HOUSE . . . . No. 569

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 adoption of the accompanying bill:

An Act requiring photo identification for voting.

———————

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	20th Middlesex
Bradford R. Hill	4th Essex
Elizabeth A. Poirier	14th Bristol
Susan Williams Gifford	2nd Plymouth
Todd M. Smola	1st Hampden
Paul K. Frost	7th Worcester
Stephen L. DiNatale	3rd Worcester
F. Jay Barrows	1st Bristol
Sheila C. Harrington	1st Middlesex
Keiko M. Orrall	12th Bristol
Shawn Dooley	9th Norfolk
Angelo L. D'Emilia	8th Plymouth
Joseph D. McKenna	18th Worcester
Steven S. Howitt	4th Bristol
Kimberly N. Ferguson	1st Worcester
Kevin J. Kuros	8th Worcester
Leah Cole	12th Essex
Nicholas A. Boldyga	3rd Hampden

James J. Lyons, Jr.	*18th Essex*
Shaunna L. O'Connell	*3rd Bristol*
Donald R. Berthiaume, Jr.	*5th Worcester*
David T. Vieira	*3rd Barnstable*

HOUSE . . . . No. 569

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 569) 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. *592* OF 2013-2014.]

The Commonwealth of Massachusetts

_____

In the One Hundred and Eighty-Ninth General Court
(2015-2016)
_____

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:

1   SECTION 1. Section 76 of chapter 54 of the General Laws, as appearing in the 2012

2 Official Edition, is hereby amended, by striking out, in line 2, the words "and, if requested" and

3 inserting in place thereof the following:-

4   valid photo identification issued by the commonwealth of Massachusetts or the

5 government of the United States, as defined in section 76B, and

6   SECTION 2. Chapter 54 of the General Laws, as so appearing, is hereby amended, by

7 striking out section 76B in its entirety and inserting in place thereof the following section:-

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

9 a document that: (1) shows the name of the individual to whom the document was issued, and the

10 name conforms to the name of the individual's voter registration record; (2) shows a photograph

11 of the individual to whom the document was issued; (3) includes an expiration date, and the

12 document is not expired or expired after the date of the most recent general election; and (4) was

13 issued by the commonwealth of Massachusetts or the government of the United States.

14   (b) (1) A person seeking to vote that does not provide sufficient valid photo

15 identification, as defined in subsection (a) of this section, may be challenged under section 85 of

16 this chapter.

17   (2) A person seeking to vote that does not provide valid photo identification, as defined

18 under subsection (a) of this section, may cast a provisional ballot under section 76C.

19   (c) Nothing in this section shall be construed to deny the rights of any individual who:

20   (1) is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens

21 Absentee Voting Act, 42 U.S.C. sections 1973ff-1 et seq.;

22   (2) is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of

23 the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. section 1973ee-1(b)(2);

24 or

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

26   SECTION 3. Section 76C of Chapter 54 of the General Laws, as so appearing, is hereby

27 amended by adding, after subsection (k), the following new subsection:-

28   (l) A voter who fails to provide valid photo identification as defined under section 76B

29 and casts a provisional ballot shall be required to provide such identification in person to the city

30 or town clerk, or elections board or commission, of the municipality in which they reside, within

31 8 business days from the date of the election in which the provisional ballot was cast. A voter

32 who fails to provide such identification in the time specified shall forfeit that vote, and that

33 provisional ballot shall be discarded.

34   SECTION 4: Section 92 of chapter 54 of the General Laws, as appearing in the 2012

35 Official Edition, is hereby amended by adding, in line 5, after the words "eighty-seven," the

36 following clause:--

37   as well as enclosing in the same envelope a copy of a valid photo identification, as

38 defined in section 76B of this chapter,

39   SECTION 5. Section 8E of Chapter 90 of the General Laws, as most recently amended

40 by chapter 170 of the acts of 2012, is hereby further amended by inserting, at the end of the first

41 paragraph, the following sentence:-

42   The registry shall establish a waiver for indigent persons to obtain an identification card

43 at no cost.

44   SECTION 6. Chapter 90 of the General Laws, as appearing in the 2012 Official Edition,

45 is hereby amended by inserting, after section 61, the following new language:-

46   Section 62. (a) The registry of motor vehicles shall establish a definition of "indigency"

47 for the purposes of this chapter and uniform standards and procedures for the determination that:

48 (1) a person is indigent and is unable to afford an identification card; or (2) a person is indigent,

49 but has the ability to pay a reduced fee for an identification card. The definition and standards,

50 and any amendments thereto, shall be used by the registry in determining eligibility for a free

51 identification card. In the formulation of the definition, standards and procedures, the registry

52 shall utilize: (1) the reporting system operated by the commissioner of transitional assistance for

53 the purpose of verifying financial eligibility of participants in state or federally funded programs;

54 (2) the accessibility of income data available from the department of revenue; and (3) verifying

55 material assets through the registry of motor vehicles.

56   (b) A person claiming indigency under subsection (a) shall execute a waiver authorizing

57 the registrar, or the registrar's designee, to obtain the person's wage, tax and asset information

58 from the department of revenue, department of transitional assistance and within the registry of

59 motor vehicles that the registry may find useful in verifying the person's claim of indigency. The

60 waiver shall authorize the registrar, or the registrar's designee, to conduct any further

61 reassessment required by this section.

62   (c) It shall be the responsibility of the registrar to ensure that a person claiming to be

63 indigent meets the definition of indigency under subsection (a). A person seeking an indigency

64 waiver shall be interviewed by the registrar or the registrar's designee prior to the granting of a

65 waiver. The person conducting the interview shall explain to the person seeking the waiver: (1)

66 the definition of indigency; (2) the process used to verify the person's information with other

67 state agencies; and (3) the penalties for misrepresenting financial information in applying for an

68 indigency waiver. The registrar or the registrar's designee conducting the interview shall prepare

69 a written indigency intake report that shall record the results of the interview and state a

70 recommendation on whether or not the person seeking the waiver is indigent. The person seeking

71 the waiver and the registrar or the registrar's designee conducting the interview shall sign the

72 indigency intake report. In signing the report, the person seeking the waiver shall certify under

73 the pains and penalties of perjury that the information contained therein is true and that the

74 person has not concealed any information relevant to the person's financial status. All statements

75 contained in the report shall be deemed material statements. The completed report shall be

76 presented to the registrar who may adopt or reject the recommendations in the report, either in

77 whole or in part.