

SENATE No. 397

The Commonwealth of Massachusetts

PRESENTED BY:

Richard J. Ross

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 requiring photo identification to receive a ballot.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/24/2017</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>	<i>1/24/2017</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/26/2017</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>1/31/2017</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>	<i>2/3/2017</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/14/2017</i>

SENATE No. 397

By Mr. Ross, a petition (accompanied by bill, Senate, No. 397) of Richard J. Ross, Steven S. Howitt, Leonard Mirra, Elizabeth A. Poirier and other members of the General Court for legislation to require photo identification to receive a ballot. Election Laws.

The Commonwealth of Massachusetts

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

An Act requiring photo identification to receive a ballot.

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. Chapter 54 of the General Laws, as appearing in the 2014 Official Edition,
2 is hereby amended by striking out section 76, and inserting in place thereof the following
3 section:-

4 Section 76. Each voter desiring to vote at a polling place shall provide a name, residential
5 address, and valid photo identification. Valid forms of photo identification are: a Massachusetts
6 driver’s license, U.S. Passport, Student ID, or Massachusetts ID card. If a voter needs to obtain
7 valid identification, a Massachusetts ID card will be issued at no cost by the Department of
8 Transportation’s Registry of Motor Vehicles. If such name is found on the voting list, the
9 election officer shall check and repeat the name and shall admit the voter to the space enclosed
10 by the guard rail and, in case of official ballots, other than those marked "Challenged Ballots" as
11 provided by section thirty-five A, are used, such voter shall be given one ballot. The use of
12 electronic means such as tape recording equipment or radio broadcasting equipment for the

13 recording or broadcasting of the names of the voters not yet checked as having voted shall be
14 prohibited.

15 SECTION 2. Said chapter 54, as so appearing, is hereby further amended by striking out
16 section 76B, and inserting in place thereof the following section:-

17 Section 76B. (a) A person desiring to vote who fails to present valid photo identification,
18 pursuant to section 76 of this chapter may be challenged under section 85.

19 (b) A person desiring to vote who does not present valid photo identification may cast a
20 provisional ballot under section 76C of this chapter.

21 (c) This section shall not apply to a person who:

22 (1) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens
23 Absentee Voting Act, 42 U.S.C. sections 1973ff-1 et seq.,

24 (2) is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of
25 the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. section 1973ee-1(b)(2),
26 or

27 (3) is otherwise entitled by federal law to vote otherwise than in person.

28 SECTION 3. Section 76C of chapter 54, as so appearing, is hereby amended by inserting
29 at the end thereof the following paragraph:-

30 (1) A person desiring to vote who fails to present valid photo identification, pursuant to
31 section 76 of this chapter, and casts a provisional ballot must provide such identification in
32 person to the city or town clerk or elections board or commission of the municipality in which

- 33 they reside within 7 business days from the date of the election. If a voter fails to provide such
- 34 identification in the specified time the provisional ballot shall be discarded.