

SENATE No. 373

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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:	
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>1/23/2017</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/25/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/25/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/25/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>1/25/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2017</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/26/2017</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/2/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/26/2017</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>1/26/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/26/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/26/2017</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/26/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/30/2017</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/30/2017</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>	<i>1/31/2017</i>

<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/31/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/1/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/1/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>2/2/2017</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>2/2/2017</i>
<i>Paul Tucker</i>	<i>7th Essex</i>	<i>2/2/2017</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/2/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/2/2017</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>2/2/2017</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>2/2/2017</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	<i>2/2/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/2/2017</i>
<i>Brian Murray</i>	<i>10th Worcester</i>	<i>2/2/2017</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>2/2/2017</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>	<i>2/3/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/3/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>2/3/2017</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/3/2017</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>2/3/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/3/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/3/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>2/3/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/3/2017</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/3/2017</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>2/3/2017</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/22/2017</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	<i>3/22/2017</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>5/2/2017</i>

SENATE No. 373

By Ms. Creem, a petition (accompanied by bill, Senate, No. 373) of Cynthia S. Creem, Carmine L. Gentile, Frank A. Moran, Jason M. Lewis and other members of the General Court for legislation relative to automatically registering eligible voters and enhancing safeguards against fraud. Election Laws.

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.

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

4 SECTION 2. Section 42G of said chapter 51 is hereby amended by striking out section
5 42G and inserting in place thereof the following section:-

6 Section 42G. (a) Registration agencies required to provide voter registrations services by
7 52 U.S.C. section 20506 shall conduct voter registration in a manner that is as efficient,
8 comprehensive, and as automated as practicable. Registration agencies shall transmit each
9 completed affidavit of voter registration and the information required below and in section 65 of
10 this chapter to the board of registrars or election commission of the city or town where the
11 registrant resides as set forth below. The state secretary shall adopt regulations governing such

12 transmission, which shall include, but not be limited to, provisions requiring electronic
13 transmission, data security protocols, and integration with the online portals established by
14 sections, 33A and 60.

15 (b) The state secretary shall enter into cooperative agreements with each registration
16 agency. Such agreements shall provide that the state secretary shall (A) conduct appropriate
17 training of agency staff; (B) make available voter registration forms; (C) specify material,
18 language to be included on agency forms and computer interfaces, and equipment necessary for
19 the collection and transmission of the information needed to carry out activities under this
20 section; and (D) have oversight responsibility to insure proper compliance with applicable
21 provisions of federal and state law.

22 (c) Voter registration agencies shall, in the regular course of business for applicants, (i)
23 provide notice to each person that the agency application will serve as an attestation to eligibility
24 and an application to register to vote unless the person declines to be registered either in a
25 postcard as further specified in paragraph (e) and section 65 or at the point of service as specified
26 in paragraph (e); (ii) provide notice to each person informing them of eligibility requirements to
27 register to vote and advising them that non-citizens are ineligible to register and must decline;
28 and (iii) transmit voter registration information as specified in paragraph (d). Each person who
29 meets the qualifications to register to vote and does not decline to do so shall be registered as a
30 voter under section 65 as of the date that the registration agency collects this information.

31 (d) For each applicant that has not declined to be registered to vote, voter registration
32 agencies shall transmit electronic records containing the legal name, age, residence, citizenship
33 information, the electronic signature, and attestation to the above of, each person who meets

34 qualifications to register to vote as set forth by section 1, or to pre-register to vote as set forth in
35 section 47A, as soon as practicable but within 5 calendar days after receipt of this information, to
36 the board of registrars of the city or town in which the person resides in a manner prescribed by
37 the secretary.

38 (e) Any registration agency that does not collect reliable citizenship information in the
39 regular course of business for applicants shall, in addition to the above, provide an opportunity at
40 the point of service for each person to decline to register to vote and an opportunity to
41 specifically attest to their citizenship. Registration agencies that collect reliable citizenship
42 information in the regular course of business shall transmit the data required under paragraph (d)
43 and applicants will be provided the opportunity to decline according to the procedure established
44 in section 65 of this chapter.

45 (f) The state secretary shall adopt regulations governing the collection and transmission
46 of personal information under this subsection, which shall include, but not be limited to,
47 provisions requiring registration agencies to (i) employ the most cost-effective forms of
48 transmission; (ii) implement measures to secure information such as encryption in order to
49 prevent security breaches and the unauthorized use of personal information as required under
50 section 3 of chapter 93H; and (iii) implement measures for reporting security breaches or the
51 unauthorized use of personal information as required under section 3 of chapter 93H . The person
52 qualified under section 1 shall be registered as a voter under section 65 as of the date that the
53 registration agency collects that individual's personal information.

54 (g) Nothing in this subsection shall prevent a source agency from establishing and
55 enforcing additional security measures to protect the confidentiality and integrity of inter-agency
56 data transfers.

57 SECTION 3. Section 47C of said chapter 51, as so appearing, is hereby amended by
58 adding the following paragraph:-

59 The state secretary shall enter into an agreement with the Electronic Registration
60 Information Center on behalf of the commonwealth that shall specify the terms and conditions of
61 the commonwealth's membership in the Center. The agreement shall include terms providing for
62 the periodic sharing of data between the central registry and the registry of motor vehicles and
63 the Center, including, but not limited to, voter names and addresses.

64 SECTION 4. Said chapter 51 is hereby further amended by adding the following section:-

65 Section 65. (a) The state secretary shall promulgate regulations relative to the
66 administration of automatic voter registration which shall include, but not be limited to,
67 provisions relative to (i) increasing the efficiency and limiting the total cost of voter registration
68 for the commonwealth and its municipalities; (ii) ensuring that every eligible citizen of the
69 commonwealth is registered to vote unless they do not want to be registered; (iii) increasing the
70 completeness and accuracy of the register of voters; (iv) preventing erroneous
71 disenfranchisement of eligible citizens; (v) promoting greater participation of eligible voters in
72 elections; (vi) protecting ineligible voters from improperly being registered; and (vii) preventing
73 voter registration fraud. The regulations authorized under this section shall be in addition to the
74 regulations otherwise authorized by this chapter.

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

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

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

82 (c) (1) Upon receiving the electronic records described in section 42G, the board of
83 registrars or election commission shall determine whether the names of persons included in the
84 electronic records belong to persons who meet the qualifications of a voter under section 1. The
85 registrars shall notify each qualified person whose name appears in those records of the
86 automatic voter registration process.

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

91 (3) If the persons' voter registration information was transmitted under section 42G(e),
92 and if not otherwise receiving the same information for a qualified applicant, the registrars shall
93 notify each person under paragraph (1) an opportunity to (i) decline being registered to vote; or
94 (ii) adopt a political party affiliation, in which case the person must also sign an eligibility
95 requirement acknowledgement, attestation, and signature.

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

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

101 (6) If the information transmitted under section 42G is for a person whose name is
102 already included in the register of voters, and if the information indicates a subsequent change to
103 the person's name, address or gender marker, the registrars shall ensure that the register of voters
104 is updated accordingly.

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

111 (d) The state secretary shall ensure that information is provided to the registrars in as
112 clear a manner as practicable, and automate the process to the extent practicable. The secretary
113 may develop electronic interfaces with registration agencies under section 42 to carry out this
114 section.

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

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

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

121 (3) the number of voters on the statewide voter registration list whose information was
122 updated because of records transferred; (4) the number of records transferred that do not relate to
123 persons affirmatively identified as eligible to vote; and

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

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

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

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

135 (h) Any person who is not eligible to vote and who becomes registered under this
136 provision shall not be found on that basis to have made a false claim to citizenship or to have
137 committed an act involving moral turpitude, unless such person affirmatively asserts that he or
138 she is a U.S. citizen. Where a person who is not eligible to vote becomes registered under this

139 provision without affirmatively accepting registration, that person's voter registration shall be
140 considered to have been effected with official authorization and at no fault of the person so
141 registered. Where an ineligible person who becomes registered under this provision casts a ballot
142 in an election, that person shall not be held criminally liable absent a showing beyond a
143 reasonable doubt that the person knowingly and willfully intended to commit fraud, nor to the
144 extent practicable, shall such ballot be counted.

145 (i) No person may use the statewide voter registration list to attempt to determine the
146 citizenship status of any person for any purpose other than voter registration, election
147 administration, or the enforcement of laws against election crimes. No information relating to a
148 person's declination to supply information for voter registration purposes at a source may be
149 disclosed to the public, used to discriminate against that person, or used for any purpose other
150 than voter registration, election administration, or the enforcement of laws against election
151 crimes.

152 SECTION 5. Section 8 of chapter 56 of the General Laws, as appearing in the 2014
153 Official Edition, is hereby amended by inserting after the word "register", in line 10, the
154 following words:- ; whoever knowingly provides false information in connection with automatic
155 voter registration under section 65 of chapter 51.

156 SECTION 6. The state secretary shall adopt regulations prescribing a process by which
157 voter registration agencies that collect reliable citizenship information at the time of the passage
158 of this act shall transmit already existing electronic records containing the legal name, age,
159 residence, citizenship information, and the electronic signature of, each person in its existing
160 records as of the effective date of this Act who meets qualifications to register to vote as set forth

161 by section 1 of chapter 51, or to pre-register to vote as set forth in section 47A of chapter 51, and
162 who has interacted with the agency in the past eighteen months, to the board of registrars of the
163 city or town in which the person resides in accordance with Section 65.

164 SECTION 7. This act shall take effect on January 1, 2019.