

HOUSE No. 715

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo M. Scaccia

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:

Angelo M. Scaccia

14th Suffolk

William F. Galvin

Secretary of the Commonwealth

HOUSE No. 715

By Mr. Scaccia of Boston, a petition (accompanied by bill, House, No. 715) of Angelo M. Scaccia and William F. Galvin 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:- 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 Section 1F of chapter 51 of the General Laws is hereby repealed.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 ward or voting precinct where he resides; provided, however, that any registered voter of a city
11 or town who moves to any other precinct in said city or town or to another city or town may
12 register to vote at his new address by making written application to the city or town clerk no later

13 than the close of registration or in accordance with the provisions of section 34A. A new resident
14 of the city or town may also, upon like application, be registered at the new address by making
15 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 ward or precinct
19 into 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 out, in lines 9 and 10, the words “eight o’clock in the evening” and inserting in place
22 thereof, in each instance, the following figure:- 5:00 pm.

23 SECTION 5. Section 26 of said chapter 51, as so appearing, is hereby further amended by
24 striking the last sentence.

25 SECTION 6. Said chapter 51 is hereby further amended by striking out section 28, as so
26 appearing, and inserting in place thereof the following section:-

27 Section 28. Registrars shall hold a continuous session from 9:00 am until 5:00 pm on the
28 last day for registration prescribed under section 26. For those towns having less than 1,500
29 voters, such session shall be sufficient if it includes the time from 9:00 until 11:00 am and from
30 2:00 until 5:00 pm.

31 SECTION 7. Said chapter 51 is hereby further amended by striking out section 34, as
32 appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

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

38 SECTION 8. Said chapter 51 is hereby further amended by inserting after section 34 the
39 following section:-

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

52 (b) For purposes of this section, the term "proof of residence" shall mean 1 of the
53 following, so long as it includes the name of the applicant and the address from which he or she
54 is registering:

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

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

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

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

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

77 printed copy of all voters registered to vote in that precinct as of the last day of the registration
78 period, as required by sections 55 and 60, shall be sufficient.

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

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

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

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

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

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

98 (l) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter
99 56.

100 SECTION 9. There shall be an advisory committee on the implementation of Election
101 Day registration. Among other issues it may consider, the advisory committee shall study the
102 resources necessary for, costs associated with, and feasibility of providing every polling location
103 with real-time electronic access to the statewide database of registered voters. The advisory
104 committee shall be comprised of the secretary of state, or a designee, who shall chair the
105 advisory committee, the attorney general, or a designee, the house and senate chairs of the joint
106 committee on election laws, or their designees, 2 representatives of the Massachusetts Town
107 Clerks Association, at least 1 of whom shall be a town clerk from a town of under 5,000
108 residents, 2 representatives of the Massachusetts City Clerks Association, and at least 2
109 representatives from the election laws advocacy community or from a non-partisan voter
110 education group or network who shall be appointed by the secretary. The advisory committee
111 shall complete its study on the implementation of election day registration and submit an interim
112 report and recommendations for improving administration of election day registration, in writing,
113 to the joint committee on election laws and the senate and house committees on ways and means
114 on or before June 30, 2021, and the advisory committee shall submit its final report in writing to
115 the joint committee on election laws and the senate and house committees on ways and means on
116 or before June 30, 2022.

117 SECTION 10. Sections 1 through 8 of this act shall take effect on July 1, 2020.

118 SECTION 11. Section 9 shall take effect within 60 days of passage.