

SENATE No. 407

The Commonwealth of Massachusetts

PRESENTED BY:

Michael D. Brady

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:	
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>4/3/2023</i>

SENATE No. 407

By Mr. Brady, a petition (accompanied by bill, Senate, No. 407) of Michael D. Brady for legislation relative to election day registration. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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 2018
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, but who has not registered in accordance with the provisions of section 26 of this
5 chapter shall be eligible to register under section 34A.

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 Section 1F of chapter 51 of the General Laws is hereby repealed.

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

9 Section 3. For all elections and primaries, a person shall be registered and may vote in the
10 voting precinct where he resides; provided, however, that any registered voter of a city or town
11 who moves to any other precinct in said city or town or to another city or town may register to
12 vote at his new address by making written application to the city or town clerk no later than the

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

20 SECTION 4. Section 26 of said chapter 51, as so appearing, is hereby amended by
21 striking the last sentence.

22 SECTION 5. Said chapter 51 is hereby further amended by striking out section 34, as
23 appearing in the 2018 Official Edition, and inserting in place thereof the following section:-

24 Section 34. Except as otherwise provided in section 34A, after 5:00 p.m. of a day on
25 which registration is to cease, the registrars shall not register any person to vote in the next
26 election, except that they shall furnish, or cause to be furnished, to each person waiting in line at
27 the hour of 5:00 pm for the purpose of being registered, a card or slip of identification bearing
28 such person's name and shall, before registration ceases, permit such person to register.

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

31 Section 34A. (a) An individual who is eligible to vote may register on the day of an
32 election by appearing in person at the appropriate polling place for the precinct in which they
33 reside, during the hours in which polls are open for voting, by completing a registration
34 application in a form prescribed by the state secretary which complies with identity requirements

35 of 52 U.S.C. section 21083, by presenting to the appropriate election official proof of residency
36 and by making a written oath which shall be as follows: I certify that I: am a citizen of the United
37 States; am at least 18 years old; am not under guardianship that prohibits me from registering
38 and/or voting or otherwise prohibited from voting; am not temporarily or permanently
39 disqualified by law because of corrupt practices in respect to elections; have not and will not vote
40 in any other location within the Commonwealth or elsewhere; have read and understand this
41 statement: I further understand that giving false information is a felony punishable by not more
42 than 5 years imprisonment or a fine of not more than \$10,000, or both.

43 (b) For purposes of this section, the term “proof of residence” shall mean 1 of the
44 following, so long as it includes the name of the applicant and the address from which he or she
45 is registering:

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

48 (ii) other documentation demonstrating the name and address where the applicant
49 maintains residence and seeks to register including, but not limited to, a copy of a current utility
50 bill, bank statement, government check, residential lease agreement, wireless telephone
51 statement, paycheck, other government document or correspondence, a current student fee
52 statement or other document from a post-secondary educational institution that verifies the
53 student’s current address.

54 (c) Upon meeting the identity requirements of subsection (a), production of proof of
55 residence, and the making of an oath sufficient to support registration, the ballot clerk or his
56 designee shall permit the applicant to vote in that election. Any person who registers to vote on

57 the day of an election in accordance with this section shall, absent disqualification, be registered
58 to vote at all subsequent primaries and elections.

59 (d) A registrant who fails to present suitable identification shall be permitted to cast a
60 provisional ballot pursuant to the provisions of section 76C of chapter 54, but shall be required to
61 return within two business days after a state primary or municipal election or within six days
62 following a state election to present sufficient identification to the local election officials in order
63 for the local election officials to determine that the registrant is qualified to vote in such election
64 and whether to count the provisional ballot.

65 (e) Not less than seven days prior to any election, the registrars for each city or town shall
66 publish all polling locations and the applicable dates and hours. Notice shall be conspicuously
67 posted in the office of the local election officials or on the principal official bulletin board of
68 each city or town, on any other public building considered necessary, on the city or town's
69 website, if any, and on the website of the state secretary.

70 (f) The state secretary shall make available to the election officers at each polling
71 location, to the extent possible, access to the statewide list of registered voters as contained in the
72 central registry of voters set forth in section 47C.

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

78 (h) As soon as practicable after the election, but not more than thirty days after the
79 election, the registrars shall add the registrant's name, address and effective date of registration
80 to the annual register of voters.

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

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

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

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

93 (m) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter
94 56.

95 SECTION 7. There shall be an advisory committee on the implementation of Election
96 Day registration. Among other issues it may consider, the advisory committee shall study the
97 resources necessary for, costs associated with, and feasibility of providing every polling location
98 with real-time electronic access to the statewide database of registered voters. The advisory

99 committee shall be comprised of the secretary of state, or a designee, who shall chair the
100 advisory committee, the attorney general, or a designee, the house and senate chairs of the joint
101 committee on election laws, or their designees, 2 representatives of the Massachusetts Town
102 Clerks Association, at least 1 of whom shall be a town clerk from a town of under 5,000
103 residents, 2 representatives of the Massachusetts City Clerks Association, and at least 2
104 representatives from the election laws advocacy community or from a non-partisan voter
105 education group or network who shall be appointed by the secretary. The advisory committee
106 shall complete its study on the implementation of election day registration and submit an interim
107 report and recommendations for improving administration of election day registration, in writing,
108 to the joint committee on election laws and the senate and house committees on ways and means
109 on or before December 1, 2023, and the advisory committee shall submit its final report in
110 writing to the joint committee on election laws and the senate and house committees on ways and
111 means on or before December 1, 2024.

112 SECTION 8. Sections 3 and 6 of this act shall take effect on August 1, 2023.