

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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:

James B. Eldridge

DISTRICT/ADDRESS:

Middlesex and Worcester

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

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

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

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

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

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

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

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

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

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

38 Section 34A.

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

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

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

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

60 (c) Upon meeting the identity requirements of subsection (a), production of proof of
61 residence, and the making of an oath sufficient to support registration, the ballot clerk or
62 his designee shall permit the applicant to vote on the day of an election and the registrar

63 or his or her designee shall place the applicant's name and address on the annual register
64 of voters as soon as reasonably practicable following the date of the election as
65 prescribed by the state secretary. Any person who registers to vote on the day of an
66 election in accordance with this section shall, absent disqualification, be registered to
67 vote at all subsequent primaries and elections.

68 (d) The state secretary shall make available, to the election officers, to the extent possible, at
69 each polling place, access to the central registry of voters set forth in section 47C. For
70 the purposes of this section, a printed copy of all voters registered to vote in that precinct
71 as of the last day of the registration period, as required by sections 55 and 60, shall be
72 sufficient.

73 (e) This section shall not apply to an individual seeking to register to vote in any town for the
74 purposes of voting at annual town meeting or special town meeting.

75 (f) A registered voter shall not re-register on the day of an election for the exclusive purpose
76 of altering his party affiliation.

77 (g) The state secretary shall adopt regulations to implement the relevant provisions of this
78 chapter.

79 (h) Upon credible information or allegation of illegal voter registration, or credible
80 information or allegation of illegal multiple voting, there shall be an investigation upon
81 the merits of said information or allegation by the attorney general, or by the district
82 attorney having jurisdiction over the municipality in which the alleged illegal registration
83 or illegal multiple voting occurred. Nothing in this subsection shall be construed as
84 excluding enforcement of this section by any means otherwise provided by law.

85 (i) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter 56.

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

90 SECTION 10. There shall be an advisory committee on the implementation of Election Day
91 registration. Among other issues it may consider, the advisory committee shall study the
92 resources necessary for, costs associated with, and feasibility of providing every polling location
93 with real-time electronic access to the central registry of voters. The advisory committee shall be
94 comprised of the secretary of state, or a designee, who shall chair the advisory committee, the
95 attorney general, or a designee, the house and senate chairs of the joint committee on election
96 laws, or their designees, 2 representatives of the Massachusetts Town Clerks Association, at least
97 1 of whom shall be a town clerk from a town of under 5,000 residents, and 2 representatives of
98 the Massachusetts City Clerks Association. The advisory committee shall complete its study on
99 the implementation of election day registration and submit an interim report and
100 recommendations for improving administration of election day registration, in writing, to the
101 joint committee on election laws and the senate and house committees on ways and means on or
102 before June 30, 2011, and the advisory committee shall submit its final report 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, 2013.

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

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

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

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

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

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

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

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

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

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

142 SECTION 20. Said section 37 of chapter 54 is hereby amended by amended by striking, in line
143 4, the words “ballot labels.”

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

146 SECTION 22. Paragraph 2 of section 44 of chapter 54 of the General Laws, as appearing in the
147 2004 Official Edition, is hereby amended by striking the first sentence and adding in place
148 thereof the following sentence:- The official ballots shall be of ordinary white printing paper, of
149 two of more pages, and shall, except as otherwise provided in this chapter, be so folded before
150 distribution as to measure not less than four and one half nor more than five inches in width and
151 not less than six nor more than thirteen and one half inches in length.

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

154 Section 62A Early Voting.

155 (a) Pursuant to a request, in person, by a qualified voter, as defined by Section 1 of Chapter
156 51 of the General Laws, the local election officers and registrars of every city or town
157 shall allow any qualified voter to cast a ballot for any biennial state election, special state
158 election, primary, or special primary prior to an election day. Cities and towns may also
159 provide for early voting in elections not held in conjunction with State elections.

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

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

174 (d) The registrars for each city or town shall publish the location of the early voting polling
175 place as well as the applicable dates and hours. Said publication shall occur during the
176 week prior to the commencement of the early voting period and at least once a week
177 during the early voting period. Notice of the dates and hours of early voting shall be sent
178 to every newspaper listed in the Directory of New England Newspapers and Periodicals,
179 located in such town or city. Notice of the dates and hours of early voting shall also be
180 conspicuously posted in the office of the city clerk or on the principal official bulletin
181 board of each city or town and any other public building deemed necessary.

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

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

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

198 EARLY VOTING VOTER CERTIFICATE

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

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

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

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

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

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

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

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

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

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

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

238 (b) Issues that may require further investigation;

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

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

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

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

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

251 SECTION 28. The Massachusetts General Laws are hereby amended by inserting after section
252 109 of chapter 54 the following new section:--

253 Section 109A. Audits of election results.

254 (a) Following each primary, general or special election, a random hand-counted audit shall
255 be conducted as provided in this section of the votes in each race for president, U.S.
256 senator, U.S. representative, governor, attorney general, state secretary; for one race
257 chosen at random from the office of lieutenant governor, treasurer, and auditor; and also
258 for each statewide initiative and referendum question. Races in which only one

259 candidate's name appears on the ballot shall not be audited.

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

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

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

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

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

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

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

296 (f) Whenever the difference between the hand-counted audit and the originally reported tally
297 is more than one percent for any particular machine model, the discrepancy between the
298 hand-counted audit and the original vote tally shall be analyzed to ascertain the cause of
299 the discrepancy. The state secretary shall oversee the analysis and shall publish and make
300 available online the findings, along with the factual information on which they were
301 based, within 180 days.

- 302 (g) If there is a discrepancy between a manual count and originally reported tallies, where the
303 original results were obtained using electronic equipment, the manual count of the official
304 paper ballots shall be the official vote of record.
- 305 (h) The results of audits and hand-counts, as well as the corresponding data for the originally
306 reported tallies, shall be made publicly available on a precinct-by-precinct basis both in
307 hardcopy and in electronic file format.
- 308 (i) The audit and publication of the results thereof shall be completed prior to the time the
309 State shall make a final determination concerning the appointment of its electors for
310 President and Vice President of the United States as established in federal law.
- 311 (j) The state secretary shall adopt regulations to implement the requirements of this section
312 and shall hold public hearings both before and after issuing draft regulations. The state
313 secretary shall consult one or more persons with expertise in statistics and election
314 auditing to develop the procedures that will be used to select the precincts for audit, and
315 to determine when, in light of any errors the audit uncovers, a sufficient number of
316 precincts have been counted manually to fulfill the requirements of paragraphs a (i) and
317 (ii) of this section. Final regulations concerning such procedures shall be published at
318 least 60 days before the date of the election.

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

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

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

325 Section 29A. Deceptive Election Practices.

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

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

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

339 Section 39A. Closed Captioning of Campaign Advertisements.

340 A campaign advertisement that is disseminated as an advertisement by broadcast
341 or cable television must include closed captioning for deaf and hard-of-hearing viewers,

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

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

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

354 SECTION 33. Chapter 149 of the Massachusetts General Laws is amended by striking section
355 178 in its entirety and inserting in place thereof the following section:—
356 Section 178.

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

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

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