

SENATE No. 377

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>Ruth B. Balsler</i> | <i>12th Middlesex</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> |
| <i>Carmine L. Gentile</i> | <i>13th 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>Eric P. Lesser</i> | <i>First Hampden and Hampshire</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Sonia Chang-Diaz</i> | <i>Second Suffolk</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> |

SENATE No. 377

By Ms. Creem, a petition (accompanied by bill, Senate, No. 377) of Cynthia S. Creem, Ruth B. Balser, Tricia Farley-Bouvier, Carmine L. Gentile and other members of the General Court for legislation to establish election day registration. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 314 OF 2013-2014.]

The Commonwealth of Massachusetts

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

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 2012
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. Chapter 51 of the General Laws, as amended by Chapter 111 of the Acts of
12 2014, is hereby further amended by inserting after section 34 the following section:-

13 Section 34A. (a) An individual who is eligible to vote may register on any day during a
14 voting period, including the day of an election and the early voting period set forth in Section
15 25B, by appearing in person at the polling place for the precinct in which the individual
16 maintains residence on election day, or by appearing in person at an early voting site for the city
17 or town in which the individual maintains residence during the early voting period, during the
18 hours it is open for voting, by completing a registration application in a form prescribed by the
19 state secretary which complies with identity requirements of 42 U.S.C. section 15483, by
20 presenting to the appropriate election official proof of residency and by making a written oath
21 which shall be as follows: I certify that I: am a citizen of the United States; am at least 18 years
22 old; am not under guardianship or otherwise prohibited from voting; am not temporarily or
23 permanently disqualified by law because of corrupt practices in respect to elections; have read
24 and understand this statement: I further understand that giving false information is a felony
25 punishable by not more than 5 years imprisonment or a fine of not more than \$10,000, or both.

26 (b) For purposes of this section, the term “proof of residence” shall mean 1 of the
27 following, so long as it includes the name of the applicant and the address from which the
28 applicant is registering:

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

31 (ii) other documentation demonstrating the name and address where the applicant
32 maintains residence and seeks to register including, but not limited to, a copy of a current utility
33 bill, bank statement, government check, residential lease agreement, wireless telephone
34 statement, paycheck, other government document or correspondence, a current student fee
35 statement or other document from a post-secondary educational institution that verifies the
36 student's current address.

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

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

50 (e) A registered voter shall not re-register on the day of an election or the early voting
51 period for the exclusive purpose of altering the party affiliation of that voter.

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

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

60 (h) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter
61 56.

62 SECTION 4. This act shall take effect upon July 1, 2015 and shall be implemented for
63 the 2016 biennial state election and the 2016 presidential primary.