

**HOUSE . . . . . No. 685**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Elizabeth A. Malia and Andres X. Vargas*

*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.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>1/15/2019</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/18/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/22/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/22/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/22/2019</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>1/22/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/23/2019</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/23/2019</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/25/2019</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/25/2019</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>1/31/2019</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/29/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>2/1/2019</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>1/30/2019</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>1/31/2019</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>1/28/2019</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>2/1/2019</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>1/31/2019</i>

<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>1/30/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/30/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/30/2019</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/30/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/1/2019</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/26/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2019</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/30/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/26/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/1/2019</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/31/2019</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/29/2019</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>1/31/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/31/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/30/2019</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/1/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/1/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/31/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/1/2019</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/29/2019</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/1/2019</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>1/28/2019</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/30/2019</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>1/28/2019</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>1/31/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/31/2019</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/28/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/30/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/1/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/28/2019</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>1/31/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/28/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/31/2019</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/25/2019</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>1/31/2019</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/29/2019</i>



**HOUSE . . . . . No. 685**

By Representatives Malia of Boston and Vargas of Haverhill, a petition (accompanied by bill, House, No. 685) of Elizabeth A. Malia, Andres X. Vargas and others relative to election day voter 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.

*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 2016  
2 Official Edition, is hereby amended by striking out the last sentence and inserting in place  
3 thereof the following sentence:-

4 A person otherwise qualified to vote for national or state officers, but who has not  
5 registered in accordance with the provisions of section 26 of this chapter shall be eligible to  
6 register under section 34A.

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

8 SECTION 3. Said chapter 51, as so appearing, is hereby amended, by striking out section  
9 3, as so appearing, and inserting in place thereof the following section:-

10 Section 3. For all elections and primaries, a person shall be registered and may vote in the  
11 ward or voting precinct where he resides; provided, however, that any registered voter of a city

12 or town who moves to any other precinct in said city or town or to another city or town may  
13 register to vote at his new address by making written application to the city or town clerk no later  
14 than the close of registration or in accordance with the provisions of section 34A. A new resident  
15 of the city or town may also, upon like application, be registered at the new address by making  
16 written application to the city or town clerk no later than the close of registration or in  
17 accordance with the provisions of section 34A. The city or town clerk shall forthwith notify each  
18 voter making any such written application that the same has been received and that he may vote,  
19 subject to the provision of this section regarding the close of registration, in the ward or precinct  
20 into which he has moved or in accordance with provisions of section 34A.

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

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

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

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

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

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

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

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

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

61 (c) Upon meeting the identity requirements of subsection (a), production of proof of  
62 residence, and the making of an oath sufficient to support registration, the ballot clerk or his  
63 designee shall permit the applicant to vote at that election. Any person who registers to vote on  
64 the day of an election in accordance with this section shall, absent disqualification, be registered  
65 to vote at all subsequent primaries and elections.

66 (d) A registrant who fails to present suitable identification shall be permitted to deposit a  
67 provisional ballot pursuant to the provisions of section 76C of chapter 54, but shall be required to  
68 return within two business days after a state primary or municipal election or within six days  
69 following a state election to present sufficient identification to the local election officials in order  
70 for the local election officials to determine that the registrant is qualified to vote in such election  
71 and has deposited an eligible provisional ballot.

72 (e) The state secretary shall make available to the election officers at each polling place,  
73 to the extent possible, access to the statewide list of registered voters as contained in the central  
74 registry of voters set forth in section 47C. For the purposes of this section, an electronic or  
75 printed copy of all voters registered to vote in that precinct as of the last day of the registration  
76 period, as required by sections 55 and 60, shall be sufficient.

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

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

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

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

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

90 (k) Upon credible information or allegation of illegal voter registration, or credible  
91 information or allegation of illegal multiple voting, there shall be an investigation upon the  
92 merits of said information or allegation by the attorney general, or by the district attorney having  
93 jurisdiction over the municipality in which the alleged illegal registration or illegal multiple  
94 voting occurred. Nothing in this subsection shall be construed as excluding enforcement of this  
95 section by any means otherwise provided by law.

96 (l) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter  
97 56.



98           SECTION 7. There shall be an advisory committee regarding the implementation of  
99   Election Day registration. Among other issues it may consider, the advisory committee shall  
100   study the resources necessary and recommended procedures for implementation of the policy.  
101   The advisory committee shall be comprised of the secretary of state, or a designee, who shall  
102   chair the advisory committee; the attorney general, or a designee; the house and senate chairs of  
103   the joint committee on election laws, or their designees; 2 representatives of the Massachusetts  
104   Town Clerks Association, at least 1 of whom shall be a town clerk from a town of under 5,000  
105   residents, and 2 representatives of the Massachusetts City Clerks Association and 3 citizen  
106   representatives designated by the nonpartisan voter education organizations; Massachusetts  
107   Voter Education Network (Mass VOTE), Common Cause, and the League of Women Voters of  
108   Massachusetts. The advisory committee shall complete its study on the implementation of  
109   election day registration and submit an interim report and recommendations for improving  
110   administration of election day registration, in writing, to the joint committee on election laws and  
111   the senate and house committees on ways and means on or before June 30, 2020, and the  
112   advisory committee shall submit its final report in writing to the joint committee on election laws  
113   and the senate and house committees on ways and means on or before June 30, 2021.

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

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