

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

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 Relative to Election Day Registration.

PETITION OF:

NAME:

Garrett J. Bradley

DISTRICT/ADDRESS:

3rd Plymouth

The Commonwealth of Massachusetts

—————
In the Year Two Thousand and Nine
—————

AN ACT RELATIVE TO ELECTION DAY REGISTRATION.

Whereas, The deferred operation for this act would tend to defeat its purpose, which is forthwith to provide for election day registration for the citizens of the commonwealth and to make related changes in certain laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 51 of the General Laws, as appearing in the 2008 Official Edition, is
2 hereby amended by striking out the last sentence and inserting in place thereof the following sentence:-
3 Any person otherwise qualified to vote for national or state officers shall, by reason of a change of
4 residence, be disqualified to vote for such officers in the city or town from which he has removed his
5 residence; provided further, that a person having changed his residence shall be eligible to register
6 pursuant to section 34A.

7

8 SECTION 2. Said section 1 of said chapter 51, as so appearing, is hereby further amended by striking out
9 the last sentence, as amended by section 1 of this act, and inserting in place thereof the following

10 sentence:- No person otherwise qualified to vote for national or state officers shall, by reason of a
11 change of residence within the commonwealth, be disqualified from voting for such officers in the city
12 or town from which he has removed his residence until the expiration of 6 months from such removal.

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

17

18 SECTION 4. Section 26 of said chapter 51, as so appearing, is hereby amended by striking out, in lines 9
19 and 10, the word "eight" and inserting in place thereof, in each instance, the following figure:- 5.

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21 SECTION 5. Said section 26 of said chapter 51, as so appearing, is hereby further amended by striking
22 out, in lines 9 and 10, amended by section 4 of this act, the figure "5", and inserting in place thereof, in
23 each instance, the following figure:- 8.

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25 SECTION 6. Said section 26 of said chapter 51, as appearing in the 2008 Official Edition, is hereby
26 amended by striking out, in line 10, the words "twentieth day" and inserting in place thereof the
27 following words:- fourteenth day.

28

29 SECTION 7. Said chapter 51 is hereby further amended by striking out section 28, as so appearing, and
30 inserting in place thereof the following section:-

31 Section 28. They shall hold a continuous session from 9 o'clock ante meridian until 5 o'clock post
32 meridian on the last day for registration prescribed under section 26; provided, however, that in towns
33 having less than 1,500 voters, such session shall be sufficient if it includes the time from 9 o'clock until
34 11 o'clock ante meridian and from 2 o'clock until 5 o'clock post meridian.

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36 SECTION 8. Said chapter 51 is hereby further amended by striking out section 28, as amended by
37 section 7 of this act, and inserting in place thereof the following section:-

38 Section 28. They shall hold a continuous session from nine o'clock ante meridian until eight o'clock in
39 the evening on the last day for registration prescribed under section 26; provided, however, that in
40 towns having less than 1,500 voters, such session shall be sufficient if it includes the time from 2 to 4
41 o'clock in the afternoon and from 7 to 8 o'clock in the evening.

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43 SECTION 9. Said chapter 51 is hereby further amended by striking out section 34, as appearing in the
44 2008 Official Edition, and inserting in place thereof the following section:-

45 Section 34. Except as otherwise provided in section 34A, after 5 o'clock post meridian of a day on which
46 registration is to cease, the registrars shall not register any person to vote in the next state election,
47 except that they shall furnish, or cause to be furnished, to each person waiting in line at said hour of 5
48 o'clock for the purpose of being registered, a card or slip of identification bearing such person's name
49 and shall, before registration ceases, permit such person to register. The registrars may, however, enter

50 or correct on the registers the names of persons who have registered as voters between December
51 thirty first preceding and the close of registration.

52

53 SECTION 10. Said chapter 51 is hereby further amended by striking out section 34, as amended by
54 section 9 of this act, and inserting in place thereof the following section:-

55 Section 34. After 8 o'clock in the evening of a day on which registration is to cease, the registrars shall
56 not register any person to vote in the next primary or election, except that they shall furnish, or cause to
57 be furnished, to each person waiting in line at said hour of 8 o'clock for the purpose of being registered,
58 a card or slip of identification bearing such person's name and shall, before registration ceases, permit
59 such person to register. The registrars may, however, enter or correct on the registers the names of
60 persons who have registered as voters between December thirty-first preceding and the close of
61 registration.

62

63 SECTION 11. Said chapter 51 is hereby further amended by inserting after section 34 the following
64 section:-

65 Section 34A. (a) An individual who is eligible to vote may register on the day of a state election by
66 appearing in person at the polling place for the precinct in which the individual maintains residence, by
67 completing a registration application in a form prescribed by the state secretary which complies with
68 identity requirements of 42 U.S.C. section 15483, by presenting to the appropriate election official proof
69 of residency and by making a written oath which shall be as follows: I certify that I: am a citizen of the
70 United States; am at least 18 years old; am not under guardianship or otherwise prohibited from voting;
71 am not temporarily or permanently disqualified by law because of corrupt practices in respect to

72 elections; have read and understand this statement: I further understand that giving false information is
73 a felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or
74 both.

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

77 (i) a valid photo identification including, but not limited to, a Massachusetts drivers license or other
78 state-issued identification card; or

79 (ii) other documentation demonstrating the name and address where the applicant maintains
80 residence and seeks to register including, but not limited to, a copy of a current utility bill, bank
81 statement, government check, paycheck, other government document or a current student fee
82 statement.

83 (c) Upon meeting the identity requirements of subsection (a), production of proof of residence, and the
84 making of an oath sufficient to support registration, the ballot clerk or his or her designee shall permit
85 the applicant to vote on the day of a state election and the registrar or his or her designee shall place
86 the applicant’s name and address on the annual register of voters as soon as reasonably practicable
87 following the date of the state election as prescribed by the state secretary. Any person who registers
88 to vote on the day of a state election in accordance with this section shall, absent disqualification, be
89 registered to vote at all subsequent primaries and elections.

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

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95 e) This section shall not apply to an individual seeking to register to vote in any town for the purposes of
96 voting at annual town meeting or special town meeting or at an annual or special town election or to
97 any individual seeking to register to vote in any city or town for the purposes of voting at an regular or
98 special preliminary or regular or special municipal election after the applicable registration period
99 prescribed in section 26 has closed. This section shall not apply to an individual seeking to register to
100 vote in any city or town for the purposes of voting at any special state primary or special state election
101 or at any biennial state primary.

102

103 (f) The state secretary shall promulgate regulations to implement the relevant provisions of this chapter.

104 (g) Upon credible information or allegation of illegal voter registration, or credible information or
105 allegation of illegal multiple voting, there shall be an investigation upon the merits of said information or
106 allegation by the attorney general, or by the district attorney having jurisdiction over the municipality in
107 which the alleged illegal registration or illegal multiple voting occurred. Nothing in this subsection shall
108 be construed as excluding enforcement of this section by any means otherwise provided by law.

109 (h) Violations of this section shall be punishable pursuant to sections 8, 26 and 27, of chapter 56.

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111 SECTION 12. Section 38 of chapter 53 of the General Laws, as appearing in the 2008 Official Edition, is
112 hereby amended by striking out, in line 5, the words “eight o’clock in the evening of the twentieth day”
113 and inserting in place thereof, the following words:- 8 o’clock post meridian of the fourteenth day;

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115 SECTION 13. Said section 38 of said chapter 53, as appearing in the 2008 Official Edition, is hereby
116 further amended by striking out, in line 18, the word “twenty” and inserting in place thereof, the figure:-
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119 SECTION 14. There shall be an advisory committee on the implementation of election day registration.
120 Among other issues it may consider, the advisory committee shall study the resources necessary, costs
121 associated with, and feasibility of providing every polling location with real-time electronic access to the
122 central registry of voters. The advisory committee shall be comprised of the secretary of state, or his
123 designee, who shall serve as the chair of the advisory committee, the attorney general, or her designee,
124 the house and senate chairs of the joint committee on election laws, or their designees, 2
125 representatives of the Massachusetts Town Clerks Association, at least one of whom shall be a town
126 clerk from a town of under 5,000 inhabitants, and 2 representatives of the Massachusetts City Clerks
127 Association. The advisory committee shall complete its study of electronic access and submit its report
128 in writing to the joint committee on election laws and the house and senate committees on ways and
129 means on or before March 1, 2012.

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131 SECTION 15. Sections 1, 3, 4, 7, 9, and 11 are hereby repealed.

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133 SECTION 16. Section 15 shall take effect on July 1, 2012.

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135 SECTION 17. Sections 2, 5, 8, and 10 shall take effect on July 1, 2012.