

HOUSE No. 4097

The Commonwealth of Massachusetts

PRESENTED BY:

Evandro C. Carvalho

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 relative to automatic voter registration.

PETITION OF:

NAME:

Evandro C. Carvalho

DISTRICT/ADDRESS:

5th Suffolk

HOUSE No. 4097

By Mr. Carvalho of Boston, a petition (subject to Joint Rule 12) of Evandro C. Carvalho relative to voter registration. Election Laws.

The Commonwealth of Massachusetts

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

An Act relative to automatic 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 Chapter 51 of the General Laws, as appearing in the 2014 Official Edition, is hereby
2 amended by adding the following section:-

3 Section 65. (a) As used in this section, the following words shall have the following
4 meanings:-

5 “Non-registration agency”, the department of housing and community development, the
6 department of revenue, the department of higher education, and all public institutions of higher
7 education as established pursuant to section 5 of chapter 15A.

8 “Notice of other registration information changes”, information received by a voter
9 registration agency or non-registration agency regarding the: (1) legal name, (2) occupation, (3)
10 date of birth, (4) veteran status, or (5) primary phone number of a voter, that differs from the
11 information contained in the central registry of voters.

12 “Notice of residency change”, information received by a voter registration agency or non-
13 registration agency regarding the primary residence of a voter that differs from the address of
14 record in the central registry of voters.

15 “Private institution of higher education”, a non-profit or for-profit degree-granting private
16 educational institution within the commonwealth authorized by law to provide a program of
17 education beyond the secondary school level.

18 “Voter”, as defined in section 1 of chapter 50.

19 “Voter registration agency”, the state secretary, the registry of motor vehicles, any board
20 of election commissioners established pursuant to section 16A of this chapter, and any board of
21 registrars established pursuant to section 17 of this chapter.

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23 “Voter registration information”, (1) legal name, (2) occupation, (3) date of birth, (4)
24 veteran status, (5) primary phone number of a voter, or (6) primary residence, of a voter.

25 (b)(1) The state secretary, in consultation with non-registration agencies, shall establish a
26 system that shall automatically update a voter’s registration information whenever the voter
27 provides a voter registration agency, non-registration agency, or a private institution of higher
28 education with a notice of residency change or notice of other registration information changes.

29 (2) The state secretary shall create and maintain a secure online portal by which a voter
30 registration agency or a non-registration agency may determine whether information received
31 from a voter in a notice of residency change or notice of other registration information changes
32 differs from the central registry of voters, and subsequently notify the state secretary of any such

33 difference. The state secretary shall maintain the privacy of voters registered under section 51A.
34 A name or address disclosed to a voter registration agency or a non-registration agency for the
35 purposes of this section shall not be considered a public record.

36 (3) A voter registration agency, non-registration agency, or a private institution of higher
37 education shall, upon receipt of any form, document, material or other information that contains
38 voter registration information, compare the voter registration information received with the voter
39 information contained in the central registry of voters. Any voter registration information
40 received, which differs from the information contained in the central registry of voters, shall be
41 provided to the state secretary through the secure online portal established pursuant to paragraph
42 (2).

43 (4) Upon the receipt of a notice of residency change or notice of other registration
44 information changes of a voter, the state secretary shall provide notice to the voter at both the
45 residential address contained in the central registry of voters, and the residential address provided
46 in a notice of residency change. The notice shall include: (i) a statement that the registered
47 voter's registration information is scheduled to be updated; (ii) the date on which the voter's
48 registration information will be updated; (iii) the name of the voter registration agency, non-
49 registration agency or private institution of higher education which notified the state secretary
50 that the voter's registration information differed from the information contained in the central
51 registry of voters; (iv) a description of the waiver process available pursuant to subparagraph (B)
52 of paragraph (6); and (vi) any other information that the state secretary may deem relevant.

53 (5) If the state secretary does not receive a waiver from a voter notified pursuant to
54 paragraph (4) within 30 days of sending the notice, the state secretary shall amend the central

55 registry of voters to conform to the information contained in a notice of residency change or a
56 notice of other registration information received pursuant to this section.

57 (6) The state secretary shall establish the system required by paragraph (1) and otherwise
58 implement the requirements of this section by promulgating regulations. The regulations shall:

59 (A) conform to the requirements of 20 U.S.C. section 1232g where applicable to a public
60 or private institution of higher education shall; and

61 (B) permit a voter to waive the automatic update of his or her voter registration
62 information by providing a voter registration agency with the voter's (i) legal name, (ii) primary
63 residence currently contained in the central registry of voters, and (iii) date of birth, accompanied
64 by a signed statement of intent to waive automatic update. If applicable, a voter registration
65 agency shall forward a copy of the waiver to the state secretary. Upon receipt of a waiver, from
66 a voter or another registration agency, the state secretary shall not send a notice pursuant to
67 paragraph (4) or update a voter's registration information pursuant to paragraph (5).

68 (c) Nothing in this section shall be construed to register an individual who has not made
69 an affidavit of registration pursuant to section 42.

70 (d) The registry of motor vehicles, in consultation with the state secretary, shall amend
71 any paper or electronic forms that permit a citizen to register to vote to include a provision
72 permitting the citizen to exclude their voter registration information from automatic update.