

**HOUSE . . . . . No. 591**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Shaunna L. O'Connell***

*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 requiring photo ID when casting provisional ballots.

PETITION OF:

| NAME:                            | DISTRICT/ADDRESS:           |
|----------------------------------|-----------------------------|
| <i>Shaunna L. O'Connell</i>      | <i>3rd Bristol</i>          |
| <i>Donald R. Berthiaume, Jr.</i> | <i>5th Worcester</i>        |
| <i>David F. DeCoste</i>          | <i>5th Plymouth</i>         |
| <i>Geoff Diehl</i>               | <i>7th Plymouth</i>         |
| <i>Robert L. Hedlund</i>         | <i>Plymouth and Norfolk</i> |
| <i>Marc T. Lombardo</i>          | <i>22nd Middlesex</i>       |
| <i>James J. Lyons, Jr.</i>       | <i>18th Essex</i>           |
| <i>Leonard Mirra</i>             | <i>2nd Essex</i>            |
| <i>Susannah M. Whipps Lee</i>    | <i>2nd Franklin</i>         |

**HOUSE . . . . . No. 591**

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By Mrs. O'Connell of Taunton, a petition (accompanied by bill, House, No. 591) of Shaunna L. O'Connell and others for legislation to require valid identification when casting provisional ballots. Election Laws.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 622 OF 2013-2014.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

An Act relative to requiring photo ID when casting provisional ballots.

*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 75 of chapter 54 of the General Laws, as appearing in the 2010  
2 Official Edition, is hereby amended, by adding at the end thereof the following language:-

3           Any election officer who in any way fails to follow the procedures and guidelines  
4 enumerated by this chapter or the election day procedures and regulations provided by the  
5 Secretary of State shall be subject to a written citation for the first recorded offense, and shall be  
6 relieved of duties for any subsequent offense.

7           SECTION 2. Subsection (c) of section 76C of chapter 54 of the General Laws, as  
8 appearing in the 2010 Official Edition, is hereby amended by striking out the words, “requested  
9 to present identification when completing a provisional ballot. Failure to present identification

10 shall not prevent the voter from completing a provisional ballot.” and inserting in place thereof  
11 the following—required to present valid, photo identification when completing a provisional  
12 ballot. Failure to present identification either immediately or under the provisions of Section 4,  
13 subsection 1 shall cause such provisional ballot to be discarded.

14 SECTION 3. Section 76C of chapter 54 of the General Laws, as appearing in the 2010  
15 Official Edition, is hereby amended by adding the following language at the end of subsection (c):

16 “Valid photo identification” shall mean a document that:

17 (1) shows the name of the individual to whom the document was issued, and the name  
18 conforms to the name of the individual’s voter registration record;

19 (2) shows a photograph of the individual to whom the document was issued;

20 (3) includes an expiration date, and the document is not expired or expired after the date  
21 of the most recent general election; and

22 (4) was issued by the commonwealth of Massachusetts or the government of the United  
23 States.

24 (5) includes the individual’s current address within the district for which they are voting.

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

27 SECTION 4. Section 76C of chapter 54 of the General Laws, as so appearing, is hereby  
28 amended, by adding after subsection (k) the following new subsection:--

29           (1) A voter who fails to provide valid photo identification as defined under section 76C  
30 and casts a provisional ballot shall be required to provide such identification in person to the city  
31 or town clerk, or elections board or commission, of the municipality in which they reside, within  
32 8 business days from the date of the election in which the provisional ballot was cast. A voter  
33 who fails to provide such identification in the time specified shall forfeit that vote, and that  
34 provisional ballot shall be discarded.