SENATE DOCKET, NO. 1352 FILED ON: 1/21/2011

SENATE . . . . . No. 301

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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 establishing election day registration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia S. Creem	
Cory Atkins	*14th Middlesex*
Jay R. Kaufman	*15th Middlesex*
James B. Eldridge	
Sonia Chang-Diaz	
Kenneth J. Donnelly	
Chris Walsh	*6th Middlesex*
Denise Andrews	*2nd Franklin*
Kay Khan	*11th Middlesex*
Gloria L. Fox	*7th Suffolk*

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SENATE . . . . . No. 301

By Ms. Creem, a petition (accompanied by bill, Senate, No. 301) of Cynthia S. Creem, Cory Atkins, Jay R. Kaufman, James B. Eldridge and other members of the General Court for legislation to establish election day registration. Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act establishing election day registration.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for election day registration for 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:

SECTION 1. Section 1 of chapter 51 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A person otherwise qualified to vote for national or state officers shall not, by reason of a change of residence within the commonwealth, be disqualified from voting for such national or state officers in the city or town from which the person has removed residence until the expiration of 6 months from such removal, provided further, that a person having changed residence shall be eligible to register under section 34A.

SECTION 2. Section 3 of said chapter 51, as so appearing, is hereby amended, by inserting, after the word, “registration” in lines 7 and 16, the following words:- , or in accordance with the provisions of section 34A.

11 SECTION 3. Section 26 of said chapter 51, as so appearing, is hereby amended by
12 striking out, in lines 9 and 10, the words “eight o’clock in the evening” and inserting in place
13 thereof, in each instance, the following figure:- 5:00 pm.

14 SECTION 4. Said chapter 51, as so appearing, is hereby further amended by striking out
15 section 28, as so appearing, and inserting in place thereof the following section:-

16 Section 28. Registrars shall hold a continuous session from 9:00 am until 5:00
17 pm on the last day for registration prescribed under section 26. For those towns having less than
18 1,500 voters, such session shall be sufficient if it includes the time from 9:00 until 11:00 am and
19 from 2:00 until 5:00 pm.

20 SECTION 5. Said chapter 51, as so appearing, is hereby further amended by striking out
21 section 34, as so appearing, and inserting in place thereof the following section:-

22 Section 34. Except as otherwise provided in section 34A, after 5:00 pm of a day on
23 which registration is to cease, the registrars shall not register any person to vote in the next
24 election, except that they shall furnish, or cause to be furnished, to each person waiting in line at
25 the hour of 5:00 pm for the purpose of being registered, a card or slip of identification bearing
26 such person’s name and shall, before registration ceases, permit such person to register. The
27 registrars may, however, enter or correct on the registers the names of persons who have
28 registered as voters between December 31st preceding and the close of registration.

29 SECTION 6. Said chapter 51, as so appearing, is hereby further amended by inserting
30 after section 34 the following section:-

31 Section 34A. (a) An individual who is eligible to vote may register on the day
32 of an election by appearing in person at the polling place, during the hours it is open for voting,
33 for the precinct in which the individual maintains residence, by completing a registration
34 application in a form prescribed by the state secretary which complies with identity requirements
35 of 42 U.S.C. section 15483, by presenting to the appropriate election official proof of residency
36 and by making a written oath which shall be as follows: I certify that I: am a citizen of the
37 United States; am at least 18 years old; am not under guardianship or otherwise prohibited from
38 voting; am not temporarily or permanently disqualified by law because of corrupt practices in
39 respect to elections; have read and understand this statement: I further understand that giving
40 false information is a felony punishable by not more than 5 years imprisonment or a fine of not
41 more than $10,000, or both.

42 (b) For purposes of this section, the term "proof of residence" shall mean 1 of the
43 following, so long as it includes the name of the applicant and the address from which the
44 applicant is registering:

45 (i) a valid photo identification including, but not limited to, a Massachusetts'
46 driver's license or other state-issued identification card; or

47 (ii) other documentation demonstrating the name and address where the applicant
48 maintains residence and seeks to register including, but not limited to, a copy of a current utility
49 bill, bank statement, government check, residential lease agreement, wireless telephone
50 statement, paycheck, other government document or correspondence, a current student fee
51 statement or other document from a post-secondary educational institution that verifies the
52 student's current address.

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

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

65 (e) This section shall not apply to an individual seeking to register to vote in any town for
66 the purposes of voting at annual town meeting or special town meeting.

67 (f) A registered voter shall not re-register on the day of an election for the exclusive
68 purpose of altering the party affiliation of that voter.

69 (g) The state secretary shall adopt regulations to implement the relevant provisions of this
70 chapter.

71 (h) Upon credible information or allegation of illegal voter registration, or credible
72 information or allegation of illegal multiple voting, there shall be an investigation upon the
73 merits of said information or allegation by the attorney general, or by the district attorney having
74 jurisdiction over the municipality in which the alleged illegal registration or illegal multiple

75 voting occurred. Nothing in this subsection shall be construed as excluding enforcement of this
76 section by any means otherwise provided by law.

77 (i) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter
78 56.

79 SECTION 7. There shall be an advisory committee on the implementation of election day
80 registration. Among other issues it may consider, the advisory committee shall study the
81 resources necessary for, costs associated with, and feasibility of providing every polling location
82 with real-time electronic access to the central registry of voters. The advisory committee shall be
83 comprised of the secretary of state, or a designee, who shall chair the advisory committee, the
84 attorney general, or a designee, the house and senate chairs of the joint committee on election
85 laws, or their designees, 2 representatives of the Massachusetts Town Clerks Association, at least
86 1 of whom shall be a town clerk from a town of under 5,000 residents, and 2 representatives of
87 the Massachusetts City Clerks Association. The advisory committee shall complete its study on
88 the implementation of election day registration and submit an interim report and
89 recommendations for improving administration of election day registration, in writing, to the
90 joint committee on election laws and the senate and house committees on ways and means on or
91 before June 30, 2012, and the advisory committee shall submit its final report in writing to the
92 joint committee on election laws and the senate and house committees on ways and means on or
93 before June 30, 2013.