

SENATE No. 373

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>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>

SENATE No. 373

By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 373) of Sonia Chang-Diaz, Benjamin Swan, Tricia Farley-Bouvier, Jason M. Lewis and other members of the General Court for legislation to modernize voter registration and jury pool lists. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 312 OF 2013-2014.]

The Commonwealth of Massachusetts

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

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.

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

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

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

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

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

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

The State Secretary shall ensure that each voter whose address is changed in the Central Registry of Voters is promptly sent written notice of the change and their new voting location.

Any notice required by this section may be sent with other notices required or permitted by law.

SECTION 2. The last sentence of Section 47C of chapter 51 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentences:

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

SECTION 3. Section 60 of Chapter 51 of the General Laws, as so appearing in the 2012 Official Edition, is hereby amended by inserting, after the last paragraph, the following paragraph:

The State Secretary shall create and maintain a public website for the purpose of individual Massachusetts residents verifying their voter registration. Information accessible on such website shall include, but not be limited to, the voter's ward, precinct, voting location

address, and the residential address at which the voter is registered; the individual's status as registered, active, or inactive; and the voter's party affiliation. The website may be modeled after the City of Boston's online voter look-up webpage and shall be searchable on the basis of first and last name and date of birth, and other data points as the State Secretary may deem necessary for accuracy of results.

SECTION 4. Section 4 of chapter 51 of the General Laws, as so appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 3, 5, 11, 23 and 25, the word "shall" and inserting in place thereof, in each instance, the following word:- may.

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

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

SECTION 7. (a) Notwithstanding any special or general law to the contrary, after January 1, 2017, the annual listing of residents required by section 4 of chapter 51 of the General Laws shall no longer be used to maintain the inactive voter list required by section 37A of said chapter 51. The State Secretary shall, on or before January 1, 2017, develop an alternative to the information provided by the annual listing of residents. The State Secretary shall file a report with the joint committee on election laws on the alternative listing and file with it any recommended legislation required to fully implement the alternative listing.

(b) Notwithstanding any special or general law to the contrary, after January 1, 2017, the annual listing of residents required by section 4 of chapter 51 of the General Laws, the numbered

resident list required by section 10 of chapter 234A of the General Laws and the numbered resident file required by section 11 of said chapter 234A shall no longer be used for the selection of jurors required by section 13 of said chapter 234A. The commissioner shall, on or before January 1, 2017, develop an alternative to the information provided by the annual listing of residents, the numbered resident list and the numbered resident file. The commissioner shall file a report with the joint committee on election laws on the alternative listing and file with it any recommended legislation required to fully implement the alternative listing; provided however, that any such legislation shall meet the constitutional and statutory requirements regarding jury selection and guarantee a random selection process under which no person shall be exempted or excluded from serving as a juror because of race, color, religion, sex, sexual orientation, national origin, handicap, economic status or occupation.

(c) All state agencies possessing an electronic database which contains information relative to the development of alternative listings by the secretary and the commissioner, including but not limited to the registry of motor vehicles, department of revenue, board of higher education, department of transitional assistance, office of medicaid, department of public health and division of unemployment assistance shall provide in electronic form a copy of the relevant data from said database in a format acceptable to the secretary and commissioner. In addition, any city or town that conducts an annual census shall provide such data to the secretary and commissioner, and all public and private colleges and universities shall provide such data from enrollment records. To the extent possible, the data shall include the name, residential address, mailing address, race, ethnicity, gender, social security number, and date of birth of each person. In those cases where a federal or state waiver or authorization is necessary to provide this information, each agency or entity shall take all necessary steps to obtain such authorization or

98 waiver, which a state agency may not unreasonably withhold. No information shall be provided
99 to the secretary and commissioner beyond that required to create the alternative listing. Nothing
100 shall be included in a printed administrative records list that would indicate from which source
101 list the information on an individual resident was derived. The secretary and commissioner may
102 secure and use additional lists from nongovernmental institutions and sources in order to create
103 the alternative listing. The secretary, the commissioner and all others who have access to data
104 under this section shall treat all such data confidentially, and such data and any record created,
105 received or maintained from such data under this section, shall not be a public record.

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

107 SECTION 9: Section 4, 5, and 6 shall take effect on January 1, 2017. The remainder of
108 this act shall take effect upon its passage.