

HOUSE No. 587

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act requiring photo identification for voting..

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 76 of chapter 54 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended, by striking out, in line 2, the words “and, if requested,” and
3 inserting in place thereof the following:-- , valid photo identification issued by the
4 commonwealth of Massachusetts or the government of the United States, as defined in section
5 76B, and

6 SECTION 2. Chapter 54 of the General Laws, as so appearing, is hereby amended, by
7 striking out section 76B in its entirety and inserting in place thereof the following section:--

8 Section 76B. (a) For the purposes of this chapter, “valid photo identification” shall mean
9 a document that:

10 shows the name of the individual to whom the document was issued, and the name
11 conforms to the name of the individual’s voter registration record;

12 shows a photograph of the individual to whom the document was issued;

13 includes an expiration date, and the document is not expired or expired after the date of
14 the most recent general election; and

15 was issued by the commonwealth of Massachusetts or the government of the
16 UnitedStates.

17 (b) (1) A person seeking to vote that does not provide sufficient valid photo identification
18 as defined in subsection (a) of this section may be challenged under section 85 of this chapter.

19 (2) A person seeking to vote that does not provide valid photo identification as defined
20 under subsection (a) of this section may cast a provisional ballot under section 76C.

21 (c) Nothing in this section shall be construed to deny the rights of any individual who:

22 (1) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens
23 Absentee Voting Act, 42 U.S.C. sections 1973ff-1 et seq.;

24 (2) is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of
25 the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. section 1973ee-1(b)(2);
26 or

27 (3) is otherwise entitled by federal law to vote otherwise than in person.

28 SECTION 3: Section 76C of Chapter 54 of the General Laws, as so appearing, is hereby
29 amended, by adding after subsection (k) the following new subsection:--

30 (l) A voter who fails to provide valid photo identification as defined under section 76B
31 and casts a provisional ballot shall be required to provide such identification in person to the city
32 or town clerk, or elections board or commission, of the municipality in which they reside, within

33 8 business days from the date of the election in which the provisional ballot was cast. A voter
34 who fails to provide such identification in the time specified shall forfeit that vote, and that
35 provisional ballot shall be discarded.

36 SECTION 4: Section 92 of chapter 54 of the General Laws, as appearing in the 2006
37 Official Edition, is hereby amended, by adding in line 5, after the words “eighty-seven,” the
38 following words:-- as well as enclosing in the same envelope a copy of a valid photo
39 identification as defined in section 76B of this chapter,