HOUSE DOCKET, NO. 2473 FILED ON: 1/20/2011

# HOUSE . . . . . No. 2731

## The Commonwealth of Massachusetts

PRESENTED BY:

***Bradley H. Jones, Jr.***

*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 passage of the accompanying:

An Act requiring photo identification for voting.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Bradley H. Jones, Jr.* | *20th Middlesex* |
| *Marc T. Lombardo* | *22nd Middlesex* |
| *Donald F. Humason, Jr.* | *4th Hampden* |
| *Angelo L. D'Emilia* | *8th Plymouth* |
| *Kimberly N. Ferguson* | *1st Worcester* |
| *Randy Hunt* | *5th Barnstable* |
| *Geoff Diehl* | *7th Plymouth* |
| *F. Jay Barrows* | *1st Bristol* |
| *Shaunna O'Connell* | *3rd Bristol* |
| *Susan Williams Gifford* | *2nd Plymouth* |
| *George T. Ross* | *2nd Bristol* |
| *Donald H. Wong* | *9th Essex* |
| *Richard Bastien* | *2nd Worcester* |
| *Daniel K. Webster* | *6th Plymouth* |
| *Todd M. Smola* | *1st Hampden* |
| *Kevin J. Kuros* | *8th Worcester* |
| *Ryan C. Fattman* | *18th Worcester* |
| *Sheila C. Harrington* | *1st Middlesex* |

| | |
|---|---|
| *Daniel B. Winslow* | *9th Norfolk* |
| *Matthew A. Beaton* | *11th Worcester* |
| *Nicholas A. Boldyga* | *3rd Hampden* |
| *Steven L. Levy* | *4th Middlesex* |
| *David T. Vieira* | *3rd Barnstable* |
| *Bruce E. Tarr* | *[District]* |
| *Paul K. Frost* | *7th Worcester* |
| *George N. Peterson, Jr.* | *9th Worcester* |
| *Bradford Hill* | *4th Essex* |
| *Elizabeth A. Poirier* | *14th Bristol* |
| *Viriato Manuel deMacedo* | *1st Plymouth* |

HOUSE DOCKET, NO. 2473 FILED ON: 1/20/2011

# HOUSE . . . . . No. 2731

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2731) of Bradley H. Jones, Jr. and others for legislation to require photo-identification for persons voting in elections. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *587* OF 2009-2010.]

## The Commonwealth of Massachusetts

**In the Year Two Thousand Eleven**

An Act requiring photo identification for voting.

*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 76 of chapter 54 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended, by striking out, in line 2, the words "and, if requested," and inserting in place thereof the following:-- ", valid photo identification issued by the commonwealth of Massachusetts or the government of the United States, as defined in section 76B, and".

SECTION 2. Chapter 54 of the General Laws, as so appearing, is hereby amended, by striking out section 76B in its entirety and inserting in place thereof the following section:--

"Section 76B. (a) For the purposes of this chapter, "valid photo identification" shall mean a document that:

(1) shows the name of the individual to whom the document was issued, and the name conforms to the name of the individual's voter registration record;

(2) shows a photograph of the individual to whom the document was issued;

(3) includes an expiration date, and the document is not expired or expired after the date of the most recent general election; and

15 (4) was issued by the commonwealth of Massachusetts or the government of the
16 UnitedStates.

17 (b) (1) A person seeking to vote that does not provide sufficient valid photo identification
18 as defined in subsection (a) of this section may be challenged under section 85 of this chapter.

19 (2) A person seeking to vote that does not provide valid photo identification as defined
20 under subsection (a) of this section may cast a provisional ballot under section 76C.

21 (c) Nothing in this section shall be construed to deny the rights of any individual 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 of the General Laws, as so appearing, is hereby
29 amended, by adding after subsection (k) the following new subsection:--

30 "(l) A voter who fails to provide valid photo identification as defined under section 76B
31 and casts a provisional ballot shall be required to provide such identification in person to the city
32 or town clerk, or elections board or commission, of the municipality in which they reside, within
33 8 business days from the date of the election in which the provisional ballot was cast. A voter
34 who fails to provide such identification in the time specified shall forfeit that vote, and that
35 provisional ballot shall be discarded.".

36 SECTION 4: Section 92 of chapter 54 of the General Laws, as appearing in the 2008
37 Official Edition, is hereby amended, by adding in line 5, after the words "eighty-seven," the
38 following words:-- "as well as enclosing in the same envelope a copy of a valid photo
39 identification as defined in section 76B of this chapter,".