HOUSE DOCKET, NO. 4353 FILED ON: 12/15/2015

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:	DATE ADDED:
Jay R. Kaufman	*15th Middlesex*	*12/15/2015*
Marjorie C. Decker	*25th Middlesex*	*12/17/2015*
Chris Walsh	*6th Middlesex*	*7/16/2019*
Michael J. Barrett	*Third Middlesex*	*7/16/2019*
Benjamin Swan	*11th Hampden*	*12/17/2015*
Kenneth I. Gordon	*21st Middlesex*	*7/16/2019*
Elizabeth A. Malia	*11th Suffolk*	*7/16/2019*
Brian M. Ashe	*2nd Hampden*	*7/16/2019*
Denise Provost	*27th Middlesex*	*7/16/2019*

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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:

SECTION 1. Section 4A of chapter 51 of the General Laws is hereby repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) decline being registered to vote;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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