

An Act Relative to Election Day Registration (at polling places)

SECTION 1. Section 1 of chapter 51 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A person otherwise qualified to vote for national or state officers, but who has not registered in accordance with the provisions of section 26 of this chapter shall be eligible to register under section 34A.

SECTION 2. Section 1F of chapter 51 of the General Laws is hereby repealed.

SECTION 3. Said chapter 51, as so appearing, is hereby amended, by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. For all elections and primaries, a person shall be registered and may vote in the ward or voting precinct where he resides; provided, however, that any registered voter of a city or town who moves to any other precinct in said city or town or to another city or town may register to vote at his new address by making written application to the city or town clerk no later than the close of registration or in accordance with the provisions of section 34A. A new resident of the city or town may also, upon like application, be registered at the new address by making written application to the city or town clerk no later than the close of registration or in accordance with the provisions of section 34A. The city or town clerk shall forthwith notify each voter making any such written application that the same has been received and that he may vote, subject to the provision of this section regarding the close of registration, in the ward or precinct into which he has moved or in accordance with provisions of section 34A.

SECTION 4. Section 26 of said chapter 51, as so appearing, is hereby amended by striking out, in lines 9 and 10, the words “eight o’clock in the evening” and inserting in place thereof, in each instance, the following figure:- 5:00 pm.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 9. Said chapter 51 is hereby further amended by striking out section 47C, as so appearing, and inserting in place thereof the following section:-

Section 47C. Subject to appropriation, the state secretary shall maintain a central registry of voters which shall contain the names, addresses and effective dates of registration of all registered voters in the commonwealth and which shall contain the name, date of birth, occupation, veteran status, nationality, if not a citizen of the United States, for street list purposes only, and residence on January first in the preceding year and in the current year, of every person three years of age or older in the commonwealth as provided by registrars. The registrars shall enter and maintain all the information required. The secretary of the commonwealth shall adopt regulations governing the operation of said central registry. The names and addresses of voters and any other information contained in said central registry shall not be a matter of public record; provided however, that such information shall be available upon execution of a license agreement to state party committees, official political designation committees, statewide candidate committees, state ballot question committees, the jury commissioner, adjutant general and any other individual, agency or entity that the state secretary shall designate by regulation consistent with the purposes of this section, at a fair and reasonable cost not to exceed the cost of printing or preparing computer readable documents.

SECTION 10. Said chapter 51 is hereby further amended by inserting after section 47C the following section:-

Section 47D. The registry of motor vehicles, and any other state agency permitted by law, shall provide data, as deemed necessary by the state secretary, for the purposes of maintaining accurate and complete voter lists. At least every 2 months, the registry of motor vehicles, and any other state agency the secretary designates, shall electronically transmit to the secretary all data as directed by the secretary and relevant to the purposes of voter registration, including, if available, the following record fields: (i) name, current residential address, mailing address, date of birth, driver's license number and/or last 4 digits of the social security number, and telephone number; (ii) date, time, and nature of the last change to the information; and (iii) any additional information designated by the state secretary for such purposes and reasonably related to maintaining accurate and complete voter lists. The secretary shall provide the names and addresses and other data contained in said central registry, as well as information received from the registry of motor vehicles and any other agency received for the purpose of maintaining accurate and complete voting lists, to the Electronic Registration Information Center ("ERIC") after entering into a binding legal agreement with ERIC specifying the terms and conditions of Massachusetts's membership in the Center.

The secretary shall implement, if practicable, a centralized system to manage and evaluate data received from ERIC to send required mailings to voters and residents identified as eligible but not registered centrally rather than from the local level. The secretary shall provide information to the registrars in electronic form and in a manner minimizing data management at the local level for any action necessary to be taken by the local election officials.

The information sent to and received from ERIC shall not be a public record.

SECTION 11. There shall be an advisory committee on the implementation of Election Day registration. Among other issues it may consider, the advisory committee shall study the resources necessary for, costs associated with, and feasibility of providing every polling location with real-time electronic access to the statewide database of registered voters. The advisory committee shall be comprised of the secretary of state, or a designee, who shall chair the advisory committee, the attorney general, or a designee, the house and senate chairs of the joint committee on election laws, or their designees, 2 representatives of the Massachusetts Town Clerks Association, at least 1 of whom shall be a town clerk from a town of under 5,000 residents, and 2 representatives of the Massachusetts City Clerks Association. The advisory committee shall complete its study on the implementation of election day registration and submit an interim report and recommendations for improving administration of election day registration, in writing, to the joint committee on election laws and the senate and house committees on ways and means on or before June 30, 2020, and the advisory committee shall submit its final report in writing to the joint committee on election laws and the senate and house committees on ways and means on or before June 30, 2021.

SECTION 12. Sections 1 through 8 of this act shall take effect on July 1, 2019.

SECTION 13. Sections 9 through 11 shall take effect within 60 days of passage.