

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

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act Relative to 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           SECTION 1. Section 1 of chapter 51 of the General Laws, as appearing in the 2008  
2 Official Edition, is hereby amended by striking out the last sentence and inserting in place  
3 thereof the following sentence:- Any person otherwise qualified to vote for national or state  
4 officers shall, by reason of a change of residence, be disqualified to vote for such officers in the  
5 city or town from which he has removed his residence; provided further, that a person having  
6 changed his residence shall be eligible to register pursuant to section 34A.

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

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

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

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

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

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

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

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

34 Section 28. They shall hold a continuous session from nine o'clock ante meridian until  
35 eight o'clock in the evening on the last day for registration prescribed under section 26; provided,  
36 however, that in towns having less than 1,500 voters, such session shall be sufficient if it  
37 includes the time from 2 to 4 o'clock in the afternoon and from 7 to 8 o'clock in the evening.

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

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

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

50 Section 34. After 8 o'clock in the evening of a day on which registration is to cease, the  
51 registrars shall not register any person to vote in the next primary or election, except that they  
52 shall furnish, or cause to be furnished, to each person waiting in line at said hour of 8 o'clock for  
53 the purpose of being registered, a card or slip of identification bearing such person's name and  
54 shall, before registration ceases, permit such person to register. The registrars may, however,

55 enter or correct on the registers the names of persons who have registered as voters between  
56 December thirty-first preceding and the close of registration.

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

59 Section 34A. (a) An individual who is eligible to vote may register on the day of a state  
60 election by appearing in person at the polling place for the precinct in which the individual  
61 maintains residence, by completing a registration application in a form prescribed by the state  
62 secretary which complies with identity requirements of 42 U.S.C. section 15483, by presenting  
63 to the appropriate election official proof of residency and by making a written oath which shall  
64 be as follows: I certify that I: am a citizen of the United States; am at least 18 years old; am not  
65 under guardianship or otherwise prohibited from voting; am not temporarily or permanently  
66 disqualified by law because of corrupt practices in respect to elections; have read and understand  
67 this statement: I further understand that giving false information is a felony punishable by not  
68 more than five years imprisonment or a fine of not more than \$10,000, or both.

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

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

74 (ii) other documentation demonstrating the name and address where the applicant  
75 maintains residence and seeks to register including, but not limited to, a copy of a current utility

76 bill, bank statement, government check, paycheck, other government document or a current  
77 student fee statement.

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

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

90 e) This section shall not apply to an individual seeking to register to vote in any town for  
91 the purposes of voting at annual town meeting or special town meeting or at an annual or special  
92 town election or to any individual seeking to register to vote in any city or town for the purposes  
93 of voting at an regular or special preliminary or regular or special municipal election after the  
94 applicable registration period prescribed in section 26 has closed. This section shall not apply to  
95 an individual seeking to register to vote in any city or town for the purposes of voting at any  
96 special state primary or special state election or at any biennial state primary.

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

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

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

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

111 SECTION 13. Said section 38 of said chapter 53, as appearing in the 2008 Official  
112 Edition, is hereby further amended by striking out, in line 18, the word “twenty” and inserting in  
113 place thereof, the figure:- 14

114 SECTION 14. There shall be an advisory committee on the implementation of election  
115 day registration. Among other issues it may consider, the advisory committee shall study the  
116 resources necessary, costs associated with, and feasibility of providing every polling location  
117 with real-time electronic access to the central registry of voters. The advisory committee shall be  
118 comprised of the secretary of state, or his designee, who shall serve as the chair of the advisory

119 committee, the attorney general, or her designee, the house and senate chairs of the joint  
120 committee on election laws, or their designees, 2 representatives of the Massachusetts Town  
121 Clerks Association, at least one of whom shall be a town clerk from a town of under 5,000  
122 inhabitants, and 2 representatives of the Massachusetts City Clerks Association. The advisory  
123 committee shall complete its study of electronic access and submit its report in writing to the  
124 joint committee on election laws and the house and senate committees on ways and means on or  
125 before March 1, 2012.

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

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

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