

By Mr. Businger of Brookline, petition of the Americans for Democratic Action, John A. Businger, Ronald A. Pina, Joseph F. Timilty and Charles F. Flaherty, Jr., that provision be made for uniform procedures in the registration of voters. Election Laws.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT PROVIDING FOR UNIFORM PROCEDURES FOR 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. Chapter fifty-one of the General Laws is
2 hereby amended by striking sections forty-two through
3 forty-seven and inserting in place thereof the following
4 sections:—

5 *Section 42.* Registration as a voter shall be by affidavit of
6 registration made in conformity with the requirements of this
7 chapter. Except as provided in section forty-two A, every
8 person whose name has not been entered in the annual register
9 in accordance with sections thirty-four through thirty-seven
10 inclusive, or a corresponding provision of law applicable to a
11 city or town having a listing board, must, in order to register as
12 a voter, or to qualify under section one A for voting for
13 electors of president and vice-president, as the case may be,
14 appear in person and make an affidavit of registration before a
15 registrar or assistant registrar.

16 *Section 42A.* Any person claiming to have the qualifications
17 for voting in any city or town who, by reason of physical
18 disability, is unable to appear in person to register may make
19 application, in writing, to the registrars of voters of such city
20 or town for registration in the manner hereinafter provided.
21 Application for registration under this section shall be made on
22 forms provided by said registrars and worded substantially as
23 follows:—

24 To the Registrars of Voters or Election Commissioners of

57 making the same, and the said officer, if satisfied that the
58 applicant is unable by reason of physical disability to apply in
59 person for registration, shall provide him with a blank affidavit
60 of registration and shall witness the signing thereof. No such
61 person shall be provided with an affidavit of registration after
62 the close of registration nor in any city or town other than
63 that in which he claims the right to vote; provided, that, if the
64 applicant is in the military or naval service of the United
65 States, he may be so registered not less than three days before
66 an election and a certificate of his registration shall be attached
67 to the voting list prepared, under section fifty-five, for use
68 thereat.

69 *Section 42B.* The registrars or election commissioners shall
70 hold a registration session in any factory, mill, hospital, nursing
71 home or rest home within their city or town on or before the
72 last day for registration for the biennial state primary or
73 election if, in the case of said primary, not less than forty-eight
74 days before said primary or, in the case of said election, not
75 less than forty-six days before said election but not earlier than
76 the second day following the primary, ten or more voters or
77 such city or town file a petition with such registrars or
78 commissioners for the holding of a registration session in such
79 factory, mill, hospital, nursing home or rest home, signed by
80 them with their names and addresses as they appear on the
81 voting list of said city or town and stating that ten or more
82 persons employed in said factory or mill or employed or
83 resident in said hospital, nursing home or rest home desire and
84 are entitled to be registered as voters in said city or town. Such
85 registration session shall then be held if, at the time such
86 petition is filed, the said registrars or commissioners are in
87 receipt of permission in writing from the tenant or, if there is
88 no tenant, from the owner of said factory, mill, hospital,
89 nursing home or rest home to use his premises for the purpose
90 of holding said session. No application under section one A to
91 qualify for voting for electors of president and vice-president
92 shall be received at any registration session held as provided in
93 this section.

94 *Section 43.* An affidavit of registration shall show:

95 (a) Facts sufficient to establish the affiant's qualifications as
96 a voter under section one of this chapter;

97 (b) The affiant's full name;

98 (c) The affiant's current place of residence and his place of
99 residence as of January 1 of the current year;

100 (d) The affiant's occupation;

101 (e) Date of birth;

102 (f) Place of birth;

103 (g) The affiant's party enrollment, if any;

104 (h) The prior registration, if any, of the affiant, the name
105 under which he was registered, and his last voting address.

106 The affiant shall sign the affidavit under the penalties of
107 perjury in the presence of a registrar, assistant registrar, or
108 absent registration officer. If the affiant is unable to sign his
109 name, he shall make his mark, which shall be witnessed by the
110 registrar, assistant registrar or absent registration officer. The
111 registrar, assistant registrar or absent registration officer shall
112 certify that the affidavit was signed in his presence and shall
113 date the affidavit which shall be the date of registration.

114 *Section 44.* Upon receipt of a completed affidavit of
115 registration, the registrars shall, except as provided in section
116 forty-six, place said affidavit in their files and add the name of
117 the voter to the current annual register of voters in the city or
118 town.

119 *Section 45.* Except as provided in section forty-six, the
120 registrars shall, upon receipt of an affidavit of registration
121 indicating that the affiant was formerly registered in another
122 city or town they shall notify the registrars of voters of that
123 city or town that the affiant has filed an affidavit of
124 registration with them. Upon receipt of such notification, the
125 registrars shall cancel the former registration of the voter.

126 *Section 46.* If, after examination of an affidavit of
127 registration, it appears to the registrars that the affiant is not
128 qualified to be registered as a voter or that the affidavit is
129 otherwise defective, they may decline to enter his name on the
130 annual register. The registrars shall notify any person whose
131 name is not so entered and give him a reasonable opportunity
132 to be heard by them or to remedy the defects in his affidavit.
133 If, after hearing, the registrars are not satisfied that the
134 affidavit meets the requirements of this chapter, they shall
135 cancel the registration of the affiant.

136 *Section 47.* If, after examination of an affidavit of
 137 registration, it appears to the registrars that the affiant has all
 138 the qualifications to be registered as a voter or to vote for
 139 electors of president and vice-president under section one A
 140 except that of age, and that such affiant will on or before the
 141 day of the next election or town meeting attain full age, they
 142 shall enter his name in the current annual register of voters or
 143 on the list of persons so qualified to be prepared as provided
 144 by section fifty eight A.

1 SECTION 2. Chapter fifty-one of the General Laws is
 2 hereby amended by striking section thirty-six and inserting in
 3 place thereof the following sections: -

4 *Section 36.* The registrars shall prepare in sufficient quantity
 5 blank forms for affidavits of registration which shall be worded
 6 substantially as follows: -

7 AFFIDAVIT OF REGISTRATION

8 I, _____, do solemnly swear (affirm) that I am a
 9 citizen of the United States and a resident of the city or town
 10 of _____; that I am not a person under guardianship
 11 and am not temporarily or permanently disqualified by law
 12 from voting because of corrupt practices in respect to elections;
 13 that I live at _____; that on January 1 of this year I
 14 lived at _____
(street and number); that my occupation is
 15 _____; that I was born on _____
(date of birth) at
 16 _____; that I wish to be enrolled in the _____
 17 Party; that I was previously registered as a voter in
 18 _____ at _____
(city and state) (street and number) under the name _____.

19 Signed under the penalties of perjury.

20 _____
(signature)

21 Signed before me, a _____ of the city or town of
(title)
 22 _____, on this the _____ day of _____, 19____

23 _____
(signature)

24 *Section 36A.* The registrars shall number the blank forms
25 for affidavits of registration in sequence from 1 to 999,999,
26 which sequence shall be repeated as the stock of forms is
27 exhausted. The registrars shall make a record of the issuance of
28 any blank forms for affidavits of registration to any single
29 registrar, assistant registrar or absent registration officer.

1 SECTION 3. Section two of chapter fifty-one of the General
2 Laws is hereby amended by striking the second paragraph and
3 inserting in place thereof the following sentence: —

4 Upon receipt of an affidavit of registration indicating that
5 the affiant has changed his or her name, the registrars shall
6 cancel the voter's registration under his or her former name
7 and enter his or her new name on the annual register.

1 SECTION 4. Section thirty-two of chapter fifty-one of the
2 General Laws is hereby amended by striking from the first
3 sentence the following words: —

4 “add any name to the registers except the names of voters
5 examined as to their qualifications between December
6 thirty-first preceding and the close of registration.”

7 and inserting in place thereof the following words: —

8 “add any name to the annual register of voters except the
9 names of voters who have registered between December
10 thirty-first preceding and the close of registration.”

1 SECTION 5. Section thirty-three of chapter fifty-one of the
2 General Laws is hereby amended by striking the first sentence
3 thereof and inserting in place thereof the following sentence:

4 Any registrar, at such places as may be appointed, and on
5 the day and during the hours designated for the purpose, may
6 receive affidavits of registration and applications under section
7 one A to qualify for voting for electors of president and
8 vice-president, but all the doings of one registrar shall be
9 subject to revision and acceptance by the board.

1 SECTION 6. Section thirty-four of chapter fifty-one of the
2 General Laws is hereby amended by striking from the first
3 sentence the following words: —

4 “register each person if found qualified.”
5 and inserting in place thereof the following words: —
6 “permit such person to register.”

1 SECTION 7. Section thirty-seven of chapter fifty-one of the
2 General Laws is hereby amended by striking from the fifth
3 sentence the following words: —

4 “whose qualifications as a voter have been determined by
5 them”

6 and inserting in place thereof the following words: —

7 “who has registered as a voter”

1 SECTION 8. Section forty of chapter fifty-one of the
2 General Laws is hereby amended by striking the second
3 sentence and inserting in place thereof the following
4 sentence: —

5 They shall distinctly announce the name of every person
6 registering to vote.

