

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Jay R. Kaufman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act ensuring the freedom to vote in the Commonwealth.

PETITION OF:

NAME: _____ | DISTRICT/ADDRESS: _____

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ENSURING THE FREEDOM TO VOTE IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1

2 **Be it enacted by the Senate and House of Representatives in General Court assembled, and**
3 **by the authority of the same, as follows:**

4 SECTION 1. Section 1 of chapter 50 of the General Laws, as appearing in the 2004 Official
5 Edition, is hereby amended by inserting, in line 65, before the word “ballot” the word:- paper.

6 SECTION 2. Said section 1 of chapter 50 is hereby amended by striking out, in lines 66 and 67,
7 the words “and where voting machines are used shall include ballot labels,” and inserting in
8 place thereof the following words:- and shall be the sole record of the vote used for counting and
9 tallying purposes.

10 SECTION 3. Section 1 of chapter 51 of the General Laws, as appearing in the 2006 Official
11 Edition, is hereby amended by striking out the last sentence and inserting in place thereof the
12 following sentence:- A person otherwise qualified to vote for national or state officers shall not,
13 by reason of a change of residence within the commonwealth, be disqualified from voting for
14 such national or state officers in the city or town from which he has removed his residence until
15 the expiration of 6 months from such removal, provided further, that a person having changed his
16 residence shall be eligible to register under section 34A..

17 SECTION 4. Section 3 of said chapter 51, as so appearing, is hereby amended, by inserting, after
18 the word, “registration” in lines 7 and 16, the following words:- , or in accordance with the
19 provisions of section 34A.

20 SECTION 5. Section 26 of said chapter 51, as so appearing, is hereby amended by striking out,
21 in lines 9 and 10, the words “eight o’clock in the evening” and inserting in place thereof, in each
22 instance, the following figure:- 5:00 pm.

23 SECTION 6. Said chapter 51 is hereby further amended by striking out section 28, as so
24 appearing, and inserting in place thereof the following section:-

25 Section 28. Registrars shall hold a continuous session from 9:00 am until 5:00 pm on the last
26 day for registration prescribed under section 26. For those towns having less than 1,500 voters,
27 such session shall be sufficient if it includes the time from 9:00 until 11:00 am and from 2:00
28 until 5:00 pm.

29 SECTION 7. Said chapter 51 is hereby further amended by striking out section 34, as appearing
30 in the 2006 Official Edition, and inserting in place thereof the following section:-

31 Section 34. Except as otherwise provided in section 34A, after 5:00 pm of a day on which
32 registration is to cease, the registrars shall not register any person to vote in the next election,
33 except that they shall furnish, or cause to be furnished, to each person waiting in line at the hour
34 of 5:00 pm for the purpose of being registered, a card or slip of identification bearing such
35 person's name and shall, before registration ceases, permit such person to register. The registrars
36 may, however, enter or correct on the registers the names of persons who have registered as
37 voters between December 31st preceding and the close of registration.

38 SECTION 8. Said chapter 51 is hereby further amended by inserting after section 34 the
39 following section:-

40 Section 34A.

41 (a) An individual who is eligible to vote may register on the day of an election by appearing
42 in person at the polling place, during the hours it is open for voting, for the precinct in
43 which the individual maintains residence, by completing a registration application in a
44 form prescribed by the state secretary which complies with identity requirements of 42
45 U.S.C. section 15483, by presenting to the appropriate election official proof of residency
46 and by making a written oath which shall be as follows: I certify that I: am a citizen of
47 the United States; am at least 18 years old; am not under guardianship or otherwise
48 prohibited from voting; am not temporarily or permanently disqualified by law because
49 of corrupt practices in respect to elections; have read and understand this statement: I
50 further understand that giving false information is a felony punishable by not more than 5
51 years imprisonment or a fine of not more than \$10,000, or both.

52 (b) For purposes of this section, the term "proof of residence" shall mean 1 of the following,
53 so long as it includes the name of the applicant and the address from which he or she is
54 registering:

55 (i) a valid photo identification including, but not limited to, a Massachusetts' driver's license
56 or other state-issued identification card; or

57 (ii) other documentation demonstrating the name and address where the applicant maintains
58 residence and seeks to register including, but not limited to, a copy of a current utility
59 bill, residential lease agreement, bank statement, government check, paycheck, other
60 government document or a current student fee statement or other document from a post-
61 secondary educational institution that verifies the student's current address.

- 62 (c) Upon meeting the identity requirements of subsection (a), production of proof of
63 residence, and the making of an oath sufficient to support registration, the ballot clerk or
64 his designee shall permit the applicant to vote on the day of an election and the registrar
65 or his or her designee shall place the applicant's name and address on the annual register
66 of voters as soon as reasonably practicable following the date of the election as
67 prescribed by the state secretary. Any person who registers to vote on the day of an
68 election in accordance with this section shall, absent disqualification, be registered to
69 vote at all subsequent primaries and elections.
- 70 (d) The state secretary shall make available, to the election officers, to the extent possible, at
71 each polling place, access to the central registry of voters set forth in section 47C. For
72 the purposes of this section, a printed copy of all voters registered to vote in that precinct
73 as of the last day of the registration period, as required by sections 55 and 60, shall be
74 sufficient.
- 75 (e) This section shall not apply to an individual seeking to register to vote in any town for the
76 purposes of voting at annual town meeting or special town meeting.
- 77 (f) A registered voter shall not re-register on the day of an election for the exclusive purpose
78 of altering his party affiliation.
- 79 (g) The state secretary shall adopt regulations to implement the relevant provisions of this
80 chapter.
- 81 (h) Upon credible information or allegation of illegal voter registration, or credible
82 information or allegation of illegal multiple voting, there shall be an investigation upon
83 the merits of said information or allegation by the attorney general, or by the district
84 attorney having jurisdiction over the municipality in which the alleged illegal registration
85 or illegal multiple voting occurred. Nothing in this subsection shall be construed as
86 excluding enforcement of this section by any means otherwise provided by law.
- 87 (i) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter 56.

88 SECTION 9. Section 47A of chapter 51 of the General Laws, as appearing in the 2002 Official
89 Edition, is hereby amended by inserting at the end thereof the following:— A person who is
90 otherwise qualified may pre-register on or after that person's sixteen and a half birthday and may
91 vote in any election occurring on or after that person's eighteenth birthday.

92 SECTION 10. There shall be an advisory committee on the implementation of Election Day
93 registration. Among other issues it may consider, the advisory committee shall study the
94 resources necessary for, costs associated with, and feasibility of providing every polling location
95 with real-time electronic access to the central registry of voters. The advisory committee shall be
96 comprised of the secretary of state, or a designee, who shall chair the advisory committee, the
97 attorney general, or a designee, the house and senate chairs of the joint committee on election
98 laws, or their designees, 2 representatives of the Massachusetts Town Clerks Association, at least
99 1 of whom shall be a town clerk from a town of under 5,000 residents, and 2 representatives of
100 the Massachusetts City Clerks Association. The advisory committee shall complete its study on
101 the implementation of election day registration and submit an interim report and
102 recommendations for improving administration of election day registration, in writing, to the

103 joint committee on election laws and the senate and house committees on ways and means on or
104 before June 30, 2011, and the advisory committee shall submit its final report in writing to the
105 joint committee on election laws and the senate and house committees on ways and means on or
106 before June 30, 2013.

107 SECTION 11. Chapter 54 Section 11 of the General Laws is hereby amended by striking the
108 words “one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four
109 deputy inspectors” and replacing it with “one warden, one clerk, at least two 5 inspectors and a
110 ballot box inspector.”

111 SECTION 12. Chapter 54 Section 12 of the General Laws is 2 hereby amended by striking the
112 words “one warden, one deputy 3 warden, one clerk, one deputy clerk, two inspectors and two
113 deputy 4 inspectors” and replacing it with “one warden, one clerk, at least two 5 inspectors and a
114 ballot box inspector.”

115 SECTION 13. Section 33 of chapter 54 of the General Laws, as appearing in the 2004 Official
116 Edition, is hereby amended by inserting before the first paragraph the following paragraph:-

117 All voting systems shall allow voters to directly mark an official paper ballot, either by hand or,
118 in the case of voters with disabilities, by way of a marking device. All voting systems shall
119 allow the voter to verify his vote on the official ballot before the vote is cast. No voting system
120 shall be approved if the recording and tallying of the votes take place electronically in one
121 machine or in machines electronically connected to each other, even if such machines provide a
122 paper receipt. The official ballot marked, verified, and cast by the voter shall be the official
123 record of the vote. Only votes on official ballots may be counted.

124 SECTION 14. Said section 33 of chapter 54 is hereby amended by striking out, in line 6, the
125 words “but no machine shall be approved which does not secure to the voter as much secrecy in
126 voting as is afforded by the use of the official ballot”, and inserting in place thereof the following
127 words:- but no machine shall be approved which does not allow the voter to directly mark and
128 verify his own official paper ballot, and does not secure to the voter as much secrecy in voting as
129 marking the official ballot by hand.

130 SECTION 15. Said section 33 of chapter 54 is hereby amended by deleting the second
131 paragraph.

132 SECTION 16. Said section 33 of chapter 54 is hereby amended by striking out, in lines 35 to 37,
133 the words “but no machine shall be approved which does not secure to the voter as much secrecy
134 in voting as is afforded by the use of the official ballot” and inserting in place thereof the
135 following words:- but no machine shall be approved which does not allow the voter to directly
136 mark and verify his own official paper ballot, and does not secure to the voter as much secrecy in
137 voting as marking the official ballot by hand.

138 SECTION 17. Section 33 of chapter 54 is hereby amended by deleting fifth paragraph.

139 SECTION 18. Chapter 54 of the General Laws, as appearing in the 2004 Official Edition, is
140 hereby amended by deleting Section 33A.

141 SECTION 19. Section 37 of chapter 54 of the General Laws, as appearing in the 2004 Official
142 Edition, is hereby amended by inserting, in line 4, after the words “kinds of ballots,” the words:-
143 provided that no ballot shall be an electronic ballot.

144 SECTION 20. Said section 37 of chapter 54 is hereby amended by amended by striking, in line
145 4, the words “ballot labels.”

146 SECTION 21. Said section 37 of chapter 54 is hereby amended by inserting, in line 7, after the
147 word “thirty-two,” the words:- and thirty-three.

148 SECTION 22. Paragraph 2 of section 44 of chapter 54 of the General Laws, as appearing in the
149 2004 Official Edition, is hereby amended by striking the first sentence and adding in place
150 thereof the following sentence:- The official ballots shall be of ordinary white printing paper, of
151 two of more pages, and shall, except as otherwise provided in this chapter, be so folded before
152 distribution as to measure not less than four and one half nor more than five inches in width and
153 not less than six nor more than thirteen and one half inches in length.

154 SECTION 23. Chapter 54 of the Massachusetts General Laws, as appearing in the 2004 Official
155 Edition, is hereby amended by inserting the following new section:-

156 Section 62A Early Voting.

157 (a) Pursuant to a request, in person, by a qualified voter, as defined by Section 1 of Chapter
158 51 of the General Laws, the local election officers and registrars of every city or town
159 shall allow any qualified voter to cast a ballot for any biennial state election, special state
160 election, primary, or special primary prior to an election day. Cities and towns may also
161 provide for early voting in elections not held in conjunction with State elections.

162 (b) Early voting shall begin on the 14th day preceding an election. The early voting period
163 shall end on the day preceding an election. In case of a special election the early voting
164 period shall begin on the 8th day preceding an election and shall end on the day preceding
165 an election.

166 (c) In order to allow for early voting, the registrars of each city or town shall identify and
167 provide for at least one centrally-located and convenient polling location within each city
168 or town for use during the early voting period. The designation of an early voting
169 polling location must be made 30 days in advance of the election. The location and hours
170 of the polling location are within the discretion of the registrars of each city or town.
171 However, each early voting polling location must be open for eight hours on each
172 weekday during the early voting period. The polling location must be open for an
173 aggregate of eight hours each weekend during the early voting period. Further, the
174 polling location shall be accessible to persons with disabilities and suitable voting
175 machines shall be made available to all qualified voters.

176 (d) The registrars for each city or town shall publish the location of the early voting polling
177 place as well as the applicable dates and hours. Said publication shall occur during the
178 week prior to the commencement of the early voting period and at least once a week
179 during the early voting period. Notice of the dates and hours of early voting shall be sent
180 to every newspaper listed in the Directory of New England Newspapers and Periodicals,

181 located in such town or city. Notice of the dates and hours of early voting shall also be
182 conspicuously posted in the office of the city clerk or on the principal official bulletin
183 board of each city or town and any other public building deemed necessary.

184 (e) The secretary of state must provide a sufficient number of early voting ballots and Early
185 Voting Certificates to the registrars of each city or town for use during the early voting
186 period. The early voting ballots shall be similar to the official ballots used on the
187 Election Day with the exception that they shall be printed on paper differing in color
188 from that used for the official or absentee ballot. The ballots and Early Voting
189 Certificates must be delivered to the registrars of each city or town 30 days in advance of
190 the early voting period.

191 (f) Early voting ballots and Early Voter Certificates shall be provided to each qualified voter
192 who participates in early voting.

193 (g) Qualified voters shall sign, under the pains of perjury, an Early Voter Certificate,
194 swearing that they are voting under their legal name and address and that they will not
195 partake in any fraudulent activities while participating in the early voting period. The
196 Early Voting Certificate will also require qualified voters to provide their ward and
197 precinct information. In order to facilitate the organization of ballots by ward and
198 precinct on election night, the Early Voting Certificate shall be attached to the sealed
199 early voting ballot. The Early Voting Certificate shall have the following form:

200 EARLY VOTING VOTER CERTIFICATE

201 I, _____, am a qualified elector in this election and registered voter of _____ County,
202 Massachusetts. I do solemnly swear or affirm that I am the person so listed on the voter
203 registration rolls of _____ County and that I reside at the listed address. I understand that
204 if I commit or attempt to commit fraud in connection with voting, vote a fraudulent
205 ballot, or vote more than once in an election I could be convicted of a felony of the third
206 degree and both fined up to \$5,000 and imprisoned for up to 5 years. I understand that my
207 failure to sign this certificate invalidates my ballot.

208 (h) In compliance with Section 60 of Chapter 51 of the General Laws, before the
209 commencement of the early voting period, the registrars for each city or town shall
210 prepare a list for the early voting polling location, containing the names and residences of
211 all persons qualified to vote therein, as the same appear upon the annual register, and
212 shall reasonably transmit the same to the election officers at every polling location
213 designated by the registrars.

214 (i) The presiding election officer at the early voting polling location shall cause to be placed
215 on the voting lists opposite the name of any qualified voter who participates in early
216 voting the letters in capital EV designating an early voter.

217 (j) At the end of each day during the early voting period, the presiding election officer must
218 separate, compile, and record the early ballots cast at each polling location into the
219 appropriate ward and precinct. The resulting list of early voters shall be updated daily
220 and saved electronically. By 5:00 pm on the day before the Election Day, the list shall
221 be forwarded to the appropriate ward and precinct location.

222 (k) Sections 65, 66, 72, 73 and 75 of this chapter, governing the conduct of elections, shall
223 apply to the conduct of polling locations during early elections.

224 (l) The ballot boxes for early voting shall be sealed and locked each night and maintained
225 securely by the election officers.

226 (m) The registrars for each city or town shall designate a location for the counting of early
227 and absentee ballots. The early and absentee ballots shall be opened at the close of all
228 polling locations on Election Day. All totals shall be added to the totals at the relevant
229 wards and precincts.

230 SECTION 24. Section 66 of chapter 54 of the General Laws, as appearing in the 2004 Official
231 Edition, is hereby amended by striking, in lines 2 and 3, the words “where official ballots are
232 used,” and inserting in place thereof the following words:- except as otherwise provided in this
233 chapter.

234 SECTION 25. Section 71 of chapter 54 of the Massachusetts General Laws is hereby amended
235 by inserting the following new paragraphs:-

236 During the course of an election the presiding officer at each polling place or his or her designee
237 shall keep a log of issues that arise in the polling place and record other data, including:

238 (a) Any alleged malfunction of the voting equipment and any actions taken to resolve the
239 same;

240 (b) Issues that may require further investigation;

241 (c) Issues regarding the conduct of challengers or watchers and any incidents involving
242 intimidation;

243 (d) The number of provisional ballots distributed and the reason therefore;

244 (e) The names and signatures of each poll worker and the serial number and model of each
245 electronic voting machine.

246 SECTION 26. Chapter 54 Section 72 of the general laws is hereby amended by inserting after
247 the word “shall” the following:-- as necessary or as requested by the city or town clerk

248 SECTION 27. Section 91A of chapter 54 is hereby amended by inserting after the words “the
249 manner prescribed in section eighty-nine” in the first sentence and the words “in the manner
250 prescribed in section ninety-one B” in the second sentence the following new words:--or if the
251 specially qualified voter is on active duty outside the territorial limits of the United States, and
252 requests it, by electronic means as further specified by the State Secretary.

253 SECTION 28. The Massachusetts General Laws are hereby amended by inserting after section
254 109 of chapter 54 the following new section:--

255 Section 109A. Audits of election results.

256 (a) Following each primary, general or special election, a random hand-counted audit shall
257 be conducted as provided in this section of the votes in each race for president, U.S.

258 senator, U.S. representative, governor, attorney general, state secretary; for one race
259 chosen at random from the office of lieutenant governor, treasurer, and auditor; and also
260 for each statewide initiative and referendum question. Races in which only one
261 candidate's name appears on the ballot shall not be audited.

262 (b) The state secretary shall establish an audit protocol such that:

263 i. for elections which appeared on the ballot state-wide, the audit shall be designed
264 and implemented to provide at least a 99% probability of leading to a hand
265 recount of 100% of the ballots whenever such a recount would change the
266 electoral outcome of such contest, and

267 ii. for each election held for United States Representative, the audit shall be designed
268 and implemented to provide at least a 90% probability of leading to a hand
269 recount of 100% of the ballots whenever such a recount would change the
270 electoral outcome of such contest, and

271 iii. a minimum of five precincts per Congressional district are selected for audits of
272 elections for U.S. representative, and a minimum of ten precincts from all the
273 precincts in the Commonwealth are selected for audit of races that appeared on
274 the ballots state-wide.

275 (c) The precincts to be audited shall be chosen in a random, publicly verifiable, non-
276 computerized drawing supervised by the state secretary following the reporting of
277 unofficial election results from each precinct, which shall be made publicly available by
278 municipal clerks and by the state secretary. The time and place of the drawing shall be
279 announced at least 48 hours in advance and be open to representatives of each political
280 party and to the public. Except as provided in b (iii) of this section, precincts that are
281 selected in the random drawing may be used to audit any races subject to audit under this
282 section.

283 (d) The board of registrars in each municipality where precincts have been selected shall
284 conduct the audit of the precincts in such municipality. The board of registrars may
285 employ tally clerks for the purpose of counting the ballots. Audits shall commence not
286 later than 24 hours following the random drawing of precincts supervised by the state
287 secretary and shall continue on each successive business day or other day at the discretion
288 of the board of registrars in each municipality. The time and place of the audits in each
289 municipality where precincts have been selected shall be publicly announced in advance
290 and the audits shall be performed in full public view and conducted pursuant to the
291 procedures for hand-counts of ballots in Section 105 of Chapter 54.

292 (e) Upon receipt of the results of the manual audit count from the audited precincts, the state
293 secretary shall calculate the total number of votes for each candidate and ballot question
294 as recorded in the manual audit count and shall compare this total to the sum of the
295 originally reported votes for each candidate and ballot question in the audited precincts.
296 The state secretary shall order audits of such additional precincts as shall be necessary to
297 carry out the requirements of this section.

298 (f) Whenever the difference between the hand-counted audit and the originally reported tally
299 is more than one percent for any particular machine model, the discrepancy between the
300 hand-counted audit and the original vote tally shall be analyzed to ascertain the cause of

301 the discrepancy. The state secretary shall oversee the analysis and shall publish and make
302 available online the findings, along with the factual information on which they were
303 based, within 180 days.

304 (g) If there is a discrepancy between a manual count and originally reported tallies, where the
305 original results were obtained using electronic equipment, the manual count of the official
306 paper ballots shall be the official vote of record.

307 (h) The results of audits and hand-counts, as well as the corresponding data for the originally
308 reported tallies, shall be made publicly available on a precinct-by-precinct basis both in
309 hardcopy and in electronic file format.

310 (i) The audit and publication of the results thereof shall be completed prior to the time the
311 State shall make a final determination concerning the appointment of its electors for
312 President and Vice President of the United States as established in federal law.

313 (j) The state secretary shall adopt regulations to implement the requirements of this section
314 and shall hold public hearings both before and after issuing draft regulations. The state
315 secretary shall consult one or more persons with expertise in statistics and election
316 auditing to develop the procedures that will be used to select the precincts for audit, and
317 to determine when, in light of any errors the audit uncovers, a sufficient number of
318 precincts have been counted manually to fulfill the requirements of paragraphs a (i) and
319 (ii) of this section. Final regulations concerning such procedures shall be published at
320 least 60 days before the date of the election.

321 SECTION 29. Section 135 of chapter 54 of the General Laws is hereby amended by inserting in
322 paragraph 9 after the first sentence the following new sentence:--

323 Ballots that have already been counted in a manual audit of the election in question provided
324 under section 109A of the general laws do not have to be counted under this section.

325 SECTION 30. Chapter 56 is hereby amended by inserting after section 29 the following new
326 section:--

327 Section 29A. Deceptive Election Practices.

328 No person, political committee, organization, association, or other entity shall falsely
329 impersonate an election official, use the state seal without authority, or otherwise distribute false
330 information about voting and elections for the purpose of delaying, preventing, dissuading or
331 otherwise interfering with a voter exercising the right to vote whether such false information is
332 communicated by written, electronic, spoken, by telephone or by any other means. Violation of
333 this section shall be punished by imprisonment for not more than one year or by a fine of not
334 more than five thousand dollars.

335 SECTION 31. Section 31 of chapter 56 of the General Laws is hereby amended by striking the
336 word "shall be punished by a fine of not more than one hundred dollars," and inserting
337 therefore—shall be punished by imprisonment for not more than one year or by a fine of not
338 more than one thousand dollars

339 SECTION 32. Chapter 56 of the General Laws is hereby amended by inserting after section 39
340 the following new section:--

341 Section 39A. Closed Captioning of Campaign Advertisements.

342 A campaign advertisement that is disseminated as an advertisement by broadcast
343 or cable television must include closed captioning for deaf and hard-of-hearing viewers,
344 unless the candidate posted on the candidate's web site a transcript of the spoken content of the
345 advertisement. A campaign advertisement that is disseminated as an advertisement to the public
346 on the candidate's web site must include closed captioning for deaf and hard-of-hearing viewers,
347 unless the candidate has posted on the web site a transcript of the spoken content of the
348 advertisement. A campaign advertisement must not be disseminated as an advertisement by radio
349 unless the candidate has posted on the candidate's web site a transcript of the spoken content of
350 the advertisement.

351 For the purposes of this section, "Campaign advertisement" means a professionally produced
352 visual or audio recording produced by a candidate, his or her political committee, or a political
353 party committee, for the purpose of influencing the nomination or election of a candidate.

354 Violation of any provision of this section shall be punished by a fine of not more than five
355 hundred dollars.

356 SECTION 33. Chapter 149 of the Massachusetts General Laws is amended by striking section
357 178 in its entirety and inserting in place thereof the following section:—
358 Section 178.

359 (a) Eligible electors entitled to vote in a federal, state, or municipal election, shall be entitled
360 to absent themselves for the purpose of voting from any service or employment in which
361 they are then engaged or employed on the day of the election for a period of two hours
362 during the time the polls are open. Any such absence shall not be sufficient reason for the
363 discharge of any person from service or employment. Eligible electors, who so absent
364 themselves shall not be liable for any penalty, nor shall any deduction be made from their
365 usual salary or wages, on account of their absence. Eligible electors who are employed
366 and paid by the hour shall receive their regular hourly wage for the period of their
367 absence, not to exceed two hours. Application shall be made for the leave of absence
368 prior to the day of election. The employer may specify the hours during which the
369 employee may be absent, but the hours shall be at the beginning or end of the work shift,
370 if the employee so requests. The employer may require proof of voting from the
371 employee, where proof of voting shall be made available and on a form prescribed by the
372 Secretary of the Commonwealth at the time the polls in a voting precinct, ward, or town
373 are open.

374 (b) If by the day prior to the election, an employee believes that time off will be necessary in
375 order to vote on the day of the election, he shall notify his employer.

376 (c) This section shall not apply to any person whose hours of employment on the day of the
377 election are such that there are three or more hours between the time of opening and the
378 time of closing of the polls during which the elector is not required to be on the job.