

SENATE No. 312

The Commonwealth of Massachusetts

PRESENTED BY:

Sonia Chang-Diaz

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 to modernize voter registration and jury pool lists.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-----------------------------|--|
| <i>Sonia Chang-Diaz</i> | <i>Second Suffolk</i> |
| <i>Stanley C. Rosenberg</i> | <i>Hampshire, Franklin and Worcester</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |
| <i>Benjamin Swan</i> | <i>11th Hampden</i> |

SENATE No. 312

By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 312) of Sonia Chang-Diaz, Stanley C. Rosenberg, David M. Rogers and Benjamin Swan for legislation to modernize voter registration and jury pool lists. Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to modernize voter registration and jury pool lists.

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: After Section 63 of Chapter 51 of the Massachusetts General Laws, the
2 following new Section is added:

3 Section 64: Electronic Updating of the Annual Register of Voters and Central Voter
4 Registry by the State Secretary.

5 Notwithstanding any general or special law to the contrary, the State Secretary shall
6 obtain data from the Massachusetts Registry of Motor Vehicles and the United States Postal
7 Service, in order to ascertain whether any persons, who otherwise already have a valid and
8 complete affidavit of voter registration, have changed their address within the Commonwealth of
9 Massachusetts.

10 At least every three months, the State Secretary shall seek such information from the
11 Registry of Motor Vehicles and the US Postal Service. These agencies shall electronically
12 transmit to the State Secretary information for persons who have changed their address within
13 the Commonwealth of Massachusetts in the past three months, including, where available:

14 (i) Name, Current Address, Mailing Address, Date of Birth, Identification # (Driver’s
15 License Number or Last 4 digits of Social security Number), Telephone Number

16 (ii) Date, time, and nature of the last change to the information; and

17 (iii) Any additional information designated by the State Secretary for such purposes and
18 reasonably related to the management of elections.

19 (iv) If information is sent because it has changed since the last transmission from the
20 source agency, the source agency shall transmit both the new information and the old
21 information, labeled accordingly.

22 If the information transferred reflects a person already included in the Central Registry of
23 Voters as a duly registered voter, and if the information reliably indicates a more recent update to
24 the person's name or address than is currently contained in the Central Registry of Voters, the
25 State Secretary shall ensure that the person's records in the Central Registry of Voters are
26 updated accordingly, and shall alert the appropriate municipal registrars to update the person's
27 records in their annual register of voters accordingly.

28 The State Secretary shall ensure that each voter whose address is changed in the Central
29 Registry of Voters is promptly sent written notice of the change and their new voting location.
30 Any notice required by this section may be sent with other notices required or permitted by law.

31 SECTION 2. The last sentence of Section 47C of chapter 51 of the General Laws, as
32 appearing in the 2008 Official Edition, is hereby amended by striking out the last sentence and
33 inserting in place thereof the following sentences:

34 The names and addresses contained in said central registry shall not be a matter of public
35 record, provided however, that the names and addresses, dates of registration, voting history, and
36 dates of birth shall be made available to the jury commissioner and adjutant general at no cost;
37 they shall be made available to state party committees, statewide candidate committees, and state
38 ballot question committees at a fair and reasonable cost, set by the state secretary, not to exceed
39 the cost of printing or preparing computer readable documents, and further they shall be made
40 available to organizations with Internal Revenue Service status of 501 (c)(3), 501 (c)(4), 501(c)5,
41 and 527s, and Political Action Committees (or PACs), for a fee of \$1000, entitling the receiving
42 organization to use of the information for purposes of civic engagement, public policy advocacy,
43 and political advocacy. The State Secretary may deny requests for this information to any
44 receiving organization that has had a history of using the abovementioned data for purposes other
45 than those permitted in this section. In the event of a data request denial, the State Secretary shall
46 provide a written explanation of the denial to the requesting organization.

47 SECTION 3. Section 60 of Chapter 51 of the General Laws, as so appearing in the 2010
48 Official Edition, is hereby amended by inserting, after the last paragraph, the following
49 paragraph:

50 The State Secretary shall create and maintain a public website for the purpose of
51 individual Massachusetts residents verifying their voter registration. Information accessible on
52 such website shall include, but not be limited to, the voter's ward, precinct, voting location
53 address, and the residential address at which the voter is registered; the individual's status as
54 registered, active, or inactive; and the voter's party affiliation. The website may be modeled after
55 the City of Boston's online voter look-up webpage and shall be searchable on the basis of first

56 and last name and date of birth, and other data points as the State Secretary may deem necessary
57 for accuracy of results.

58 SECTION 4. Section 4 of chapter 51 of the General Laws, as so appearing in the 2010
59 Official Edition, is hereby amended by striking out, in lines 3, 5, 11, 23 and 25, the word "shall"
60 and inserting in place thereof, in each instance, the following word:- may.

61 SECTION 5. Section 10 of chapter 234A of the General Laws, as so appearing, is hereby
62 amended by striking out, in lines 2, and 10, the word "shall" and inserting in place thereof, in
63 each instance, the following word:- may.

64 SECTION 6. Section 11 of said chapter 234A is hereby amended by striking out, in line 3
65 the word "shall" and inserting in place thereof the following word:- may.

66 SECTION 7. (a) Notwithstanding any special or general law to the contrary, after January
67 1, 2015, the annual listing of residents required by section 4 of chapter 51 of the General Laws
68 shall no longer be used to maintain the inactive voter list required by section 37A of said chapter
69 51. The State Secretary shall, on or before January 1, 2015, develop an alternative to the
70 information provided by the annual listing of residents. The State Secretary shall file a report
71 with the joint committee on election laws on the alternative listing and file with it any
72 recommended legislation required to fully implement the alternative listing.

73 (b) Notwithstanding any special or general law to the contrary, after January 1, 2015, the
74 annual listing of residents required by section 4 of chapter 51 of the General Laws, the numbered
75 resident list required by section 10 of chapter 234A of the General Laws and the numbered
76 resident file required by section 11 of said chapter 234A shall no longer be used for the selection
77 of jurors required by section 13 of said chapter 234A. The commissioner shall, on or before
78 January 1, 2015, develop an alternative to the information provided by the annual listing of
79 residents, the numbered resident list and the numbered resident file. The commissioner shall file
80 a report with the joint committee on election laws on the alternative listing and file with it any
81 recommended legislation required to fully implement the alternative listing; provided however,
82 that any such legislation shall meet the constitutional and statutory requirements regarding jury
83 selection and guarantee a random selection process under which no person shall be exempted or
84 excluded from serving as a juror because of race, color, religion, sex, sexual orientation, national
85 origin, handicap, economic status or occupation.

86 (c) All state agencies possessing an electronic database which contains information
87 relative to the development of alternative listings by the secretary and the commissioner,
88 including but not limited to the registry of motor vehicles, department of revenue, board of
89 higher education, department of transitional assistance, office of medicaid, department of public
90 health and division of unemployment assistance shall provide in electronic form a copy of the
91 relevant data from said database in a format acceptable to the secretary and commissioner. In
92 addition, any city or town that conducts an annual census shall provide such data to the secretary

93 and commissioner, and all public and private colleges and universities shall provide such data
94 from enrollment records. To the extent possible, the data shall include the name, residential
95 address, mailing address, race, ethnicity, gender, social security number, and date of birth of each
96 person. In those cases where a federal or state waiver or authorization is necessary to provide
97 this information, each agency or entity shall take all necessary steps to obtain such authorization
98 or waiver, which a state agency may not unreasonably withhold. No information shall be
99 provided to the secretary and commissioner beyond that required to create the alternative listing.
100 Nothing shall be included in a printed administrative records list that would indicate from which
101 source list the information on an individual resident was derived. The secretary and
102 commissioner may secure and use additional lists from nongovernmental institutions and sources
103 in order to create the alternative listing. The secretary, the commissioner and all others who have
104 access to data under this section shall treat all such data confidentially, and such data and any
105 record created, received or maintained from such data under this section, shall not be a public
106 record.

107 SECTION 8: Section 1, 2, and 3 shall take effect 1 year from the date of passage.

108 SECTION 9: Section 4, 5, and 6 shall take effect on January 1, 2015. The remainder of
109 this act shall take effect upon its passage.