

**HOUSE . . . . . No. 558**

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**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 SECTION 2. Said section 1 of said chapter 51, as so appearing, is hereby further amended by striking out  
8 the last sentence, as amended by section 1 of this act, and inserting in place thereof the following  
9 sentence:- No person otherwise qualified to vote for national or state officers shall, by reason of a change  
10 of residence within the commonwealth, be disqualified from voting for such officers in the city or town  
11 from which he has removed his residence until the expiration of 6 months from such removal.

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

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

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

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

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

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

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

31 Section 28. They shall hold a continuous session from nine o'clock ante meridian until eight o'clock in  
32 the evening 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 2 to 4 o'clock in  
34 the afternoon and from 7 to 8 o'clock in the evening.

35 SECTION 9. Said chapter 51 is hereby further amended by striking out section 34, as appearing in the  
36 2008 Official Edition, and inserting in place thereof the following section:-

37 Section 34. Except as otherwise provided in section 34A, after 5 o'clock post meridian of a day on which  
38 registration is to cease, the registrars shall not register any person to vote in the next state election, except  
39 that they shall furnish, or cause to be furnished, to each person waiting in line at said hour of 5 o'clock for  
40 the purpose of being registered, a card or slip of identification bearing such person's name and shall,  
41 before registration ceases, permit such person to register. The registrars may, however, enter or correct on  
42 the registers the names of persons who have registered as voters between December thirty first preceding  
43 and the close of registration.

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

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

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

54 Section 34A. (a) An individual who is eligible to vote may register on the day of a state election by  
55 appearing in person at the polling place for the precinct in which the individual maintains residence, by  
56 completing a registration application in a form prescribed by the state secretary which complies with  
57 identity requirements of 42 U.S.C. section 15483, by presenting to the appropriate election official proof  
58 of residency and by making a written oath which shall be as follows: I certify that I: am a citizen of the

59 United States; am at least 18 years old; am not under guardianship or otherwise prohibited from voting;  
60 am not temporarily or permanently disqualified by law because of corrupt practices in respect to  
61 elections; have read and understand this statement: I further understand that giving false information is a  
62 felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or both.

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

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

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

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

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

81 e) This section shall not apply to an individual seeking to register to vote in any town for the purposes of  
82 voting at annual town meeting or special town meeting or at an annual or special town election or to any  
83 individual seeking to register to vote in any city or town for the purposes of voting at an regular or special  
84 preliminary or regular or special municipal election after the applicable registration period prescribed in  
85 section 26 has closed. This section shall not apply to an individual seeking to register to vote in any city  
86 or town for the purposes of voting at any special state primary or special state election or at any biennial  
87 state primary.

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

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

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

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

98 SECTION 13. Said section 38 of said chapter 53, as appearing in the 2008 Official Edition, is hereby  
99 further amended by striking out, in line 18, the word “twenty” and inserting in place thereof, the figure:-

100 14

101 SECTION 14. There shall be an advisory committee on the implementation of election day registration.  
102 Among other issues it may consider, the advisory committee shall study the resources necessary, costs  
103 associated with, and feasibility of providing every polling location with real-time electronic access to the

104 central registry of voters. The advisory committee shall be comprised of the secretary of state, or his  
105 designee, who shall serve as the chair of the advisory committee, the attorney general, or her designee, the  
106 house and senate chairs of the joint committee on election laws, or their designees, 2 representatives of  
107 the Massachusetts Town Clerks Association, at least one of whom shall be a town clerk from a town of  
108 under 5,000 inhabitants, and 2 representatives of the Massachusetts City Clerks Association. The  
109 advisory committee shall complete its study of electronic access and submit its report in writing to the  
110 joint committee on election laws and the house and senate committees on ways and means on or before  
111 March 1, 2012.

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

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

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