

HOUSE No. 813

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Malia

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 same day voter registration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/17/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/26/2021</i>

HOUSE No. 813

By Ms. Malia of Boston, a petition (accompanied by bill, House, No. 813) of Elizabeth A. Malia and Tami L. Gouveia relative to election day voter registration. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 685 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to same day voter 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:-

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 Section 1F of chapter 51 of the General Laws is hereby repealed.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 2018 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 within 90 days of passage and the advisory
112 committee shall submit its final report in writing to the joint committee on election laws and the
113 senate and house committees on ways and means within 90 days of passage.

114 SECTION 8. Sections 1 through 6 of this act shall take effect within 90 days of passage.

115 SECTION 9. Section 7 shall take effect within 90 days of passage.