

HOUSE No. 01106

The Commonwealth of Massachusetts

PRESENTED BY:

Gloria L. Fox and

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:
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>
<i>Brian Ashe</i>	<i>2nd Hampden</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Paul Mark</i>	<i>2nd Berkshire</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>

<i>Carlos Henriquez</i>	<i>5th Suffolk</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

HOUSE No. 01106

By Ms. Gloria L. Fox of Boston, petition (accompanied by bill, House, No. 01106) of Gloria L. Fox and others for legislation to establish election day voter registration. Joint Committee on Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to establish election day registration.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

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

5

6 Be it enacted by the Senate and House of Representatives in General Court assembled,
7 and by the authority of the same, a s follows:

8

9 SECTION 1. Section 1 of chapter 51 of the General Laws, as appearing in the 2006 Official
10 Edition, is hereby amended by striking out the last sentence and inserting in place thereof the

11 following sentence:- A person otherwise qualified to vote for national or state officers shall not,
12 by reason of a change of residence within the commonwealth, be disqualified from voting for
13 such national or state officers in the city or town from which he has removed his residence until
14 the expiration of 6 months from such removal , provided further, that a person having changed
15 his residence shall be eligible to register under section 34A. .

16 SECTION 2. Section 3 of said chapter 51, as so appearing, is hereby amended, by inserting,
17 after the word, “registratio n” in lines 7 and 16, the following words:- , or in accordance with the
18 provisions of section 34A.

19 SECTION 3. Section 26 of said chapter 51, as so appearing, is hereby amended by striking out,
20 in lines 9 and 10, the words “eight o’clock in the evening” a nd inserting in place thereof, in each
21 instance, the following figure:- 5:00 pm .

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

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

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

30 Section 34. Except as otherwise provided i n section 34A, after 5:00 pm of a day on which
31 registration is to cease, the registrars shall not register any person to vote in the next election,

32 except that they shall furnish, or cause to be furnished, to each person waiting in line at the hour
33 of 5:00 pm for the purpose of being registered, a card or slip of identification bearing such
34 person's name and shall, before registration ceases, permit such person to register. The registrars
35 may, however, enter or correct on the registers the names of persons who have registered as
36 voters between December 31 st preceding and the close of registration.

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

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

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

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

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

60 (c) Upon meeting the identity requirements of subsection (a), production of proof of residence,
61 and the making of an oath sufficient to support registration, the ballot clerk or his designee shall
62 permit the applicant to vote on the day of an election and the registrar or his or her designee
63 shall place the applicant's name and address on the annual register of voters as soon as
64 reasonably practicable following the date of the election as prescribed by the state secretary.

65 Any person who registers to vote on the day of an election in accordance with this section shall,
66 absent disqualification, be registered to vote at all subsequent primaries and elections.

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

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

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

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

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

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

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

97 joint committee on election laws and the senate and house committees on ways and means on or
98 before June 30, 2013.