

SENATE No. 325

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 bill:

An Act modernizing our voter registration system.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Ruth B. Balse</i>	<i>12th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>

SENATE No. 325

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 325) of James B. Eldridge, Denise Andrews, Jonathan Hecht, Ruth B. Balsler and other members of the General Court for legislation to modernize our voter registration system. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ □ SENATE
□ , NO. 306 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act modernizing our voter registration system.

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 2010
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 shall not, by reason of a
5 change of residence within the commonwealth, be disqualified from voting for such national or
6 state officers in the city or town from which he has removed his residence until the expiration of
7 6 months from such removal, provided further, that a person having changed his residence shall
8 be eligible to register under section 34A.

9 SECTION 2. Section 3 of said chapter 51, as so appearing, is hereby amended by
10 inserting after the word, “registration” in lines 7 and 16, the following words:- , or in accordance
11 with the provisions of section 34A.

12 SECTION 3. Section 26 of said chapter 51, as so appearing, is hereby amended by
13 striking out, in lines 9 and 10, the words “eight o’clock in the evening” and inserting in place
14 thereof, in each instance, the following figure:- 5:00 pm.

15 SECTION 4. Said chapter 51, as so appearing, is hereby further amended by striking out
16 section 28 and inserting in place thereof the following section:-

17 Section 28. Registrars shall hold a continuous session from 9:00 am until 5:00 pm on the
18 last day for registration prescribed under section 26. For those towns having less than 1,500
19 voters, such session shall be sufficient if it includes the time from 9:00 until 11:00 am and from
20 2:00 until 5:00 pm.

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

23 Section 34. Except as otherwise provided in section 34A, after 5:00 pm of a day on which
24 registration is to cease, the registrars shall not register any person to vote in the next election,
25 except that they shall furnish, or cause to be furnished, to each person waiting in line at the hour
26 of 5:00 pm for the purpose of being registered, a card or slip of identification bearing such
27 person's name and shall, before registration ceases, permit such person to register. The registrars
28 may, however, enter or correct on the registers the names of persons who have registered as
29 voters between December 31st preceding and the close of registration.

30 SECTION 6. Said chapter 51, as so appearing, is hereby further amended by inserting
31 after section 34 the following section:-

32 Section 34A. (a) An individual who is eligible to vote may register on the day of an
33 election by appearing in person at the polling place, during the hours it is open for voting, for the
34 precinct in which the individual maintains residence, by completing a registration application in
35 a form prescribed by the state secretary which complies with identity requirements of 42 U.S.C.
36 section 15483, by presenting to the appropriate election official proof of residency and by
37 making a written oath which shall be as follows: I certify that I: am a citizen of the United States;
38 am at least 18 years old; am not under guardianship or otherwise prohibited from voting; am not
39 temporarily or permanently disqualified by law because of corrupt practices in respect to
40 elections; have read and understand this statement: I further understand that giving false
41 information is a felony punishable by not more than 5 years imprisonment or a fine of not more
42 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 on the day of an election and the registrar or his or her
57 designee shall place the applicant's name and address on the annual register of voters as soon as
58 reasonably practicable following the date of the election as prescribed by the state secretary. Any
59 person who registers to vote on the day of an election in accordance with this section shall,
60 absent disqualification, be registered to vote at all subsequent primaries and elections.

61 (d) The state secretary shall make available, to the election officers, to the extent
62 possible, at each polling place, access to the central registry of voters set forth in section 47C.
63 For the purposes of this section, a printed copy of all voters registered to vote in that precinct as
64 of the last day of the registration period, as required by sections 55 and 60, shall be sufficient.

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

67 (f) A registered voter shall not re-register on the day of an election for the exclusive
68 purpose of altering his party affiliation.

69 (g) The state secretary shall adopt regulations to implement the relevant provisions of this
70 chapter.

71 (h) Upon credible information or allegation of illegal voter registration, or credible
72 information or allegation of illegal multiple voting, there shall be an investigation upon the
73 merits of said information or allegation by the attorney general, or by the district attorney having
74 jurisdiction over the municipality in which the alleged illegal registration or illegal multiple
75 voting occurred. Nothing in this subsection shall be construed as excluding enforcement of this
76 section by any means otherwise provided by law.

77 (i) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter
78 56.

79 SECTION 7. There shall be an advisory committee on the implementation of election day
80 registration. Among other issues it may consider, the advisory committee shall study the
81 resources necessary for, costs associated with, and feasibility of providing every polling location
82 with real-time electronic access to the central registry of voters. The advisory committee shall be
83 comprised of the secretary of state, or a designee, who shall chair the advisory committee, the
84 attorney general, or a designee, the house and senate chairs of the joint committee on election

85 laws, or their designees, 2 representatives of the Massachusetts Town Clerks Association, at least
86 1 of whom shall be a town clerk from a town of under 5,000 residents, and 2 representatives of
87 the Massachusetts City Clerks Association. The advisory committee shall complete its study on
88 the implementation of election day registration and submit an interim report and
89 recommendations for improving administration of election day registration, in writing, to the
90 joint committee on election laws and the senate and house committees on ways and means on or
91 before June 30, 2014, and the advisory committee shall submit its final report in writing to the
92 joint committee on election laws and the senate and house committees on ways and means on or
93 before June 30, 2015.

94 SECTION 8. Section 33 of chapter 51 of the General Laws is hereby amended by
95 inserting after Section 33 the following section:-

96 Section 33A. The state secretary will create and maintain an online portal allowing
97 citizens to complete an affidavit of registration online. Such registration will be transmitted by
98 the secretary to the appropriate local registrar. The online affidavit will use the registrants'
99 signature from the registry of motor vehicles records; the registrar of motor vehicles shall make
100 appropriate provisions to facilitate the electronic transfer of the image of the signature to the
101 central voter registry. If such signature cannot be found using the online affidavit of registration
102 form the applicant will be so informed and given the option to print the affidavit of registration,
103 append their signature, and mail it directly to the appropriate registrar of voters. Nothing in this
104 section shall be construed to change any registration deadline or qualification of voting.

105 SECTION 9. Section 42H of said chapter 51 of the General Laws, is hereby amended by
106 inserting after the word "delivery", in line 4, the following words:- , and through the online
107 portal.

108 SECTION 10. Section 47A of said chapter 51 of the General Laws, is hereby amended by
109 inserting at the end thereof the following:- A person who is otherwise qualified may pre-register
110 on or after that person's sixteen birthday and may vote in any election occurring on or after that
111 person's eighteenth birthday.

112 SECTION 11. Chapter 51 of the General Laws is hereby amended by inserting after
113 section 63 the following section:-

114 Section 64: Notwithstanding any general or special law to the contrary, the state secretary
115 shall obtain data from the Massachusetts registry of motor vehicles and the United States Postal
116 Service, in order to ascertain whether any persons, who otherwise already have a valid and
117 complete affidavit of voter registration, have changed their address within the Commonwealth of
118 Massachusetts.

119 At least every three months, the state secretary shall seek such information from the
120 registry of motor vehicles and the US Postal Service. These agencies shall electronically transmit

121 to state secretary information for persons who have changed their address within the
122 Commonwealth of Massachusetts in the past three months, including, where available:

123 (i) Name, Current Address, Mailing Address, Date of Birth, Identification # (Driver's
124 License Number or Last 4 digits of Social security Number), Telephone Number

125 (ii) Date, time, and nature of the last change to the information; and

126 (iii) Any additional information designated by the state secretary for such purposes and
127 reasonably related to the management of elections.

128 (iv) If information is sent because it has changed since the last transmission from the
129 source agency, the source agency shall transmit both the new information and the old
130 information, labeled accordingly.

131 If the information transferred reflects a person already included in the central registry of
132 voters as a duly registered voter, and if the information reliably indicates a more recent update to
133 the person's name or address than is currently contained in the central registry of voters, the state
134 secretary shall ensure that the person's records in the central registry of voters are updated
135 accordingly, and shall alert the appropriate municipal registrars to update the person's records in
136 their annual register of voters accordingly.

137 The state secretary shall ensure that each voter whose address is changed in the central
138 registry of voters is promptly sent written notice of the change and their new voting location.
139 Any notice required by this section may be sent with other notices required or permitted by law."

140 SECTION 12: Section 11 shall take effect 1 year from the date of passage.