

SENATE No. 2799

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Third General Court
(2023-2024)**
—

SENATE, May 30, 2024.

The committee on Election Laws to whom was referred the petition (accompanied by bill, Senate, No. 410) of Cynthia Stone Creem, Sal N. DiDomenico, Jason M. Lewis, John F. Keenan and other members of the Senate for legislation to make voting administrative changes to create equitable systemic solutions, report the accompanying bill (Senate, No. 2799).

For the committee,
John F. Keenan

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An Act making voting administrative changes to create equitable systemic solutions.

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 4 of chapter 51 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out subsection (c) and inserting in place thereof
3 the following subsection:-

4 (c) In any city or town which communicates with residents by mail for the purpose of
5 obtaining such information, registrars, assistant registrars or boards may require a response under
6 the penalties of perjury.

7 SECTION 2. Said chapter 51 is hereby further amended by striking out sections 37, 37A,
8 and 38 and inserting in place thereof the following 2 sections:-

9 Section 37. (a) The registrars shall maintain a register of voters, in this chapter sometimes
10 called the register or the annual register, which shall contain the names and residential addresses
11 of all registered voters in their city or town, and which the state secretary shall reflect in the
12 central registry of voters under section 47C. The registrars shall add to the register the name and
13 address of every person registering to vote under section 33A or 42 or automatically registered

14 under sections 42G½ and 65. They shall correct any error in the register after due investigation,
15 but they shall not remove any name from the register except as subsection (c) provides.

16 (b) The register shall not include the name of a voter who provides the registrars with a
17 copy of a court order granting protection, or evidence of residence in a protective shelter, or an
18 affidavit signed by a chief of police or designee that the voter is entitled to have certain
19 information withheld from the public under section 24C of chapter 265.

20 (c) The registrars shall remove a voter's name and address from the register if and only if:

21 (1) the voter so requests in writing;

22 (2) they receive notice from the city or town clerk under section 14 that the voter has
23 died;

24 (3) they receive official written notice that the voter is incarcerated after conviction of a
25 felony, is disqualified by law because of corrupt practices in respect to elections, or is under
26 guardianship that prohibits voting;

27 (4) they receive official written notice that the voter is registered to vote in another
28 jurisdiction;

29 (5) they find that the voter is illegally or incorrectly registered after complaint, notice,
30 and hearing under sections 48 and 49; or

31 (6) the voter no longer resides in their city or town, as determined under section 38.

32 (d) The state secretary may adopt regulations to carry out this section and section 38. The
33 state secretary shall, to the extent possible, automate processes under this section and section 38,

34 using the central registry of voters under section 47C. This section and section 38 apply to every
35 city and town, notwithstanding any general or special law to the contrary.

36 Section 38. (a) The registrars shall maintain an inactive voters list under this section.
37 Except during the 90 days immediately before a presidential or regular state primary or biennial
38 state election, the registrars shall remove a voter's name and address from the register of voters
39 and add it to the inactive voters list, if and only if they receive information that the voter no
40 longer resides in their city or town from:

41 (1) change-of-address information supplied by the United States Postal Service or its
42 licensee; or

43 (2) the Electronic Registration Information Center, Inc. under section 47C.

44 (b) If the registrars receive information under subsection (a) showing that the voter has
45 changed residence within their city or town, they shall update the voter's address in the register
46 accordingly, and shall notify the voter in writing.

47 (c) Whenever the registrars remove a voter's name and address from the register of voters
48 and add it to the inactive voters list under subsection (a), they shall mail to the voter at the
49 address in the register notice that the name of the voter may be removed from the voting list if
50 the voter fails to respond to the notice and does not vote during the period ending with the
51 second biennial state election following the mailing of the notice. The notice shall (1) be postage
52 prepaid; (2) contain a preaddressed and postage prepaid return card; (3) be sent by forwardable
53 mail; (4) instruct the voter to return the card before the last day to register if the voter did not
54 change residence from the city or town; and (5) contain additional information about remaining
55 eligible to vote, as prescribed by the state secretary.

56 (d) A voter whose name is on the inactive voters list may vote on a regular ballot upon
57 the voter's written affirmation of continued residence in the city or town.

58 (e) The registrars shall restore to the register of voters the name and address of a voter on
59 the inactive voters list who notifies them in writing of continued residence in the city or town or
60 who votes in any primary or election, applies for a mail ballot, signs a nomination paper or
61 petition for a ballot question, or performs any other official election-related act, using an address
62 in their city or town

63 (f) After 2 biennial state elections following the mailing of the notice under subsection
64 (c), the registrars shall remove from the inactive voters list the name of a voter that has not been
65 restored to the register under subsection (e). The registrars shall mail forwardable notice to the
66 voter that they have done so, including information about remaining eligible to vote, as
67 prescribed by the state secretary.

68 SECTION 3. Section 42 of said chapter 51, as appearing in the 2022 Official Edition, is
69 hereby amended by striking out the second sentence.

70 SECTION 4. Whenever the term "annual register of voters" or "annual register,"
71 meaning the annual register of voters, appears in any statute, charter, regulation, contract, or
72 other document, that term means the register of voters established in section 37 of chapter 51 of
73 the General Laws.

74 SECTION 5. Chapter 54 of the General Laws is hereby amended by inserting after
75 section 24 the following section:-

76 Section 24A. To ensure compliance with federal and state laws concerning accessibility
77 for voters with disabilities including the state secretary’s polling place accessibility regulations,
78 an agent of the state secretary shall inspect, at least once every four years, each polling place
79 most recently designated under section 24 and each early voting site most recently designated
80 under subsection (b) of section 25B. The inspecting agent shall promptly and specifically report
81 in writing to the state secretary and the city or town clerk every failure to comply with state and
82 federal accessibility laws, and the responsible officials of the city or town shall take immediate
83 action to ensure access for voters with disabilities and within 5 days submit to the state secretary
84 a written plan to comply. If the city or town fails to take such immediate action or to submit a
85 written plan to provide access to voters with disabilities, the state secretary may order the city or
86 town to comply with the law. Not later than December 31 each year, the state secretary shall
87 report in writing to the clerks of the senate and house of representatives on all activities under
88 this section. The attorney general may bring a civil action in the superior court to enforce
89 compliance with those accessibility laws, with a written plan, or with the state secretary’s order.
90 The actions provided in this section shall not limit the availability of judicial remedies to any
91 person, official, commission or board.