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eUpdate

2026 Election Cycle - Overview

August 24, 2026

City and Town Clerks, Election Directors, Boards of Registrars, and Boards of Election Commissioners throughout the Commonwealth are preparing for the upcoming September 1, 2026 State Primary and November 3, 2026 Biennial State Election. Running an election is never an easy task – it involves thousands of papers, meticulous record keeping, significant election office staff time, arranging for space, setting up and staffing early voting locations and polling places, and hiring and training of dozens of election workers. Primary elections are even more complicated, with different ballots for each leading political party and for unenrolled voters who are required to choose which party primary in which they would like to participate.

Elections in Massachusetts are strictly regulated by state law, primarily Chapters 50, 53, and 54 of the General Laws and 950 CMR 54.00. The Secretary of the Commonwealth, as the Chief Election Official of the State, and the Secretary's Elections Division, provide guidance and support concerning the interpretation and implementation of applicable laws. Election officials, however, must remain cognizant of hundreds of applicable laws and regulations, each governing matters such as voter registration deadlines, early voting in-person, applications and processing of early voting by mail, applications and processing of absentee voting, advanced removal of early and absentee ballots, advanced processing of early and absentee ballots, inactive voters, Help America Vote Act (HAVA) voters who registered to vote online and must show identification to vote, preparation of voting lists, arranging for and staffing polling places, provisional voters, voter challenges, rights and obligations of polling place observers, establishing and enforcing the so-called "150-foot rule" against electioneering, and much more.

This eUpdate provides a few reminders and makes limited observations concerning the upcoming election cycle.

State Primary Recount Deadlines

Ordinarily, in accordance with G.L. c. 54, § 135, recount petitions for state primaries must be filed not later than six days following the primary. For the 2026 State Election cycle, however, Chapter 34 of the Acts of 2025 establishes shorter deadlines to enable the Secretary's office to format and print ballots timely, for voters to request, and for elections officials to send and process, vote-by-mail ballots, and for election officials to meet federal deadlines relative to military and overseas voters.

For the 2026 State Primary, therefore, petitions for districtwide and statewide recounts must be filed with local election officials by September 3 at 3:00 P.M. Petitions for other recounts must be filed with local officials no later than 5:00 p.m. on that date. Be aware that such petitions must be certified no later than 12:00 P.M. on Friday, September 4. ***All election offices therefore must be open until 5:00 p.m. on September 3, 2026, and, if recount petitions were filed with that office, until 12:00 P.M. on Friday, September 4, regardless of typical business hours.*** Recount petitioners must pick up the petitions and file them with the Secretary in Boston no later than 5:00 P.M.

While candidates typically must be provided with 3-days written notice of a recount, Chapter 34 establishes a 2-day notification requirement and provides that electronic notice is sufficient. Local election officials will be notified if the Secretary determines that a statewide or districtwide recount will be held, which, if ordered, typically results in significant coordination by candidates, their counsel, and municipalities to avoid scheduling recounts at the same time, to the extent the same is possible. In any event, State Primary recounts must be completed and the results reported to the Secretary of the Commonwealth not later than 5:00 P.M. on September 11.

Municipal Recount Deadlines

The deadlines discussed above apply to State Primary races. If a municipality holds a special election on the date of the primary, the ordinary provisions of G.L. c. 54, § 135 will be applicable. This means that recount petitions for a special election must be filed not later than 5:00 P.M. on the 10th day following the election. The law does not impose a deadline for holding a recount following a local election.

Holding a Municipal Election on the Same Date as the State Primary

We are receiving an increasing number of questions from municipalities with respect to holding a local election on the same date as the State Primary. State law does not prohibit this. Clerks and election directors, however, should be aware that if dual elections are held, additional preparation is needed.

For example, voters will be required to check-in for both elections, necessitating a second check-in table with two inspectors at each precinct. Further, following the close of the polls, the ballots from a local election must be properly sorted from State Primary ballots and sealed separately. Thus, election officials should consider whether they have sufficient materials for these purposes and reach out to their election vendors for options. If budgets do not allow for additional purchases, discussions may be had with Town Administration and Financial Departments as to how to secure necessary funding. This issue is especially important in the event of a recount.

Be further reminded that local election ballots may be destroyed 30 days after the election, in the absence of litigation, while state election ballots may be destroyed only after 22 months.

Finally, when training election workers, be aware that the so-called “six month rule” that allows voters who have moved from the municipality but have not registered to vote anywhere else is only applicable to a state election, and is not available for local elections.

KP Attorneys Lauren Goldberg, Devan Braun, and Michael D’Ortenzio provide support to election officials throughout the year on a wide variety of elections matters and have conducted dozens of recounts. Please feel free to contact Lauren (617.654.1759), Devan (617.654.1703) or Michael (617.654.1779), or your KP Law Attorney, with any election-related questions.

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