are not required to have a check out, however, an election worker should be monitoring the box in which the ballot will be deposited and must inspect the EV envelope before the voter leaves the early voting location to confirm the EV envelope is complete and includes a signature from the voter.

Secure Storage of Completed Early Voting Ballots: Voters should be provided a secure box in which to deposit their completed EV7. Some possible options include using the bottom box from your tabulator in which the voter can insert their ballot envelope into the slot. In any event, the ballots must be securely stored at each early voting location during the early voting hours, which includes having a covering over the container.

Vote by Mail Ballot Return: Voters may return a vote by mail ballot or absentee ballot to an early voting location during early voting hours. Ballots returned to an early voting location must be secured separately from ballots completed by voters during in-person early voting. Those ballots must be checked into VRIS upon return to the local election office.

Observers: Observers must be allowed in the early voting location, outside the “guardrail,” unless they are disorderly or obstruct the access of voters. Unlike observers at the polling place, observers at an early voting location may NOT challenge early voters at the early voting location. If they wish to challenge an early voter for any legal reason, they must do it at the time 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.

150 Foot Rule: Beginning with early voting for the September 6, 2022 State Primary, the 150 foot rule prohibiting campaigning around polling places will be 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 may vote early by appearing at any early voting location in the municipality. When a registered voter appears at an early voting location to vote early, they must state their name and address so the election worker can look for the voter on the early voting list to make sure the voter is a registered voter in the municipality. Once the voter’s name and address are found on the list, the election official must mark the list to indicate the voter has been provided with an early ballot (and the party of the ballot, if applicable). The voter must then be supplied with the early voting ballot and an EV7 envelope (the early voting envelope with the affidavit printed on it).

After marking their ballot, the voter should place the ballot into the EV7 envelope and complete the required information on the envelope. Before the voter leaves the early voting location, the election official must examine the envelope to make sure it is completed correctly and signed by the voter. If the envelope is missing a signature, the ballot cannot be counted and the voter must be notified and provided with an opportunity to sign the envelope or spoil their ballot and vote again.

Once the voter has returned their ballot, it must be kept secured at the early voting location until the ballots are transferred to your office. We recommend using the ballot box (the bottom part without the tabulator) or some other secure box-like structure. Do NOT simply leave completed EV ballot envelopes unsecured.

Early Voting List: Each early voting location must have an early voting list with ALL registered voters in the city or town. The list can be a printed list, the list already maintained in VRIS, or an electronic list, such as an electronic poll book. Any location using an electronic list for early voting must also have a printed list as a backup. It is recommended that locations using VRIS as their early voting list also have a printed backup. The early voting list can be arranged alphabetically by voter name, unlike the voter list used on Election Day in most municipalities.

After verifying the voter's name and address, mark the list with the date the voter voted at the EV location. In a primary, you must also mark the list with the voter's party ballot selection for voters not enrolled in a political party. Voters in a political party may only receive the ballot for that party's primary. Voters registered as unenrolled or in a political designation may choose to vote in either party primary. However, once an unenrolled voter's party selection has been recorded on the list, they cannot receive the ballot of any other party.

If using VRIS to directly create early voters as they appear at the early voting site, the date the voter voted early can be recorded in VRIS as it is entered. Make sure to enter voters directly into VRIS before handing the voter a ballot to verify a previous ballot has not been accepted. If you receive a pop-up when entering them as an in-person early voter that a ballot has already been accepted, they are not eligible to vote in-person during early voting. If you are not using VRIS as your early voting list, voters must still be entered into VRIS daily so you have an updated list of early voters available upon request.

On a printed voter list, voters required to show ID are flagged with "ID" in bold next to the voter's name and inactive voters are indicated with a bold *I*. Voters who have applied to vote absentee will have "AV" display next to their name, while voters who have applied to vote early will have "EV" next to their name. If an EV ballot has been accepted for the voter, an "X" will display in the checkbox beside their name and these EVs are **not** eligible to vote during in-person early voting.

If an AV ballot has been returned and accepted for the voter, the voter cannot vote again. However, VRIS will not mark them on the voter list as being accepted. To ensure absentee voters whose ballots have been returned and accepted do not vote in person, you can either

mark an “X” in the box by hand or keep a list of AV accepted ballots as part of the voter list to cross-reference when the voter appears to vote. If using an AV list, you should print an updated list at the start of each day of early voting and keep updating as ballots are received. Similarly, you should mark an “X” in the box for any early voter or absentee voter whose ballot is returned and accepted after you have printed your list.

Inactive Voters: If an inactive voter shows up to vote in person at the early voting location, they must be asked to complete the Affirmation of Current and Continuous Residence form or roster and to show identification before being provided with a ballot. Upon completing the affirmation and showing of identification, the voter must be given the early ballot and affidavit envelope and be allowed to vote. If the voter does not have acceptable identification, the voter must still be allowed to vote, but the ballot must be challenged before being provided to the voter. Such challenges for inactive voters without ID must be made at the early voting location before the voter marks their ballot. Any other challenge must be done when the ballot is removed from the envelope. If the voter is challenged for being inactive and not providing ID at an EV location, the election worker should mark the envelope with “CV” in addition to the early voting list.

A roster style affirmation on which all inactive voters sign rather than individual forms can be used. A sample roster can be found on the “L drive” of your VRIS computer. This form can be modified for early voting to add a column for ward and precinct so all inactive voters can be recorded on one list rather than using separate lists for each precinct.

Identification: Certain voters may be required to show identification. In addition to inactive voters, a voter who registered by mail, has not previously registered in Massachusetts, whose identification number on their registration form could not be verified and who did not provide a copy of their ID when they registered will need to show identification. Valid identification must contain their name and address as registered, such as a driver’s license, bank statement, government check, utility bill, rent receipt on landlord’s letterhead, etc. Please note that it is acceptable for a voter to show an electronic copy of identification, such as a bank statement or a utility bill. If a voter is flagged on the early voting list to show identification and they do not have identification with them, they must cast a provisional ballot.

The only voters who should be asked to show identification are those flagged on the list as either “ID” or “I.” If using electronic poll books, please make sure early voting workers are not asking voters to show identification. While scanning the voter’s driver’s license may make the check-in process faster, it must be clear to the voter that providing their driver’s license is optional. Any signs you may post in your early voting location must also clearly indicate that showing their driver’s license for the electronic poll books is optional and not required. All voters must still state their name and address before being provided a ballot.

Assistance to Voters: A voter voting early in-person may receive assistance. An early voter who informs the election official that, due to blindness or other disability, or inability to read or read English, they are unable to prepare their early ballot may receive assistance in doing so. The

voter 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 with 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.

Provisional Ballots: A provisional ballot should be offered to any person claiming the right to vote whose name is not on the early voting list, claims a listing error, or any voter who is flagged to show identification, but does not have such identification. A voter casting a provisional ballot must complete the Provisional Ballot Affirmation. After the voter completes the Affirmation, ask the voter 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 early ballot and an EV7 early ballot envelope.

In a primary, the voter should be provided with the ballot of the party in which they believe themselves to be enrolled, or the ballot of the party of their choice if they believe themselves to be registered as unenrolled or in a designation. The party of their ballot must be included on their affirmation. The election worker should also note the party of the ballot on the provisional roster.

The election worker must write the word “Provisional” in the header area 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 Ballot Envelope. The voter should be instructed to complete their ballot, seal it in the EV7 envelope after completing voting on it, and sign the affidavit on the 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 3 days of the primary and 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.

REQUESTED MAIL BUT WANTS TO VOTE IN PERSON

At the Early Voting Location/Polls: If the voter has not returned their vote by mail ballot and/or it has not been accepted, they are eligible to vote in person, whether during in-person early voting or on Election Day. The voter is **not** required to return the unvoted ballot, complete a form or sign the early voting roster indicating they understand their mailed ballot will not

count. However, the voter should be verbally notified that by voting in person, their previously requested ballot will not be counted even if later returned.

If a voter is already checked as having their early or absentee ballot returned and accepted, they are ineligible to vote in person either during early voting or on Election Day.

Entering in VRIS: Voters who requested an early ballot by mail but did not return it may vote in person either during early voting or on Election Day. However, you cannot enter their in person ballot information until the prior early voting record is rejected. VRIS does not allow a second ballot to be accepted if the first is listed as “not returned.” Accordingly, 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 should be the date the voter voted early, and the method is in person. You can also select these options from the EV Scan window 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.

Again, voters who previously requested a vote by mail ballot may only vote in person if their ballot has not been returned or is rejected. Early voters who have returned their ballot and the ballot was accepted in VRIS will have an “X” marked on the voter list already.

PRE-REGISTRANTS TURNING 18 ON OR BEFORE ELECTION DAY

A pre-registrant who will be 18 on or before the next election will be eligible to vote in that election, and can vote by mail or vote early in-person. VRIS allows a pre-registrant who will be 18 by the next election to be registered as a voter on their 18th birthday or on the last day to register for that election, whichever comes first. For the State Primary, that means that any pre-registrant who turns 18 between August 27th and September 6th will only be added to the voter list on or after August 27th. Similarly, for the State Election, any pre-registrant who turns 18 between October 29th and November 8th will only be added to the voter list on or after October 29th.

Pre-registrants are eligible to vote by mail or in-person if they will be 18 by the next election, regardless of if they are 18 at the time. The process for a pre-registrant to vote in person will depend on whether you have access to VRIS.

Pre-Registrants Voting In Person with VRIS Access: Pre-registrants who appear to vote early in person at an early voting location on August 27th will likely not be on the voter list. If you have access to VRIS at the early voting location, you can look in Res/Vot: Certify: Pre-registrants to verify their information and that they are eligible. They must confirm their information including that they still reside at the address at which they are pre-registered. If their information is confirmed, you may provide them with a ballot and manually record the information including the date they are voting. For a primary, if the pre-registrant record indicates they are unenrolled or in a political designation, they should be given the choice of

primary ballot, and the choice should also be manually recorded. For pre-registrants in a party, they are only able to vote in that party's primary.

Once the pre-registrant has been certified as a voter, you must update their record in VRIS to record them as an EV and indicate they have had a ballot accepted.

Pre-Registrants Voting In Person without VRIS Access: Pre-registrants may go to an early voting location without VRIS access prior to being certified as a voter. Their information must be confirmed prior to allowing them to vote early in person. To confirm their status as a pre-registrant, there are two options. The first is for the staff at the early voting location to contact your office and verify the voter is in the pre-registrant queue and eligible to vote in the next election. The staff should confirm the pre-registrant's address and, for a primary, their party affiliation.

The second option is to verify the pre-registrant's information using the Secretary of the Commonwealth's website by entering the pre-registrant's name, date of birth, and zip code and verifying if a result displays. The direct link to the website is:

<https://www.sec.state.ma.us/VoterRegistrationSearch/MyVoterRegStatus.aspx>. You may also find the website by going to www.voteinma.com and selecting "Check My Voter Information."

If you are unable to confirm that the voter is a pre-registrant using either VRIS or the SOC's website, you should offer them the opportunity to complete a voter registration form and the same-day provisional affirmation if it is on or before the last day to register. Otherwise, they should complete a provisional ballot.

Pre-Registrants Voting By Mail: If a pre-registrant applies to vote by mail, you must first verify the information on their application against their VRIS record in your pre-registrant queue. Once confirmed, you would then mail them a ballot to the address provided on the vote by mail application.

If the pre-registrant returns the ballot before they are a voter, you would treat them as any vote by mail ballot from a voter. You would need to keep a manual record of the ballot information, and then enter the pre-registrant into VRIS once they have been certified as a voter. They should be created as an EV with the information that you tracked outside VRIS.

If the pre-registrant returns the ballot after becoming eligible to be a voter, you must make sure that you have certified them as a voter and created an EV record so you can update their early voting record with the ballot information.

QUESTIONS?

Contact the Elections Division at 617-727-2828 or elections@sec.state.ma.us.