

HOUSE No. 812

The Commonwealth of Massachusetts

PRESENTED BY:

Marc T. Lombardo and Nicholas A. Boldyga

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 adoption of the accompanying bill:

An Act relative to Massachusetts voter identification law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>2/5/2021</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>2/5/2021</i>

HOUSE No. 812

By Messrs. Lombardo of Billerica and Boldyga of Southwick, a petition (accompanied by bill, House, No. 812) of Marc T. Lombardo and Nicholas A. Boldyga relative to the identification requirements for certain voters. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to Massachusetts voter identification law.

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

1 I. (a) A person desiring to vote shall, before being provided a ballot, announce his or her
2 name and address to one of the ballot clerks who shall, if the name is found on the checklist by
3 the ballot clerk, repeat the name and address. If the address announced by voter is different from
4 what appears on the checklist, but is in the same town or ward, the ballot clerk shall record the
5 change of address in red on the paper checklist and the supervisors of the checklist shall cause
6 the centralized voter registration database to reflect the change.

7 (b) The voter, unless challenged, shall then be asked to present proof of his or her identity
8 meeting the requirements of paragraph II. If the voter presents such proof of identity to the ballot
9 clerk, the ballot clerk shall give the voter one of each ballot to be voted on in that election. The
10 ballot clerk shall also mark the checklist using a ruler or other straight edge to ensure accuracy of
11 the mark in order to show that the voter obtained his or her ballot. If the photo identification is an
12 out of state driver's license or nondriver's identification card, the ballot clerk shall record the

13 state of issuance on the checklist in accordance with uniform procedures developed by the
14 secretary of state in a color designated for such entries and the supervisors of the checklist or
15 designee shall record the state of issuance of the voter's driver's license or identification card in
16 the statewide centralized voter registration database within 30 days of the election. The voter
17 shall then be allowed to cast his or her ballot.

18 (c)(1) If the voter does not have a valid photo identification, the ballot clerk shall inform
19 the voter that he or she may execute a challenged voter affidavit. The voter shall receive an
20 explanatory document prepared by the secretary of state explaining the proof of identity
21 requirements. If the voter executes a challenged voter affidavit, the ballot clerk shall mark the
22 checklist in accordance with uniform procedures developed by the secretary of state.

23 (2) If the voter executes a challenged voter affidavit, the moderator or the moderator's
24 designee shall take a photograph of the voter and immediately print and attach the photograph to,
25 and thus make it a part of, the affidavit form. The photograph shall be 2 inches by 2 inches, or
26 larger, and may be in color or in black and white. The moderator or his or her designee who took
27 the photograph and the voter shall then sign the challenged voter affidavit. The moderator or
28 designee shall delete the photograph from the camera in the presence of the voter. If the
29 moderator or his or her designee is unable to take the voter's photograph due to equipment failure
30 or other cause beyond the moderator's or his or her designee's reasonable control, the voter may
31 execute a challenged voter affidavit without a photograph.

32 (3) If the voter objects to the photograph requirement because of religious beliefs, he or
33 she may execute an affidavit of religious exemption in accordance with, which shall be attested
34 to by an election officer and attached to the challenged voter affidavit.

35 (4) The person entering voter information into the centralized voter registration database
36 shall cause the records to indicate when a voter has not presented a valid photo identification and
37 has executed a challenged voter affidavit.

38 II. (a) A valid photo identification shall show the name of the individual to whom the
39 identification was issued, and the name shall substantially conform to the name in the
40 individual's voter registration record; it also shall show a photograph of the individual to whom
41 the identification was issued. The photo identification shall also have an expiration date that has
42 not been exceeded by a period of more than 5 years , except that a voter 65 years of age or older
43 may use an otherwise qualified form of identification without regard to expiration date, and
44 except that student identification cards shall comply with the date requirements in subparagraph

45 (5). The following forms of identification bearing a photograph of the voter shall satisfy
46 the identification requirements of paragraph I:

47 (1) A driver's license issued by the Commonwealth of Massachusetts.

48 (2) An identification card issued under or a nondriver's identification card issued by the
49 motor vehicles division, department, agency, or office of any other state.

50 (3) A United States armed services identification card.

51 (4) A United States passport or passport card.

52 (5) A valid student identification card if:

53 (A) The card is issued by:

54 (i) A college, university, or career school in Massachusetts and approved to operate or
55 licensed to operate in Massachusetts.

56 (ii) A public high school in Massachusetts.

57 (iii) A nonpublic high school in Massachusetts accredited by a private school accrediting
58 agency that is recognized by the department of education.

59 (iv) A college or university recognized by the Massachusetts Department of Higher
60 Education

61 (B) The card has either an expiration date or an issuance date that has not been exceeded
62 by a period of more than 5 years

63 (6) A challenged voter affidavit in accordance with subparagraph I(c).

64 (7) A photo identification not authorized by subparagraphs (1) through (6) but determined
65 to be legitimate by the supervisors of the checklist, the moderator, or the clerk of a town, ward,
66 or city, provided that if any person authorized to challenge a voter under objects to the use of
67 such photo identification, identifies the reason for the objection in writing, and states the specific
68 source of the information or personal knowledge upon which the challenge of the photo
69 identification is based, the voter shall be required to execute a challenged voter affidavit as if no
70 identification was presented.

71 (b) In addition to the forms of photo identification authorized in subparagraph (a), the
72 identification requirements of paragraph I may be satisfied by verification of the person's identity
73 by a moderator or supervisor of the checklist or the clerk of a town, ward, or city, provided that if

74 any person authorized to challenge a voter under objects to such verification, identifies the
75 reason for the objection in writing, and states the specific source of the information or personal
76 knowledge upon which the challenge of the photo identification is based, the voter shall
77 be required to execute a challenged voter affidavit as if no verification was made.

78 (c) The secretary of state shall post the lists of educational institutions provided by the
79 commissioner of the department of education on the department of state's website, and otherwise
80 shall make such lists available to local election officials.

81 III. (a) If a voter executes an affidavit in accordance with subparagraph I(c), the secretary
82 of state shall cause a letter of identity verification to be mailed by first class mail to each voter
83 who executed a challenged voter affidavit or affidavit of religious exemption in accordance with
84 paragraph I

85 (b). The letter shall be mailed within 90 days after all elections. The secretary of state
86 shall mark the envelope with instructions to the United States Post Office not to forward the
87 letter and to provide address correction information. The letter shall notify the person that a
88 person who did not present valid photo identification voted using his or her name and address
89 and instruct the person to return the letter within 30 days with a written confirmation that the
90 person voted or to contact the attorney general immediately if he or she did not vote. The letter
91 shall also inform the person of the procedure for obtaining a free nondriver's picture
92 identification card for voting purposes.

93 (c) The secretary of state shall conduct an inquiry regarding any letters mailed pursuant to
94 subparagraph (a) that are returned as undeliverable by the United States Post Office and of voters
95 who were mailed letters under subparagraph (a) and have not responded to the secretary of state.

96 The inquiry may include consulting with, and examining public records held by, municipal
97 officials, which contain information relevant to a person's qualifications to vote in
98 Massachusetts, and interviewing persons living at the address listed on the letters. After such
99 inquiry, the secretary of state shall prepare and forward to the attorney general for investigation a
100 list of those people whose identity or eligibility to vote could not be confirmed. The attorney
101 general shall cause an investigation to be made to determine whether fraudulent voting occurred.

102 IV. (a) Voter Identification Cards shall be provided to registered voters at no cost if the
103 voter does not have a form of identification identified in section II of this statute.

104 (b) Voter Identification Card shall detail a voter's name, address, and include a photo of
105 the voter. The voter identification card shall be marked "for voter identification only."

106 (c) Registered voters shall be issued by town and city clerks, the Secretary of State, and
107 registry of motor vehicles.

108 (d) To receive a Voter Identification Card, a voter must submit proof of United States
109 Citizenship with a Social Security Card, Birth Certificate, or Naturalization Certificate.
110 Additionally, the voter must show a utility bill showing his/her name and address.

111 IV. (a) The secretary of state shall provide to each town or city the photography
112 equipment, supplies, and printing device that are necessary to enable it to comply with the
113 photograph provision of subparagraph I(c), along with instructions in their use.

114 (b) If the moderator or his or her designee is unable to take the voter's photograph due to
115 equipment failure or other cause beyond the moderator's or his or her designee's reasonable

116 control, the secretary of state may waive a voter's compliance with the photograph requirement
117 of subparagraph I(c).

118 (c) The secretary of state shall issue municipalities the equipment and software to create
119 and issue Voter Identification Cards. Municipalities will bear ongoing financial responsibilities
120 for card making materials such as plastic cards and ink.