SENATE DOCKET, NO. 1802 FILED ON: 1/21/2011

SENATE . . . . . No. 306

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 to modernize our voter registration system.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James B. Eldridge	
Jay R. Kaufman	*15th Middlesex*
Ruth B. Balser	*12th Middlesex*
Kay Khan	*11th Middlesex*
George T. Ross	*2nd Bristol*
Peter V. Kocot	*1st Hampshire*
Carl M. Sciortino, Jr.	*34th Middlesex*
Cory Atkins	*14th Middlesex*
Jason M. Lewis	*31st Middlesex*
Denise Andrews	*2nd Franklin*
Brian M. Ashe	*2nd Hampden*
Ellen Story	*3rd Hampshire*
Chris Walsh	*6th Middlesex*

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SENATE . . . . . No. 306

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 306) of James B. Eldridge, Jay R. Kaufman, Ruth B. Balser, Kay Khan and other members of the General Court for legislation to modernize our voter registration system. Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to modernize our voter registration system.

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 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 he has removed his residence until the expiration of 6 months from such removal, provided further, that a person having changed his 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 is hereby further amended by striking out section 28, as so
15 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 pm on the
17 last day for registration prescribed under section 26. For those towns having less than 1,500
18 voters, such session shall be sufficient if it includes the time from 9:00 until 11:00 am and from
19 2:00 until 5:00 pm.

20 SECTION 5. Said chapter 51 is hereby further amended by striking out section 34, and
21 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 is hereby further amended by inserting after section 34
30 the following section:-

31 Section 34A. (a) An individual who is eligible to vote may register on the day of an
32 election by appearing in person at the polling place, during the hours it is open for voting, for the
33 precinct in which the individual maintains residence, by completing a registration application in
34 a form prescribed by the state secretary which complies with identity requirements of 42 U.S.C.
35 section 15483, by presenting to the appropriate election official proof of residency and by
36 making a written oath which shall be as follows: I certify that I: am a citizen of the United
37 States; am at least 18 years old; am not under guardianship or otherwise prohibited from voting;
38 am not temporarily or permanently disqualified by law because of corrupt practices in respect to
39 elections; have read and understand this statement: I further understand that giving false
40 information is a felony punishable by not more than 5 years imprisonment or a fine of not more
41 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 he or she
44 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
48 applicant maintains residence and seeks to register including, but not limited to, a copy of a
49 current utility bill, bank statement, government check, residential lease agreement , wireless
50 telephone statement, paycheck, other government document or correspondence , a current
51 student fee statement or other document from a post-secondary educational institution that
52 verifies the 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 his
55 designee shall permit the applicant to vote on the day of an election and the registrar or his or her
56 designee shall place the applicant's name and address on the annual register of voters as soon as
57 reasonably practicable following the date of the election as prescribed by the state secretary.
58 Any person who registers to vote on the day of an election in accordance with this section shall,
59 absent disqualification, be registered to vote at all subsequent primaries and elections.

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

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

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

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

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

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

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

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

93 SECTION 8. Section 33 of Chapter 51 of the General Laws is herby amended by
94 inserting after Section 33 the following section:-

95 Section 33A. The state secretary will create and maintain an online portal allowing
96 citizens to complete an affidavit of registration online. Such registration will be transmitted by
97 the secretary to the appropriate local registrar. The online affidavit will use the registrants'
98 signature from the Registry of Motor Vehicles records; the Registrar of Motor Vehicles shall
99 make appropriate provisions to facilitate the electronic transfer of the image of the signature to
100 the Central Voter Registry. If such signature cannot be found using the online affidavit of
101 registration form the applicant will be so informed and given the option to print the affidavit of
102 registration, append their signature, and mail it directly to the appropriate registrar of voters.
103 Nothing in this section shall be construed to change any registration deadline or qualification of
104 voting.

105 SECTION 9. Section 42H of Chapter 51 of the General Laws, is hereby amended by
106 inserting after the word "delivery" in line 4 the following words:-, and through the online portal.

107 SECTION 10. Section 47A of chapter 51 of the General Laws, is hereby amended by
108 inserting at the end thereof the following: A person who is otherwise qualified may pre-register
109 on or after that person's sixteen birthday and may vote in any election occurring on or after that
110 person's eighteenth birthday.

111 SECTION 11. After Section 63 of Chapter 51 of the Massachusetts General Laws , the
112 following new Section is added:

113 "Section 64: Electronic Updating of the Annual Register of Voters and Central Voter
114 Registry by the State Secretary.

115 Notwithstanding any general or special law to the contrary, the State Secretary shall
116 obtain data from the Massachusetts Registry of Motor Vehicles and the United States Postal

117 Service, in order to ascertain whether any persons, who otherwise already have a valid and
118 complete affidavit of voter registration, have changed their address within the Commonwealth of
119 Massachusetts.

120 At least every three months, the State Secretary shall seek such information from the
121 Registry of Motor Vehicles and the US Postal Service. These agencies shall electronically
122 transmit to State Secretary information for persons who have changed their address within the
123 Commonwealth of Massachusetts in the past three months, including, where available:

124 (i) Name, Current Address, Mailing Address, Date of Birth, Identification #
125 (Driver's License Number or Last 4 digits of Social security Number), Telephone Number

126 (ii) Date, time, and nature of the last change to the information; and

127 (iii) Any additional information designated by the State Secretary for such
128 purposes and reasonably related to the management of elections.

129 (iv) If information is sent because it has changed since the last transmission
130 from the source agency, the source agency shall transmit both the new information and the old
131 information, labeled accordingly.

132 If the information transferred reflects a person already included in the Central Registry of
133 Voters as a duly registered voter, and if the information reliably indicates a more recent update to
134 the person's name or address than is currently contained in the Central Registry of Voters, the
135 State Secretary shall ensure that the person's records in the Central Registry of Voters are
136 updated accordingly, and shall alert the appropriate municipal registrars to update the person's
137 records in their annual register of voters accordingly.

138 The State Secretary shall ensure that each voter whose address is changed in the Central
139 Registry of Voters is promptly sent written notice of the change and their new voting location.
140 Any notice required by this section may be sent with other notices required or permitted by law."

141 SECTION 12: Section 11 shall take effect 1 year from the date of passage.