

HOUSE No. 3937

The Commonwealth of Massachusetts

PRESENTED BY:

Jay R. Kaufman

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 automatically registering eligible voters and enhancing safeguards against fraud.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>

HOUSE No. 3937

By Mr. Kaufman of Lexington, a petition (subject to Joint Rule 12) of Jay R. Kaufman and others relative to the automatic registration of eligible voters. Election Laws.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act automatically registering eligible voters and enhancing safeguards against fraud.

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 Section 4A of chapter 51 of the General Laws is hereby repealed.

2 SECTION 2. Section 42 of said chapter 51, as appearing in the 2014 Official Edition, is
3 hereby amended by striking out the words “section forty-two A”, in line 13, and inserting in
4 place thereof the following words:- sections 42A and 65.

5 SECTION 3. Section 42G of said chapter 51 is hereby amended by adding the following
6 3 paragraphs:-

7 In the case of the registry of motor vehicles, and any other registration agency that the
8 state secretary determines has the technological capacity to provide the following information,
9 the agency shall transmit electronic records containing the legal name, age, residence, and
10 citizenship information, if any, and the electronic signature of, each person who meets
11 qualifications to vote as set forth by section 1, within 5 calendar days after receipt of this
12 information, to the board of registrars of the city or town in which the person resides. The state

13 secretary shall adopt regulations governing this collection and transmission, which shall include,
14 but not be limited to, provisions requiring registration agencies to employ the most cost-effective
15 forms of transmission. The department of correction shall provide prison industries assistance in
16 this transmission as the state secretary may require. The person shall be registered as a voter
17 under section 65 as of the date that the registration agency collects this information.

18 The state secretary shall enter into cooperative agreements with any additional agencies
19 of federal, state, or municipal government that agree to function as registration agencies and that
20 the state secretary determines has the technological capacity to provide the information specified
21 by this section. These agreements shall provide that the state secretary shall conduct appropriate
22 training of agency staff, shall provide all forms, material and equipment necessary to carry out
23 activities under this section, and shall have oversight responsibility to insure proper compliance
24 with federal and state law.

25 The state secretary shall establish policies and enforcement procedures to maintain
26 security during inter-agency transfers of information. Each source agency participating in such
27 inter-agency transfers of information shall facilitate and comply with these policies. Nothing in
28 this subsection shall prevent a source agency from establishing and enforcing additional security
29 measures to protect the confidentiality and integrity of inter-agency data transfers.

30 SECTION 4. Section 47C of said chapter 51, as so appearing, is hereby amended by
31 adding the following paragraph:-

32 The state secretary shall periodically provide the names, addresses and other data
33 contained in the central registry to the Electronic Registration Information Center, after entering

34 into a binding legal agreement with the Center specifying the terms and conditions of the
35 commonwealth's membership in the Center.

36 SECTION 5. Said chapter 51 is hereby further amended by adding the following
37 section:-

38 Section 65. (a) The purposes of automatic voter registration under this section are to
39 increase the efficiency and limit the total cost of voter registration for the commonwealth and its
40 municipalities, ensure that every eligible citizen of the commonwealth who wishes to be
41 registered to vote is registered, increase the completeness and accuracy of the register of voters,
42 prevent erroneous disenfranchisement of eligible citizens, promote greater participation of
43 eligible voters in elections, protect non-eligible voters from improperly being registered, and
44 reduce the incidence of voter registration fraud.

45 (b) (1) Nothing in this section shall be construed to change the substantive qualifications
46 of voters established by this chapter or the constitution.

47 (2) Nothing in this section shall be construed to interfere with the registrars' duties under
48 sections 37, 38, 47B, 48 and 49 to ensure that the names of persons who are ineligible to vote do
49 not appear on the register of voters.

50 (3) Nothing in this section shall be construed to interfere with the right of any person to
51 decline to be a registered voter for any reason.

52 (c)(1) Upon receiving the electronic records described in section 42G, the board of
53 registrars shall notify each person whose name those records contain, unless the records show

54 that the person does not meet the qualifications of a voter, of the automatic voter registration
55 process.

56 (2) If the name of a person on the list of residents required by sections 4, 6 and 7 is not in
57 the register of voters, unless the listing information shows that the person does not meet the
58 qualifications of a voter, the registrars shall notify that person of the automatic voter registration
59 process.

60 (3) The registrars shall notify each person under paragraph (1) or (2) who meets voter
61 qualifications of the process to:

62 (i) decline being registered to vote;

63 (ii) adopt a political party affiliation, in which case the person must also sign an
64 eligibility requirement acknowledgement, attestation, and signature.

65 (4) If a person so notified does not decline to be registered to vote within 21 calendar
66 days after the registrar issues the notification, the registrars shall add the person's name and
67 address to the register of voters.

68 □

69 (5) The registrars shall not include in the register of voters the names of persons who
70 indicate in a signed writing that they do not wish to be registered voters. □

71 (6) If the information on the list of residents required by sections 4, 6 and 7 or transmitted
72 under section 42G is for a person whose name is already included in the register of voters, and if
73 the information indicates a more recent change to the person's name or address, the registrars
74 shall ensure that the register of voters is updated accordingly.

75 (7) Upon adding the name of a person to the register of voters under paragraph (4), the
76 registrars shall send written notice, which may be sent electronically, in a form approved by the
77 state secretary, to the registrars or equivalent officers of the place where the person was last
78 registered as a voter. Upon receiving this notice, or a similar notice from another state including
79 information from the Electronic Registration Information Center under the last paragraph of
80 section 47C, the registrars shall immediately remove the person's name from the register of
81 voters.

82 (d) The state secretary may adopt regulations, issue guidelines, and take other actions, to
83 carry out this section.

84 (e) The state secretary shall make an annual report to the joint committee on election laws
85 of the general court, which the secretary shall post on a public website. The annual report shall
86 include the following information:

87 (i) the number of records that have been transferred, by source;

88 (ii) the number of voters newly added to the statewide voter registration list because of
89 records transferred;

90 (iii) the number of voters on the statewide voter registration list whose information was
91 updated because of records transferred;

92 (iv) the number of records transferred that do not relate to persons affirmatively
93 identified as eligible to vote;

94 (v) the number of persons who opted out of voter registration.

95 Any report produced under this section shall exclude any personal identifying
96 information.

97 (f) The state secretary shall ensure that, upon receipt and verification of a person's
98 express request to opt out of voter registration, the person's name and registration record is so
99 designated, unless and until the voter consents to registration. Nothing in this section shall
100 preclude a person who has previously declined voter registration from subsequently registering
101 to vote.

102 (g) The state secretary shall ensure that election officials shall not provide the record of
103 any person who has opted out of voter registration, in whole or in part, to any third party for any
104 purpose other than the compilation of a jury list and shall establish standards and procedures to
105 safeguard the privacy and security of the information used and obtained pursuant to this section.

106 (h) Any person who is not eligible to vote and who becomes registered under this
107 provision shall not be found on that basis to have made a false claim to citizenship or to have
108 committed an act involving moral turpitude, unless such person affirmatively asserts that he or
109 she is a U.S. citizen by signing a document that so states. Where a person who is not eligible to
110 vote becomes registered under this provision without affirmatively accepting registration, that
111 person's voter registration shall be considered to have been effected with official authorization
112 and at no fault of the person so registered.

113 (i) No person may use the statewide voter registration list to attempt to determine the
114 citizenship status of any person for any purpose other than voter registration, election
115 administration, or the enforcement of laws against election crimes. No information relating to a
116 person's declination to supply information for voter registration purposes at a source may be

117 disclosed to the public, or used for any purpose other than voter registration, election
118 administration, or the enforcement of laws against election crimes.

119 SECTION 6. Section 8 of chapter 56 of the General Laws, as appearing in the 2014
120 Official Edition, is hereby amended by inserting after the word “register”, in line 10, the
121 following words:- ; whoever provides false information in connection with automatic voter
122 registration under section 65 of chapter 51.

123 SECTION 7. This act shall take effect on January 1, 2017.