

SENATE No. 371

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone 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 Stone Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/26/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/27/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/2/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/2/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/3/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/3/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/3/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/3/2017</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>2/3/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/8/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>8/14/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>8/16/2017</i>

SENATE No. 371

By Ms. Creem, a petition (accompanied by bill, Senate, No. 371) of Cynthia S. Creem, Jason M. Lewis, Marjorie C. Decker, Jack Lewis 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. 377 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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 2014
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
14 during a voting period, including the day of an election and the early voting period set forth in
15 section 25B of chapter 54 of the General Laws, by appearing in person at the polling place for
16 the precinct in which the individual maintains residence on election day, or by appearing in
17 person at an early voting site for the city or town in which the individual maintains residence
18 during the early voting period, during the hours it is open for voting, by completing a registration
19 application in a form prescribed by the state secretary which complies with identity requirements
20 of 42 U.S.C. section 15483, by presenting to the appropriate election official proof of residency
21 and by making a written oath which shall be as follows: I certify that I: am a citizen of the
22 United States; am at least 18 years old; am not under guardianship or otherwise prohibited from
23 voting; am not temporarily or permanently disqualified by law because of corrupt practices in
24 respect to elections; have read and understand this statement: I further understand that giving
25 false information is a felony punishable by not more than 5 years imprisonment or a fine of not
26 more than \$10,000, or both.

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

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

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

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

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

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

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

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

61 (i) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter
62 56.

63 SECTION 4. This act shall take effect upon July 1, 2017 and shall be implemented for
64 the 2018 biennial state election.