

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Gloria L. Fox

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 to establish election day registration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Gloria L. Fox	7th Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO ESTABLISH ELECTION DAY REGISTRATION.

Whereas, The deferred operation for this act would tend to defeat its purpose, which is forthwith to make to provide for election day registration for 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 2006 Official Edition, is
- 2 hereby amended by striking out the last sentence and inserting in place thereof the following sentence:-
- 3 A person otherwise qualified to vote for national or state officers shall not, by reason of a change of
- 4 residence within the commonwealth, be disqualified from voting for such national or state officers in the
- 5 city or town from which he has removed his residence until the expiration of 6 months from such
- 6 removal, provided further, that a person having changed his residence shall be eligible to register under
- 7 section 34A..

9 SECTION 2. Section 3 of said chapter 51, as so appearing, is hereby amended, by inserting, after the
10 word, "registration" in lines 7 and 16, the following words:- , or in accordance with the provisions of
11 section 34A.

12

13 SECTION 3. Section 26 of said chapter 51, as so appearing, is hereby amended by striking out, in lines 9
14 and 10, the words "eight o'clock in the evening" and inserting in place thereof, in each instance, the
15 following figure:- 5:00 pm.

16

17 SECTION 4. Said chapter 51 is hereby further amended by striking out section 28, as so appearing, and
18 inserting in place thereof the following section:-

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

22

23 SECTION 5. Said chapter 51 is hereby further amended by striking out section 34, as appearing in the
24 2006 Official Edition, and inserting in place thereof the following section:-

25 Section 34. Except as otherwise provided in section 34A, after 5:00 pm of a day on which
26 registration is to cease, the registrars shall not register any person to vote in the next election, except
27 that they shall furnish, or cause to be furnished, to each person waiting in line at the hour of 5:00 pm for
28 the purpose of being registered, a card or slip of identification bearing such person's name and shall,
29 before registration ceases, permit such person to register. The registrars may, however, enter or correct

30 on the registers the names of persons who have registered as voters between December 31st preceding
31 and the close of registration.

32

33 SECTION 6. Said chapter 51 is hereby further amended by inserting after section 34 the following
34 section:-

35 Section 34A. (a) An individual who is eligible to vote may register on the day of an election by
36 appearing in person at the polling place, during the hours it is open for voting, for the precinct in which
37 the individual maintains residence, by completing a registration application in a form prescribed by the
38 state secretary which complies with identity requirements of 42 U.S.C. section 15483, by presenting to
39 the appropriate election official proof of residency and by making a written oath which shall be as
40 follows: I certify that I: am a citizen of the United States; am at least 18 years old; am not under
41 guardianship or otherwise prohibited from voting; am not temporarily or permanently disqualified by
42 law because of corrupt practices in respect to elections; have read and understand this statement: I
43 further understand that giving false information is a felony punishable by not more than 5 years
44 imprisonment or a fine of not more than \$10,000, or both.

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

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

49 (ii) other documentation demonstrating the name and address where the applicant
50 maintains residence and seeks to register including, but not limited to, a copy of a current utility bill,
51 bank statement, government check, residential lease agreement , wireless telephone statement,

52 paycheck, other government document or correspondence , a current student fee statement or other
53 document from a post-secondary educational institution that verifies the student's current address.

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

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

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

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

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

71 (h) Upon credible information or allegation of illegal voter registration, or credible information
72 or allegation of illegal multiple voting, there shall be an investigation upon the merits of said information
73 or allegation by the attorney general, or by the district attorney having jurisdiction over the municipality

74 in which the alleged illegal registration or illegal multiple voting occurred. Nothing in this subsection
75 shall be construed as excluding enforcement of this section by any means otherwise provided by law.

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

77

78 SECTION 7. There shall be an advisory committee on the implementation of election day registration.
79 Among other issues it may consider, the advisory committee shall study the resources necessary for,
80 costs associated with, and feasibility of providing every polling location with real-time electronic access
81 to the central registry of voters. The advisory committee shall be comprised of the secretary of state, or
82 a designee, who shall chair the advisory committee, the attorney general, or a designee, the house and
83 senate chairs of the joint committee on election laws, or their designees, 2 representatives of the
84 Massachusetts Town Clerks Association, at least 1 of whom shall be a town clerk from a town of under
85 5,000 residents, and 2 representatives of the Massachusetts City Clerks Association. The advisory
86 committee shall complete its study on the implementation of election day registration and submit an
87 interim report and recommendations for improving administration of election day registration, in
88 writing, to the joint committee on election laws and the senate and house committees on ways and
89 means on or before June 30, 2011, and the advisory committee shall submit its final report in writing to
90 the joint committee on election laws and the senate and house committees on ways and means on or
91 before June 30, 2013.