HOUSE DOCKET, NO. 3137 FILED ON: 1/16/2015

HOUSE . . . . . No. 553

The Commonwealth of Massachusetts

PRESENTED BY:

Gloria L. Fox and Jennifer E. Benson

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 establish election day registration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Gloria L. Fox	*7th Suffolk*
Brian M. Ashe	*2nd Hampden*
Benjamin Swan	*11th Hampden*
Denise Provost	*27th Middlesex*
Marjorie C. Decker	*25th Middlesex*
Ellen Story	*3rd Hampshire*
Tricia Farley-Bouvier	*3rd Berkshire*
Carmine L. Gentile	*13th Middlesex*
Tom Sannicandro	*7th Middlesex*
Jason M. Lewis	*Fifth Middlesex*
James B. Eldridge	*Middlesex and Worcester*
Paul McMurtry	*11th Norfolk*
Sonia Chang-Diaz	*Second Suffolk*
Kay Khan	*11th Middlesex*
Jonathan Hecht	*29th Middlesex*
Ruth B. Balser	*12th Middlesex*
Peter V. Kocot	*1st Hampshire*
Mary S. Keefe	*15th Worcester*

Elizabeth A. Malia	*11th Suffolk*
Carlos Gonzalez	*10th Hampden*
Cory Atkins	*14th Middlesex*

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HOUSE . . . . . No. 553

By Representatives Fox of Boston and Benson of Lunenburg, a petition (accompanied by bill, House, No. 553) of Gloria L. Fox and others for legislation to establish election day voter registration. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *579* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act to establish election day registration.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith make to provide for election day registration for citizens of the Commonwealth and to make related changes in certa in 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 2006 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A person otherwise qualified to vot e 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 mo nths from such removal , provided further, that a person having changed his 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, “registratio n” in lines 7 and 16, the following words:- , or in
10 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” a nd 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. Regis trars 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, as
21 appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

22 Section 34. Except as otherwise provided i n 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 31 st 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 registrati on 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 r ead 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 ident ity 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 he
56 r designee shall place the applicant's name and address on the annual register of voters as soon
57 as 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 suffi cient.

64 (e) This section shall not apply to an individual seeking to register to vote in any town for
65 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 a n election for the ex clusive
67 purpose of altering his party affiliation.

68 (g) The state secretary shall adopt regulations to implement the relevant provisions of this
69 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 registratio n 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 chapte r
77 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 provi ding 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, i n 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, 2011, 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.