

**HOUSE . . . . . No. 4667**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act automatically registering eligible voters and enhancing safeguards against fraud.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith programs for automatically registering eligible voters and enhancing safeguards against fraud, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 2016  
2 Official Edition, is hereby amended by inserting after the figure “265”, in line 47, the following  
3 words:-

4           , or a program participant in the address confidentiality program established under section  
5 2 of chapter 9A.

6           SECTION 2. Section 42 of said chapter 51 of the General Laws, as appearing in the 2016  
7 Official Edition, is hereby amended by striking out, in line 4, the words “section forty-two A”  
8 and inserting in place thereof the following words:- sections 42A and 65.

9           SECTION 3. Said chapter 51 is hereby amended by striking out section 42G, as so  
10 appearing, and inserting in place thereof the following section:-

11           Section 42G. (a) Registration agencies required to provide voter registration services by  
12 section 1 of chapter 50, shall conduct voter registration in a manner that is as efficient,  
13 comprehensive and as automated as practicable. Registration agencies shall transmit each  
14 completed affidavit of voter registration to the board of registrars or election commission of the  
15 city or town where the registrant resides. The state secretary shall adopt regulations governing  
16 such transmission, which shall include, but not be limited to, provisions requiring electronic  
17 transmission, data security protocols and integration with the online portals established by  
18 section 33A. A registrant shall be deemed to be a registered voter at the time of completion of a  
19 signed affidavit at a registration agency or on the date that the affidavit of voter registration is  
20 postmarked or on the day that it is delivered by hand to the registrars.

21           (b) The state secretary shall enter into cooperative agreements with additional agencies of  
22 state government that agree to function as registration agencies. Such agreements shall provide  
23 that the state secretary shall conduct appropriate training of agency staff, shall provide all forms,  
24 material and equipment necessary to carry out voter registration activities, and shall have  
25 oversight responsibility to ensure proper compliance with applicable provisions of federal and  
26 state law.

27           SECTION 4. Said chapter 51 is hereby further amended by inserting after section 42G  
28 the following section:-

29           Section 42G 1/2. (a)(1) For purposes of this section, the term “automatic voter  
30 registration agency” shall mean a location where eligible citizens may register as voters,  
31 including city or town clerk's offices, military recruitment offices, and offices of all state  
32 agencies that provide public assistance or assistance to people with disabilities, offices that

33 provide state-funded programs primarily engaged in providing services to people with  
34 disabilities and any other state offices which the state secretary shall designate.

35 (2) The state secretary shall determine that an agency collects “reliable citizenship  
36 information” if the agency, in the regular course of business for serving applicants:

37 (A) requests, in a clear, understandable and consistently stated manner, that customers  
38 affirm their citizenship status; and,

39 (B) collects a signed affirmation of citizenship status or documentary proof of citizenship  
40 status such that records of citizens are segregable from non-citizens.

41 (b)(1) The state secretary shall enter into memoranda of understanding with the registry  
42 of motor vehicles and MassHealth to serve as automatic voter registration agencies. The state  
43 secretary may enter into memoranda of understanding with state agencies that collect reliable  
44 citizenship information for all applicants if the state secretary determines that enabling the  
45 agency to serve as an automatic voter registration agency will materially increase voter  
46 registration or the accuracy of the register of voters. Any such memorandum of understanding  
47 between the state secretary and an automatic voter registration agency shall provide that the state  
48 secretary shall conduct appropriate training of agency staff, shall provide all forms, material and  
49 equipment necessary to carry out voter registration activities and shall have oversight  
50 responsibility to ensure proper compliance with applicable provisions of federal and state law;  
51 provided further, that any such memorandum of understanding shall specify that all trainings,  
52 forms and materials shall be funded by the state secretary. Registration agencies not designated  
53 as automatic voter registration agencies shall continue to provide voter registration services as  
54 required by section 42G.

55 (2) For each automatic voter registration agency, the state secretary shall:

56 (A) conduct appropriate training of agency staff;

57 (B) make available voter registration forms;

58 (C) specify all material, language, forms, and electronic interfaces necessary for the

59 collection and transmission of the information needed to carry out activities under this section;

60 (D) eliminate to the extent practicable duplicative entries into the central voter registry;

61 and

62 (E) have oversight responsibility to ensure proper compliance with applicable provisions

63 of federal and state law.

64 (c) Automatic voter registration agencies shall:

65 (1) conduct automatic voter registration as specified by subsections (d) to (g);

66 (2) work with the state secretary to implement this chapter and meet the goals of

67 automatic voter registration enumerated in section 65; and

68 (3) enter into memoranda of understanding with the state secretary.

69 (d) Each eligible applicant for services at an automatic voter registration agency who

70 meets the qualifications to register to vote and does not decline to do so shall be registered as a

71 voter under section 65 as of the date the registrar adds the person's name and address to the

72 register of voters, pursuant to clause (4) of subsection (d) of said section 65. Each automatic

73 voter registration agency shall provide notice to each applicant:

74 (1) explaining that the agency application shall serve as an attestation to eligibility and an  
75 application to register to vote unless the person declines to be registered;

76 (2) informing the applicant of eligibility requirements to register to vote; and

77 (3) advising the applicant that non-citizens are ineligible to register, and they must  
78 decline unless they are US citizens and otherwise eligible.

79 (e) For each applicant that has not declined to be registered to vote, automatic voter  
80 registration agencies shall transmit electronic records containing the legal name, age, residence,  
81 citizenship information and electronic signature of each person who meets qualifications to  
82 register to vote as set forth by section 1, or to pre-register to vote as set forth in section 47A, as  
83 soon as practicable but within 5 calendar days after receipt of this information, to the board of  
84 registrars or election commission of the city or town in which the person resides in a manner  
85 prescribed by the state secretary. Automatic voter registration agencies shall not transmit records  
86 that contain: (i) a home address designated as confidential pursuant to section 8 of chapter 9A, or  
87 (ii) any record that does not clearly and consistently indicate that the applicant meets the  
88 eligibility requirements to vote.

89 (f) The state secretary shall adopt regulations governing the collection and transmission  
90 of personal information under this subsection, which shall include, but not be limited to,  
91 provisions requiring automatic voter registration agencies to:

92 (1) employ the most cost-effective forms of transmission;

93 (2) implement measures to secure information such as encryption in order to prevent  
94 security breaches and the unauthorized use of personal information as required under section 3 of  
95 chapter 93H;

96 (3) implement measures for reporting security breaches or the unauthorized use of  
97 personal information as required under section 3 of chapter 93H;

98 (4) provide protections against disclosure of confidential information, including home  
99 addresses, designated as confidential pursuant to section 8 of chapter 9A;

100 (5) make application forms available in English and Spanish, and such additional  
101 languages as the state secretary deems necessary or as required by law; and

102 (6) work with the state secretary to insure, by public education and other methods, that  
103 information sufficient to understand the process for and consequences of automatic voter  
104 registration is available in any language that is the primary language of at least 10,000 or 1/2 of 1  
105 per cent of all residents of the commonwealth.

106 (g) Nothing in this subsection shall prevent an automatic voter registration agency from  
107 establishing and enforcing additional security measures to protect the confidentiality and  
108 integrity of inter-agency data transfers.

109 SECTION 5. Section 44 of said chapter 51, as so appearing in the 2016 Official Edition,  
110 is hereby amended by inserting, in line 12, after the figure “265”, in line 12, the following  
111 words:-

112 , or a program participant in the address confidentiality program, established under  
113 section 2 of chapter 9A.

114 SECTION 6. Section 47C of said chapter 51, as so appearing, is hereby amended by  
115 adding the following paragraph:-

116 The state secretary shall enter into an agreement with the Electronic Registration  
117 Information Center on behalf of the commonwealth that shall specify the terms and conditions of  
118 the commonwealth's membership in the Center. The agreement shall include terms providing for  
119 the periodic sharing of data between the central registry and the Center, including, but not  
120 limited to, voter names and addresses.

121 SECTION 7. Said chapter 51 is hereby further amended by adding the following section:-

122 Section 65. (a) For purposes of this section, the term "automatic voter registration  
123 agency" shall have the meaning assigned to it in section 42G 1/2 of this chapter.

124 (b) The state secretary shall promulgate regulations relative to the administration of  
125 automatic voter registration, which shall be in addition to the regulations otherwise authorized by  
126 this chapter, and which shall include, but not be limited to, provisions relative to:

127 (1) promoting greater participation of eligible voters in elections;

128 (2) increasing the completeness and accuracy of the register of voters;

129 (3) preventing erroneous disenfranchisement of eligible citizens;

130 (4) protecting ineligible voters from improperly being registered;

131 (5) determining the extent to which automatic voter registration materials should be  
132 provided in languages other than English and Spanish, including, but not limited to, ensuring  
133 compliance with the Voting Rights Act;

134 (6) specifying the manner of registration for address confidentiality program participants  
135 under section 2 of chapter 9A who interact with automatic voter registration agencies; and

136 (7) preventing voter registration fraud.

137 (c)(1) Nothing in this section or in section 42G shall be construed to change the  
138 substantive qualifications of voters established by this chapter or the constitution.

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

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

144 (d)(1) Upon receiving the electronic records described in section 42G, the board of  
145 registrars or election commission shall determine whether the names of persons included in the  
146 electronic records belong to persons who meet the qualifications of a voter under section 1. The  
147 registrars shall notify each qualified person whose name appears in those records of the  
148 automatic voter registration process.

149 (2) If the registrars determine that the person whose name appears in the electronic  
150 records does not meet the qualifications of a voter under section 1, the registrars shall notify the  
151 person of the determination at the address included in the electronic record, unless that person  
152 has already declined to register to vote.

153 (3) The registrars shall notify each person under paragraph (1) of his or her opportunity  
154 to:



155 (i) decline being registered to vote; or

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

158 Such notification shall be provided in English and Spanish and any additional languages  
159 to be determined by the state secretary.

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

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

165 (6) If the information transmitted under section 42G 1/2 is for a person whose name is  
166 already included in the register of voters, and if the information indicates a subsequent change to  
167 the person's name, address or gender marker, the registrars shall ensure that the register of voters  
168 is updated accordingly.

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

175 (e) The state secretary shall ensure that information is provided to the registrars in as  
176 clear a manner as practicable, and automate the process to the extent practicable. The state  
177 secretary may develop electronic interfaces with automatic voter registration agencies under  
178 section 42G 1/2 to carry out this section.

179 (f) The state secretary shall make an annual report to the joint committee on election laws  
180 of the general court, which the secretary shall post on a public website. The annual report shall  
181 include the following information: the number of voters newly registered to the statewide voter  
182 registration list updated by an automatic voter registration agency, broken down by agency; the  
183 total number of voter records on the statewide voter registration list updated because of records  
184 transferred by an automatic voter registration agency; and the number of persons who opted out  
185 of voter registration. Any report produced under this section shall exclude personal identifying  
186 information.

187 (g) Nothing in this section shall preclude a person who has previously declined voter  
188 registration from subsequently registering to vote.

189 (h) The state secretary shall ensure that election officials shall not provide the record of  
190 any person who has opted out of voter registration, in whole or in part, to any third party and  
191 shall establish standards and procedures to safeguard the privacy and security of the information  
192 used and obtained pursuant to this section.

193 (i) Any person who is not eligible to vote and who becomes registered under this  
194 provision shall not be found on that basis to have made a false claim to citizenship or to have  
195 committed an act involving moral turpitude, unless such person affirmatively asserts that he or  
196 she is a citizen of the United States. Where a person who is not eligible to vote becomes

197 registered under this provision without affirmatively accepting registration, that person’s voter  
198 registration shall be considered to have been effected with official authorization and at no fault  
199 of the person so registered.

200 (j) No person may use the statewide voter registration list to attempt to determine the  
201 citizenship status of any person for any purpose other than voter registration, election  
202 administration or the enforcement of laws against election crimes. No information relating to a  
203 person’s declination to supply information for voter registration purposes at a source may be  
204 disclosed to the public, used to discriminate against that person or used for any purpose other  
205 than voter registration, election administration or the enforcement of laws against election  
206 crimes.

207 SECTION 8. Section 8 of chapter 56 of the General Laws, as appearing in the 2016  
208 Official Edition, is hereby amended by inserting after the word “register”, in line 10, the  
209 following words:- ; whoever knowingly provides false information in connection with automatic  
210 voter registration under section 65 of chapter 51.

211 SECTION 9. The state secretary shall implement upgrades to the central voter registry to  
212 implement this act, as necessary to ensure the central voter registry incorporates interfaces with  
213 the registry of motor vehicles, MassHealth and other voter registration agencies, as determined  
214 by the state secretary.

215 SECTION 10. Sections 1, 5, 6 and 9 of this act shall take effect upon passage.

216 SECTION 11. Notwithstanding any general or special law to the contrary, the state  
217 secretary shall promulgate regulations for the implementation of automatic voter registration not  
218 later than July 31, 2019.

SECTION 12. The remainder of this act shall take effect on January 1, 2020.