

**SENATE . . . . . No. 314**

**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:
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 314) of Cynthia S. Creem, Kenneth I. Gordon, Kay Khan, Jonathan Hecht and other members of the General Court for legislation to establish election day registration. Election Laws.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 301 OF 2011-2012.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Thirteen**  
\_\_\_\_\_

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:*

1           SECTION 1. Section 1 of chapter 51 of the General Laws, as appearing in the 2010  
2 Official Edition, is hereby amended by striking out the last sentence and inserting in place  
3 thereof the following sentence:- A person otherwise qualified to vote for national or state  
4 officers shall not, by reason of a change of residence within the commonwealth, be disqualified  
5 from voting for such national or state officers in the city or town from which the person has  
6 removed residence until the expiration of 6 months from such removal, provided further, that a  
7 person having changed residence shall be eligible to register under section 34A.

8           SECTION 2. Section 3 of said chapter 51, as so appearing, is hereby amended, by  
9 inserting, after the word, “registration” in lines 7 and 16, the following words:- , or in accordance  
10 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 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, 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 which  
23 registration is to cease, the registrars shall not register any person to vote in the next election,  
24 except that they shall furnish, or cause to be furnished, to each person waiting in line at the hour  
25 of 5:00 pm for the purpose of being registered, a card or slip of identification bearing such  
26 person’s name and shall, before registration ceases, permit such person to register. The registrars  
27 may, however, enter or correct on the registers the names of persons who have registered as  
28 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 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 the  
44 applicant is registering:

45 (i) a valid photo identification including, but not limited to, a Massachusetts' driver's  
46 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, 2013, 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 December 31, 2013.