

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 requiring photo identification for voting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato Manuel deMacedo	1st Plymouth
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Elizabeth Poirier	14th Bristol

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REQUIRING PHOTO IDENTIFICATION FOR VOTING.

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 76 of chapter 54 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended, by striking out, in line 2, the words “and, if requested,” and
3 inserting in place thereof the following:-- , valid photo identification issued by the
4 commonwealth of Massachusetts or the government of the United States, as defined in section
5 76B, and

6 SECTION 2. Chapter 54 of the General Laws, as so appearing, is hereby amended, by striking out
7 section 76B in its entirety and inserting in place thereof the following section:--

8 Section 76B. (a) For the purposes of this chapter, “valid photo identification” shall mean a
9 document that:

- 10 (1) shows the name of the individual to whom the document was issued, and the name
11 conforms to the name of the individual’s voter registration record;
12 (2) shows a photograph of the individual to whom the document was issued;
13 (3) includes an expiration date, and the document is not expired or expired after the
14 date of the most recent general election; and
15 (4) was issued by the commonwealth of Massachusetts or the government of the
16 United States.
17

18 (b) (1) A person seeking to vote that does not provide sufficient valid photo identification as
19 defined in subsection (a) of this section may be challenged under section 85 of this chapter.

20

21 (2) A person seeking to vote that does not provide valid photo identification as defined under
22 subsection (a) of this section may cast a provisional ballot under section 76C.

23

24 (c) Nothing in this section shall be construed to deny the rights of any individual who:

25 (1) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens
26 Absentee Voting Act, 42 U.S.C. sections 1973ff-1 et seq.;

27 (2) is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of
28 the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. section 1973ee-
29 1(b)(2); or

30 (3) is otherwise entitled by federal law to vote otherwise than in person.

31

32 SECTION 3: Section 76C of Chapter 54 of the General Laws, as so appearing, is hereby amended,
33 by adding after subsection (k) the following new subsection:--

34 (l) A voter who fails to provide valid photo identification as defined under section 76B and casts
35 a provisional ballot shall be required to provide such identification in person to the city or town
36 clerk, or elections board or commission, of the municipality in which they reside, within 8
37 business days from the date of the election in which the provisional ballot was cast. A voter
38 who fails to provide such identification in the time specified shall forfeit that vote, and that
39 provisional ballot shall be discarded.

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41 SECTION 4: Section 92 of chapter 54 of the General Laws, as appearing in the 2006 Official
42 Edition, is hereby amended, by adding in line 5, after the words "eighty-seven," the following
43 words:-- as well as enclosing in the same envelope a copy of a valid photo identification as
44 defined in section 76B of this chapter,

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