HOUSE DOCKET, NO. 2016 FILED ON: 1/17/2019

HOUSE . . . . . No. 636

The Commonwealth of Massachusetts

PRESENTED BY:

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 relative to election day registration (satellites).

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Jennifer E. Benson	*37th Middlesex*	*1/17/2019*
Steven Ultrino	*33rd Middlesex*	*1/23/2019*
Bud L. Williams	*11th Hampden*	*1/23/2019*
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	*1/24/2019*
Danielle W. Gregoire	*4th Middlesex*	*1/24/2019*
Stephan Hay	*3rd Worcester*	*1/24/2019*
Christine P. Barber	*34th Middlesex*	*1/25/2019*
Carmine Lawrence Gentile	*13th Middlesex*	*1/26/2019*
Thomas M. Stanley	*9th Middlesex*	*1/28/2019*
Harriette L. Chandler	*First Worcester*	*1/28/2019*
Louis L. Kafka	*8th Norfolk*	*1/28/2019*
David M. Rogers	*24th Middlesex*	*1/28/2019*
James B. Eldridge	*Middlesex and Worcester*	*1/29/2019*
Smitty Pignatelli	*4th Berkshire*	*1/29/2019*
Jay D. Livingstone	*8th Suffolk*	*1/30/2019*
Kay Khan	*11th Middlesex*	*1/30/2019*
Mike Connolly	*26th Middlesex*	*1/30/2019*
Kate Hogan	*3rd Middlesex*	*1/30/2019*

Marjorie C. Decker	*25th Middlesex*	*1/30/2019*
Joseph A. Boncore	*First Suffolk and Middlesex*	*1/30/2019*
Paul McMurtry	*11th Norfolk*	*1/30/2019*
Elizabeth A. Malia	*11th Suffolk*	*1/30/2019*
Paul W. Mark	*2nd Berkshire*	*1/30/2019*
Denise Provost	*27th Middlesex*	*1/30/2019*
Daniel M. Donahue	*16th Worcester*	*1/30/2019*
Mathew J. Muratore	*1st Plymouth*	*1/30/2019*
Natalie M. Higgins	*4th Worcester*	*1/31/2019*
Russell E. Holmes	*6th Suffolk*	*1/31/2019*
Dylan A. Fernandes	*Barnstable, Dukes and Nantucket*	*1/31/2019*
Kenneth I. Gordon	*21st Middlesex*	*1/31/2019*
Andres X. Vargas	*3rd Essex*	*2/1/2019*
Ruth B. Balser	*12th Middlesex*	*2/1/2019*
Denise C. Garlick	*13th Norfolk*	*2/1/2019*
John C. Velis	*4th Hampden*	*2/1/2019*
Liz Miranda	*5th Suffolk*	*2/1/2019*
Jonathan Hecht	*29th Middlesex*	*2/1/2019*
Tami L. Gouveia	*14th Middlesex*	*2/1/2019*
Natalie M. Blais	*1st Franklin*	*2/1/2019*
Sean Garballey	*23rd Middlesex*	*2/1/2019*
Patricia D. Jehlen	*Second Middlesex*	*2/1/2019*
Paul Brodeur	*32nd Middlesex*	*2/1/2019*
Jack Patrick Lewis	*7th Middlesex*	*2/1/2019*
Lori A. Ehrlich	*8th Essex*	*2/1/2019*
James K. Hawkins	*2nd Bristol*	*2/1/2019*
Paul F. Tucker	*7th Essex*	*2/1/2019*

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HOUSE . . . . . No. 636

By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 636) of Jennifer E. Benson and others relative to same day voter registration and for an investigation by an advisory committee (including members of the General Court) relative to the implementation of election day registration. Election Laws.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to election day registration (satellites).

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 2016 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A person otherwise qualified to vote for national or state officers, but who has not registered in accordance with the provisions of section 26 of this chapter shall be eligible to register under section 34A.

SECTION 2. Section 1F of chapter 51 of the General Laws is hereby repealed.

SECTION 3. Said chapter 51, as so appearing, is hereby amended, by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. For all elections and primaries, a person shall be registered and may vote in the town and or city in which they reside; provided, however, that any registered voter of a city or town who moves to another city or town may register to vote at his new address by making

written application to the city or town clerk no later than the close of registration or in accordance with the provisions of section 34A. A new resident of the city or town may also, upon like application, be registered at the new address by making written application to the city or town clerk no later than the close of registration or in accordance with the provisions of section 34A. The city or town clerk shall forthwith notify each voter making any such written application that the same has been received and that they may vote, subject to the provision of this section regarding the close of registration, in the town or city in which they have moved or in accordance with provisions of section 34A.

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

Section 28. Registrars shall hold a continuous session from 7:00 am until 8:00 pm on the last day for registration prescribed under section 26. For those towns having less than 1,500 voters, such session shall be sufficient if it includes the time from 7:00 until 9:00 am and from 5:00 until 7:00 pm.

SECTION 5. Said chapter 51 is hereby further amended by striking out section 34, as appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

Section 34. Except as otherwise provided in section 34A, after 8:00 pm of a day on which registration is to cease, the registrars shall not register any person to vote in the next election, except that they shall furnish, or cause to be furnished, to each person waiting in line at the hour of 8:00 pm for the purpose of being registered, a card or slip of identification bearing such person’s name and shall, before registration ceases, permit such person to register.

SECTION 6. Said chapter 51 is hereby further amended by inserting after section 34 the following section:-

Section 34A. (a) An individual who is eligible to vote may register on the day of an election by appearing in person at the town or city hall in which the individual maintains residence on election day or other designated site for this purpose by the clerk(s) of the town and or city, during the hours it is open for voting, or during the early voting period by appearing in person at their the city or town hall or designated early voting site in which the individual maintains residence, during the hours it is open for voting, by completing a registration application in a form prescribed by the state secretary which complies with identity requirements of 52 U.S.C. section 21083, by presenting to the appropriate election official proof of residency and by making a written oath which shall be as follows: I certify that I: am a citizen of the United States; am at least 18 years old; am not under guardianship that prohibits me from registering and/or voting or otherwise prohibited from voting; am not temporarily or permanently disqualified by law because of corrupt practices in respect to elections; have not and will not vote in any other location within the Commonwealth or elsewhere; have read and understand this statement: I further understand that giving false information is a felony punishable by not more than 5 years imprisonment or a fine of not more than $10,000, or both.

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

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

(ii) other documentation demonstrating the name and address where the applicant maintains residence and seeks to register including, but not limited to, a copy of a current utility bill, bank statement, government check, residential lease agreement, wireless telephone 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 at that election. 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) A registrant who fails to present suitable identification shall be permitted to deposit a provisional ballot pursuant to the provisions of section 76C of chapter 54, but shall be required to return within two business days after a state primary or municipal election or within six days following a state election to present sufficient identification to the local election officials in order for the local election officials to determine that the registrant is qualified to vote in such election and has deposited an eligible provisional ballot.

(e) The state secretary shall make available to the election officers at each polling place, to the extent possible, access to the statewide list of registered voters as contained in the central registry of voters set forth in section 47C. For the purposes of this section, an electronic or 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.

(f) The local election officials may correct information supplied by the registrant to the extent necessary to maintain the integrity of their records. If an affidavit is incomplete or if it appears from the facts set forth in the affidavit that the registrant is not qualified to register as a voter, the local election officials shall proceed in accordance with the provisions of section forty-seven.

(g) As soon as practicable after the election, the registrars shall add the registrant's name, address and the effective date of registration to the annual register of voters.

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

(i) A registered voter shall not re-register on the day of a primary or election for the exclusive purpose of altering his party affiliation.

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

(k) 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.

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

(m) On Election Day, cities and towns will be required to have at least one designated registration and voting site for every 50,000 people, according to the most recent U.S. Census estimate.

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 and recommended procedures for implementation of the policy. 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 and 3 citizen representatives designated by the nonpartisan voter education organizations; Massachusetts Voter Education Network (Mass VOTE), Common Cause, and the League of Women Voters of Massachusetts. 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, 2020, 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, 2021.

SECTION 8. Sections 1 through 6 of this act shall take effect on July 1, 2021.

SECTION 9. Sections 7 shall take effect within 60 days of passage.