

**SENATE . . . . . No. 371**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Cynthia S. Creem***

*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 establishing election day registration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/26/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/27/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/2/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/2/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/3/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/3/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/3/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/3/2017</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>2/3/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/8/2017</i>

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 371) of Cynthia S. Creem, Jason M. Lewis, Marjorie C. Decker, Jack Lewis and other members of the General Court for legislation to establish election day registration. Election Laws.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 377 OF 2015-2016.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act establishing election day registration.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide for election day registration for citizens of the Commonwealth and to make related changes in certain laws, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 2014  
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 shall not, by reason of a change of residence within the commonwealth, be disqualified  
5 from voting for such national or state officers in the city or town from which the person has  
6 removed residence until the expiration of 6 months from such removal, provided further, that a  
7 person having changed residence shall be eligible to register under section 34A.

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

11 SECTION 3. Chapter 51 of the General Laws, as amended by Chapter 111 of the Acts of  
12 2014, is hereby further amended by inserting after section 34 the following section:-

13 Section 34A. (a) An individual who is eligible to vote may register on any day  
14 during a voting period, including the day of an election and the early voting period set forth in  
15 section 25B of chapter 54 of the General Laws, by appearing in person at the polling place for  
16 the precinct in which the individual maintains residence on election day, or by appearing in  
17 person at an early voting site for the city or town in which the individual maintains residence  
18 during the early voting period, during the hours it is open for voting, by completing a registration  
19 application in a form prescribed by the state secretary which complies with identity requirements  
20 of 42 U.S.C. section 15483, by presenting to the appropriate election official proof of residency  
21 and by making a written oath which shall be as follows: I certify that I: am a citizen of the  
22 United States; am at least 18 years old; am not under guardianship or otherwise prohibited from  
23 voting; am not temporarily or permanently disqualified by law because of corrupt practices in  
24 respect to elections; have read and understand this statement: I further understand that giving  
25 false information is a felony punishable by not more than 5 years imprisonment or a fine of not  
26 more than \$10,000, or both.

27 (b) For purposes of this section, the term “proof of residence” shall mean 1 of the  
28 following, so long as it includes the name of the applicant and the address from which the  
29 applicant is registering:

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

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

38 (c) Upon meeting the identity requirements of subsection (a), production of proof of  
39 residence, and the making of an oath sufficient to support registration, the ballot clerk or  
40 designee of the ballot clerk shall permit the applicant to vote on the day of an election or the  
41 early voting period and the registrar or designee of the registrar shall place the applicant's name  
42 and address on the annual register of voters as soon as reasonably practicable following the date  
43 of the election or the early voting period as prescribed by the state secretary. Any person who  
44 registers to vote on the day of an election or during the early voting period in accordance with  
45 this section shall, absent disqualification, be registered to vote at all subsequent primaries and  
46 elections.

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

51 (e) A registered voter shall not re-register on the day of an election or the early voting  
52 period for the exclusive purpose of altering the party affiliation of that voter.

53 (f) The state secretary shall adopt regulations to implement the relevant provisions of this  
54 chapter.

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

61 (i) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter  
62 56.

63 SECTION 4. This act shall take effect upon July 1, 2017 and shall be implemented for  
64 the 2018 biennial state election.