

HOUSE No. 3788

House bill No. 3772, as changed by the House committee on Bills in the Third Reading, and as amended and passed to be engrossed by the House. November 27, 2013.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to election laws.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expand and improve forthwith access to voting, 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:

1 SECTION 1. Chapter 51 of the General Laws is hereby amended by inserting after
2 section 17 the following section:- Section 17A. In each municipality, the city or town clerk
3 and a registrar or election commissioner, as designated by the board of registrars or the board of
4 election commissioners, shall attend annual training conducted by the office of the state
5 secretary on the applicable state and federal election laws and regulations. Upon completion of
6 the training, they shall inform the board of registrars and election commissioners.

7 SECTION 2. Said chapter 51 is hereby further amended by inserting after section 33 the
8 following section:-

9 Section 33A. The state secretary shall create and maintain an online portal allowing
10 citizens to complete an affidavit of registration online. The registration shall be transmitted by
11 the state secretary to the appropriate local registrar. The online affidavit shall use the registrants'
12 signature from the registry of motor vehicles records and the registrar of motor vehicles shall
13 make appropriate provisions to facilitate the electronic transfer of the image of the signature to
14 the central voter registry. If an applicant's signature cannot be found using the online affidavit of
15 registration form, the applicant shall be so informed and given the option to print the affidavit of
16 registration, append their signature, and mail it directly to the appropriate registrar of voters.
17 Nothing in this section shall be construed to change any registration deadline or qualification of
18 voting.

19 SECTION 3. Section 42H of said chapter 51, as appearing in the 2012 Official Edition, is
20 hereby amended by inserting after the word “mail”, in line 4, the following words:- , the online
21 portal.

22 SECTION 4. Said chapter 51 is hereby further amended by adding the following section:-

23 Section 64. The state secretary shall create and maintain an online portal through which a
24 member of the public may check to determine whether or not they are registered to vote. The
25 portal shall allow a member of the public to enter his or her name, date of birth and residential
26 zip code. The portal shall subsequently display whether a voter with that name, date of birth and
27 residential zip code is registered to vote, whether the registration of the voter is active or inactive
28 pursuant to section 37A, the polling location for the voter and state and federal elected officials
29 who represent the voter. The portal shall not display any other biographical information about
30 the voter except the information provided by the user of the site. If there is no voter in the central
31 registry of voters matching the information submitted to the portal, or if the voter’s registration is
32 inactive, the website shall inform the user how he or she may obtain a voter registration form or
33 restore his or her registration to active status.

34 SECTION 5. Chapter 54 of the General Laws is hereby amended by inserting after
35 section 25A the following section:-

36 Section 25B. (a) The local election officers and registrars of every city or town shall
37 provide for a period of early voting for a qualified voter, as defined in section 1 of chapter 51, in
38 order to cast a ballot during any election involving a presidential primary or presidential election.

39 (b) The voting period for early voting shall begin on the eleventh day before the primary
40 or election and continue through the second day before the primary or election during the regular
41 or normal business hours of the city or town clerk; provided, however, that if the eleventh day
42 before the primary or election falls on a legal holiday the early voting period shall begin on the
43 first weekday prior thereto. A city or town may, in addition to providing for early voting during
44 regular or normal business hours and at the discretion of the registrars for the city or town,
45 provide for additional early voting hours beyond the regular or normal hours, including weekend
46 hours.

47 (c) For the purposes of early voting, an early voting location shall include a city hall
48 election office and a town hall clerk’s office; provided, however, that if the office is deemed
49 unavailable or unsuitable for the purposes of early voting, the registrars of each city or town may
50 identify and provide for an alternative centrally-located, suitable and convenient early voting
51 location within each city or town for use during the early voting period. A city or town may also
52 provide for additional early voting locations at the discretion of the registrars for that city or
53 town. Each early voting location shall be accessible to persons with disabilities.

54 (d) The registrars for each city or town shall publish the location of the early voting
55 location as well as the applicable dates and hours. Publication shall occur during the week prior
56 to the commencement of the early voting period and at least once during the period. Notice of the
57 location, dates and hours of early voting shall be sent to every newspaper listed in the New
58 England Newspaper Directory, located in that city or town. Notice of the locations, dates and
59 hours of early voting shall also be conspicuously posted in the office of the city clerk or in the
60 principal official bulletin board of each city or town, on any other public building deemed
61 necessary, and on the city or town's website, if any.

62 (e) The state secretary shall provide a sufficient number of early voting ballots to the
63 registrars of each city or town for use during the early voting period. The ballots shall be
64 delivered to the registrars of each city or town 21 days in advance of the primary or election.

65 (f) Early voting ballots shall be provided to each qualified voter who participates in early
66 voting.

67 (g) Prior to the commencement of early voting, the registrars for each city or town shall
68 prepare a list for the early voting location, containing the names and residences of all persons
69 qualified to vote therein, as the same appear upon the annual register, and shall reasonably
70 transmit the same to the election officers at every early voting location designated by the
71 registrars.

72 (h) The presiding election officer at the early voting location shall cause to be placed on
73 the voting lists opposite the name of a qualified voter who participates in early voting the letters
74 'EV' designating an early voter.

75 (i) At the end of each day during the early voting period, the presiding election officer
76 shall separate, compile, and record early voting ballots cast at each early voting location into the
77 appropriate ward and precinct.

78 (j) The ballot boxes for early voting shall be sealed and locked and maintained securely
79 by the election officers.

80 (k) The registrars for each city or town shall designate a location for the counting of early
81 voting ballots. All totals shall be added to the totals at the relevant wards and precincts.

82 (l) The state secretary shall promulgate rules and regulations to implement the
83 requirements of this section.

84 (m) The provisions of section 72 of this chapter shall not apply to this section.

85 (n) Any person who casts a ballot during early voting shall be required to present a valid
86 photo identification. For the purposes of this section, 'valid photo identification' shall mean a
87 document that:

88 (1) shows the name of the individual to whom the document was issued, and the name
89 conforms to the name of the individual's voter registration record;

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

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

93 (4) was issued by the commonwealth of Massachusetts or the government of the United
94 States.

95 A person seeking to vote that does not provide sufficient valid photo identification as
96 defined in this section may be challenged under section 85 of this chapter.

97 Notwithstanding any special or general law to the contrary, the provisions of this
98 subsection shall not take effect until such time as: (i) the executive office of administration and
99 finance and the secretary of the commonwealth have furnished a study of its impact on the state's
100 economy and the revenue cost to the commonwealth, including, but not limited to, a
101 distributional analysis showing the impacts, if any, on the commonwealth's anticipated revenues
102 for the current fiscal year, the balance of the commonwealth's stabilization fund, and any
103 anticipated change in employment and ancillary economic activity; and (ii) legislation necessary
104 to carry out any recommendations in the study has been filed and enacted pursuant to Part 2,
105 Chap. 1, Sec. 1, Art. II of the Constitution.

106 SECTION 6. Section 33 of said chapter 54, as appearing in the 2012 Official Edition, is
107 hereby amended by striking out, in line 10, the words ",registering and cancelling" and inserting
108 in place thereof the following words:- and registering.

109 SECTION 6A. Section 72 of chapter 54 of the General Laws is hereby amended by
110 inserting, in line 6, after the word "elections" the following:- ; provided that, this section shall
111 not apply to section 25b of this chapter.

112 SECTION 7. (a) There shall be established an elections task force. The task force shall
113 undertake a study of the effectiveness of the first election involving early voting pursuant to
114 section 25B of chapter 54 of the General Laws. Said study shall include an analysis of: (1) the
115 state and local costs of providing early voting; (2) the administrative requirements of
116 implementing and providing early voting, including their impact on municipal clerks offices
117 during the early voting period; (3) any instance of fraudulent voting or voter impersonation; (4)
118 success in reducing the length of lines, waiting therein, and congestion at polling places on
119 election day; (5) success in increasing voter turnout; (6) the efficacy of checking names in early
120 voting locations pursuant to section 67 of chapter 54 of General Laws, notwithstanding use of
121 voting machines in that city or town; and (7) more accessible voter registration, including, but
122 not limited to, pre-registration for seventeen year olds, and same-day registration.

123 (b) The task force shall consist of the house and senate chairs of the joint committee on
124 election laws; the speaker of the house of representatives or a designee; the president of the
125 senate or a designee; the house minority leader or a designee; the senate minority leader or a
126 designee; the state secretary or a designee; 1 representatives of the Massachusetts Town Clerks
127 Association; 1 representative of the Massachusetts City Clerks' Association; and 1 representative
128 of the election laws advocacy community designated by the chairmen of the joint committee on
129 election laws.

130 (c) The task force shall submit its report and recommendations, together with drafts of
131 legislation to carry its recommendations into effect, to the joint committee on election laws and
132 the state secretary no later than April 1, 2017.

133 SECTION 8. (a) There is hereby established an election laws implementation task force.
134 The task force shall undertake a study to implement a process for auditing election results. The
135 study shall include, but not be limited to, an analysis of: (1) the state and local costs of
136 implementing the process, and the availability of federal funding through the Help America Vote
137 Act; (2) the administrative requirements for adopting a process for auditing election results,
138 including the impact upon poll operations and upon the operation of municipal clerks' offices on
139 election day; (3) the possibility of fraud; and (4) the effects upon finalizing a vote and possible
140 recounts.

141 (b) The task force shall consist of the house and senate chairs of the joint committee on
142 election laws; the speaker of the house of representatives or a designee; the president of the
143 senate or a designee; the house minority leader or a designee; the senate minority leader or a
144 designee; the state secretary or a designee; the chairs of the house and the senate committees on
145 ways and means or their designees; the state auditor or a designee; the director of the office on
146 disability or a designee; 1 representative of the election laws advocacy community designated by
147 the chairmen of the joint committee on election laws; 1 representative of the Massachusetts City
148 Clerks Association, Inc.; and 1 representatives of the Massachusetts Town Clerks Association,
149 Inc.

150 (c) The task force shall submit its final report and recommendations, together with drafts
151 of legislation to carry its recommendations into effect, to the joint committee on election laws
152 and the state secretary on or before July 31, 2014.

153 SECTION 9. Sections 5 and 7 shall take effect January 1, 2015 and shall be implemented
154 for the 2016 biennial state election and the 2016 presidential primary.

155 SECTION 10. Section 8E of Chapter 90 of the General Laws, as appearing in the 2012
156 Official Edition, is hereby amended at the end of the first paragraph thereof by adding the
157 following language:— The Registry shall establish a waiver for indigent persons to obtain an
158 identification card at no cost.

159 Notwithstanding any special or general law to the contrary, the provisions of this section
160 shall not take effect until such time as: (i) the executive office of administration and finance and
161 the secretary of the commonwealth have furnished a study of its impact on the state's economy
162 and the revenue cost to the commonwealth, including, but not limited to, a distributional analysis
163 showing the impacts, if any, on the commonwealth's anticipated revenues for the current fiscal
164 year, the balance of the commonwealth's stabilization fund, and any anticipated change in
165 employment and ancillary economic activity; and (ii) legislation necessary to carry out any
166 recommendations in the study has been filed and enacted pursuant to Part 2, Chap. 1, Sec. 1, Art.
167 II of the Constitution.

168 SECTION 11. Chapter 90 of the General Laws, as so appearing, is hereby amended by
169 inserting after Section 61 the following new sections:—

170 Section 62. (a) The Registry of Motor Vehicles shall establish a definition of 'indigency'
171 for the purposes of this chapter and uniform standards and procedures for the determination that:
172 (1) a person is indigent and is unable to afford an identification card or (2) a person is indigent,
173 but has the ability to pay a reduced fee for an identification card. The definition and standards,
174 and any amendments thereto, shall be used by the registry in determining eligibility for a free
175 identification card. In the formulation of the definition, standards and procedures, the registry
176 shall utilize: (1) the reporting system operated by the commissioner of transitional assistance for
177 the purpose of verifying financial eligibility of participants in state or federally funded programs;
178 (2) the accessibility of income data available from the department of revenue; and (3) verifying
179 material assets through the registry of motor vehicles.

180 (b) A person claiming indigency under subsection (a) shall execute a waiver authorizing
181 the registrar, or the registrar's designee, to obtain the person's wage, tax and asset information
182 from the department of revenue, department of transitional assistance and within the registry of
183 motor vehicles that the registry may find useful in verifying the person's claim of indigency. The
184 waiver shall authorize the registrar, or the registrar's designee, to conduct any further
185 reassessment required by this section.

186 (c) It shall be the responsibility of the registrar to ensure that a person claiming to be
187 indigent meets the definition of indigency under subsection (a). A person seeking an indigency
188 waiver shall be interviewed by the registrar or the registrar's designee prior to the granting of a
189 waiver. The person conducting the interview shall explain to the person seeking the waiver: (1)
190 the definition of indigency; (2) the process used to verify the person's information with other
191 state agencies; and (3) the penalties for misrepresenting financial information in applying for an
192 indigency waiver. The registrar or the registrar's designee conducting the interview shall prepare
193 a written indigency intake report that shall record the results of the interview and state a
194 recommendation on whether or not the person seeking the waiver is indigent. The person seeking
195 the waiver and the registrar or the registrar's designee conducting the interview shall sign the
196 indigency intake report. In signing the report, the person seeking the waiver shall certify under

197 the pains and penalties of perjury that the information contained therein is true and that the
198 person has not concealed any information relevant to the person's financial status. All statements
199 contained in the report shall be deemed material statements. The completed report shall be
200 presented to the registrar who may adopt or reject the recommendations in the report, either in
201 whole or in part.

202 (d) Notwithstanding any special or general law to the contrary, the provisions of this
203 section shall not take effect until such time as: (i) the executive office of administration and
204 finance and the secretary of the commonwealth have furnished a study of its impact on the state's
205 economy and the revenue cost to the commonwealth, including, but not limited to, a
206 distributional analysis showing the impacts, if any, on the commonwealth's anticipated revenues
207 for the current fiscal year, the balance of the commonwealth's stabilization fund, and any
208 anticipated change in employment and ancillary economic activity; and (ii) legislation necessary
209 to carry out any recommendations in the study has been filed and enacted pursuant to Part 2,
210 Chap. 1, Sec. 1, Art. II of the Constitution.

211