

Disclaimer:

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

Questions Involving Access to the Ballot:

1. What happens if it is 7:00 a.m and the polling place is not open?

All polling places may be open as early as 5:45 a.m., but no later than 7:00 a.m., and should be kept open at least 13 hours. (M.G.L. c. 54 § 64)

If the polling place is open at 7:00 a.m. but the voting machines have not arrived, voters should be permitted to vote by absentee voting ballots. If any of these situations arise, immediately contact the local clerk or election commission to report the problem. You can find information on local clerks and election commissions at <http://www.sec.state.ma.us/ele/eleclk/clkidx.htm>

2. Should I be allowed to vote if it is 8:00 p.m. and my precinct is closed or closing?

Voters in line at the time fixed for closing the polls are eligible to vote. When the polls are closing the presiding election officer should send a police officer to stand at the end of the line to ensure that no one else will get in line. When the last person in line is permitted into vote, that voter will have five minutes in which to cast his/her vote. (M.G.L. c. 54 § 70)

If the voter was in line at by 8 p.m and has been turned away, you should immediately contact the local clerk or election commission to report the problem. You can find information on local clerks and election commissions at <http://www.sec.state.ma.us/ele/eleclk/clkidx.htm>.

3. There are equipment problems at my precinct and voters cannot vote. What should I do?

Encourage the voter to ask to vote by absentee ballot. If a caller reports problems with machines, immediately contact the Electronic Frontier Foundation (EFF) representative at the call center to walk you through the appropriate steps to solve the machine problem.

If a voting machine requires adjustment during the course of an election, a custodian shall make repairs or adjustments to return the voting machine to operating condition, and may enter within the guard rail in any polling place, but he shall not make any such adjustments or repairs except in the presence of not less than two election officers. (M.G.L. c. 54 § 30A)

Identification and Provisional Ballots:

1. If the voter does not have the appropriate identification can the voter still vote?

Yes. If the voter is a first-time voter in a federal election who registered by mail after January 1, 2003, and did not present acceptable identification at that time, the voter may vote by provisional ballot. If possible, a voter should be encouraged to retrieve an ID and NOT cast a provisional ballot. (M.G.L. c. 54 § 76B)

Other persons desiring to vote, who fail to present suitable written identification when so requested by an election officer, shall be permitted to vote, but that person's right to vote may be challenged. (M.G.L. c. 54 § 76B)

2. If I am a registered voter who is not on the rolls at my precinct, can I still vote?

Confirm that the voter is qualified to vote (i.e., meets the age, criminal status and durational residency requirements starting on page 11 of the manual) and that the voter registered in time to vote in this election. Next, using the online poll locator tool, make sure the voter is at the correct polling place. This is available at <http://www.wheredoivotema.com/bal/myelectioninfo.php>. If the voter is at the wrong precinct, direct the voter to the correct precinct.

If the voter has registered on time, is eligible and is in the correct polling place, direct the voter to ask the poll worker to call the county clerk and confirm their registration. If the voter still is not on the rolls, let them know that the voter can vote provisionally. This is a LAST resort as provisional ballots will only be counted if the county clerk can later verify the voter's registration status before the election is certified. More information is available at the Secretary of State's website at <http://www.sec.state.ma.us/ele/eleifv/howvote.htm>

3. Poll workers are turning voters away if they don't have photo ID. What should I do?

Contact a Commander immediately. Through the Commander, an attorney will be dispatched to the polling place and the appropriate election official will be contacted.

Under M.G.L. c. 54 § 76B and M.G.L. c. 54 § 85, persons desiring to vote, who fail to present suitable written identification when so requested by an election officer, shall be permitted to vote, but that person's right to vote may be challenged. Therefore, encourage the voter to go back inside the polling place and demand the right to vote by a REGULAR ballot (unless the voter is a first time voter who registered to vote by mail and has not previously provided a copy of their ID, in which case they can vote by provisional ballot).

4. I have been offered a provisional ballot. What should I do?

Provisional ballots are a LAST resort.

Under M.G.L. c. 54 § 76, if the voter's registration status cannot be determined or the voter does not have suitable identification, and the voter contends that she was registered at some time in the precinct or city, the voter has a right to cast a Provisional Ballot. Election officials at the polling place must notify voters of the provisional ballot option. The voter will execute a written affirmation stating that: (1) he or she is a registered voter in the jurisdiction; and (2) he or she is eligible to vote. When the voter casts the ballot, the voter will be provided with information about how to use a free access system so that the voter can determine his ballot status or the voter will be notified as to the status of his ballot by election officials. Once the information is verified, the ballot will be counted.

Where to Vote:

I. Where do I vote (for voters who have not moved)?

If you are unsure about what location you should vote at, you can look up polling locations at www.wheredoivotema.com/bal/myelectioninfo.php or you can call the Secretary of State's toll-free number at 1-800-462-VOTE (8633).

2. I have moved within the same PRECINCT and have not updated my address for voter registration purposes. Where should I vote?

For all elections and primaries held prior to June first in any year, a person shall be registered and may vote in the ward or voting precinct where he resided on January first of the previous year; provided, however, that any registered voter of a city or town who moves to any other precinct in said city or town may register to vote at his new address by making written application to the city or town clerk no later than the close of registration. (M.G.L. c. 51 § 3)

For all elections and primaries held on or after June first in any year, a person shall be registered and may vote in the ward or voting precinct where he resided on January first of that year; provided, however, that any registered voter of a city or town who moves to any other precinct in said city or town may register to vote at his new address by making written application to the city or town clerk no later than the close of registration. (M.G.L. c. 51 § 3)

3. I have moved to a different precinct within the same TOWN, or CITY and I have not updating my address for voter registration purposes. Where should I vote?

For all elections held prior to June first in any year, a person shall be registered and may vote in the ward or voting precinct where he resided on January first of the previous year; provided, however, that any registered voter of a city or town who moves to any other precinct in said city or town may register to vote at his new address by making written application to the city or town clerk no later than the close of registration. (M.G.L. c. 51 § 3)

For all elections held on or after June first in any year, a person shall be registered and may vote in the ward or voting precinct where he resided on January first of that year; provided, however, that any registered voter of a city or town who moves to any other precinct in said city or town may register to vote at his new address by making written application to the city or town clerk no later than the close of registration. (M.G.L. c. 51 § 3)

4. I have moved from one county to another and have not updated my address for voter registration purposes. Where should I vote?

For all elections held prior to June first in any year, a person shall be registered and may vote in the ward or voting precinct where he resided on January first of the previous year. (M.G.L. c. 51 § 3)

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Assistance at the polls:

1. I am physically disabled and need assistance; will my polling place be accessible?

Massachusetts law requires that each polling place be accessible to physically disabled voters (M.G.L. c. 54 § 86), but many are not. If a voter reports that a polling place is not accessible to the handicapped,

contact a Commander immediately. An attorney will get in touch with the responsible election official to report the problem immediately.

Federal law also requires that the voting system be accessible for individuals with disabilities in a manner that provides the same opportunity for access and participation as for other voters under the Help America Vote Act of 2002 (HAVA 2002) §301(a)(3)(A).

2. I am blind, physically disabled, or cannot read English, and require assistance at the polls in order to vote. Can I get assistance at the polls?

A voter requiring assistance at the polls for any of the reasons stated above can take a person of their choice into the voting booth. (950 Mass. Code Regs. 52.03(19)) and (M.G.L. c. 54 § 79).

Election Protection volunteers can serve as assistants to disabled or language minority voters if asked to do so by the voter. If a poll worker refuses to allow a disabled or language minority voter to bring a person of their choice into the voting booth contact a Commander immediately. An attorney will get in touch with the responsible election official to report the problem immediately.

The state secretary shall provide English and Spanish affidavits of all voter registration materials to all registration agencies and shall provide forms in such additional languages as he deems necessary as required by law. (M.G.L. c. 51 § 36)

Miscellaneous Issues:

1. I have been approached by candidates or others at the polls

All poll monitors, including Election Protection volunteers, must stay at least 150 feet from the entrance to the polling place; they can solicit you if they comply with this rule. If they are violating the 150-foot requirement, contact a Commander immediately. An attorney will get in touch with the responsible election official to report the problem immediately. (M.G.L. c. 54 § 65)

2. What if I requested an absentee ballot but I want to vote in person on Election Day?

As long as the voter has NOT already submitted the absentee ballot, and is otherwise qualified, they are eligible to vote in person by REGULAR ballot. (M.G.L. c. 54 § 100)

3. There are people at the polls trying to intimidate voters.

Contact a Commander immediately. An attorney will be dispatched to the polling place. If the voter agrees, put them on hold while you call the Commander so they can send an attorney to the location immediately. Then, gather as much information from the voter as possible. Also, alert the call center manager.

4. I have a felony conviction. Can I vote?

Yes. Massachusetts law permits convicted felons to vote so long as they are not currently serving a felony sentence of incarceration. This includes those who are on probation, on parole, or who have completed a felony sentence of incarceration in the past. A resident of Massachusetts who has been convicted of a felony has their right to vote *automatically* restored upon release from confinement; however, a felon must then register to vote in order to restore their ability to vote. (M.G.L. c. 51 § 1)

5. I am a college student, can I vote where I go to school?

College students may register and vote where they go to school provided that they consider that location their voting residence. A voting residence is the residence the student claims as their home; the residence which qualifies them to vote on a particular ballot. Students must be held to the SAME eligibility requirements as any other voter in the jurisdiction. If a student has been turned away at the polls, ascertain if they have fulfilled all of the registration requirements (age, criminal status, durational residency requirements) and that they have registered on time for this election. (M.G.L. c. 51 §1)

If a properly registered student is turned away at the poll, contact a Commander to dispatch an attorney to the location and contact the appropriate election official.