

# SENATE . . . . . No. 325

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## 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 modernizing our voter registration system.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Ruth B. Balser</i>	<i>12th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>

# SENATE . . . . . No. 325

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By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 325) of James B. Eldridge, Denise Andrews, Jonathan Hecht, Ruth B. Balser and other members of the General Court for legislation to modernize our voter registration system. Election Laws.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 306 OF 2011-2012.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen  
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An Act modernizing 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:*

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:-

4           A person otherwise qualified to vote for national or state officers shall not, by reason of a  
5 change of residence within the commonwealth, be disqualified from voting for such national or  
6 state officers in the city or town from which he has removed his residence until the expiration of  
7 6 months from such removal, provided further, that a person having changed his residence shall  
8 be eligible to register under section 34A.

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

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

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

17 Section 28. Registrars shall hold a continuous session from 9:00 am until 5:00 pm on the  
18 last day for registration prescribed under section 26. For those towns having less than 1,500  
19 voters, such session shall be sufficient if it includes the time from 9:00 until 11:00 am and from  
20 2:00 until 5:00 pm.

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

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

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

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

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

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

48 (ii) other documentation demonstrating the name and address where the applicant  
49 maintains residence and seeks to register including, but not limited to, a copy of a current utility  
50 bill, bank statement, government check, residential lease agreement, wireless telephone  
51 statement, paycheck, other government document or correspondence, a current student fee

statement or other document from a post-secondary educational institution that verifies the student's current address.

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

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

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

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

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

(h) Upon credible information or allegation of illegal voter registration, or credible information or allegation of illegal multiple voting, there shall be an investigation upon the merits of said information or allegation by the attorney general, or by the district attorney having jurisdiction over the municipality in which the alleged illegal registration or illegal multiple voting occurred. Nothing in this subsection shall be construed as excluding enforcement of this section by any means otherwise provided by law.

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

SECTION 7. There shall be an advisory committee on the implementation of election day registration. Among other issues it may consider, the advisory committee shall study the resources necessary for, costs associated with, and feasibility of providing every polling location with real-time electronic access to the central registry of voters. The advisory committee shall be comprised of the secretary of state, or a designee, who shall chair the advisory committee, the attorney general, or a designee, the house and senate chairs of the joint committee on election laws, or their designees, 2 representatives of the Massachusetts Town Clerks Association, at least 1 of whom shall be a town clerk from a town of under 5,000 residents, and 2 representatives of

the Massachusetts City Clerks Association. The advisory committee shall complete its study on the implementation of election day registration and submit an interim report and recommendations for improving administration of election day registration, in writing, to the joint committee on election laws and the senate and house committees on ways and means on or before June 30, 2014, and the advisory committee shall submit its final report in writing to the joint committee on election laws and the senate and house committees on ways and means on or before June 30, 2015.

SECTION 8. Section 33 of chapter 51 of the General Laws is hereby amended by inserting after Section 33 the following section:-

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

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

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

SECTION 11. Chapter 51 of the General Laws is hereby amended by inserting after section 63 the following section:-

Section 64: Notwithstanding any general or special law to the contrary, the state secretary shall obtain data from the Massachusetts registry of motor vehicles and the United States Postal Service, in order to ascertain whether any persons, who otherwise already have a valid and complete affidavit of voter registration, have changed their address within the Commonwealth of Massachusetts.

At least every three months, the state secretary shall seek such information from the registry of motor vehicles and the US Postal Service. These agencies shall electronically transmit to state secretary information for persons who have changed their address within the Commonwealth of Massachusetts in the past three months, including, where available:

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

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

(iii) Any additional information designated by the state secretary for such purposes and reasonably related to the management of elections.

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

If the information transferred reflects a person already included in the central registry of voters as a duly registered voter, and if the information reliably indicates a more recent update to the person's name or address than is currently contained in the central registry of voters, the state secretary shall ensure that the person's records in the central registry of voters are updated accordingly, and shall alert the appropriate municipal registrars to update the person's records in their annual register of voters accordingly.

The state secretary shall ensure that each voter whose address is changed in the central registry of voters is promptly sent written notice of the change and their new voting location. Any notice required by this section may be sent with other notices required or permitted by law."

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