

HOUSE No. 2091

The Commonwealth of Massachusetts

PRESENTED BY:

Peter V. Kocot

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>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>

<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Dylan Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>

<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Adrian Madaro</i>	<i>1st Suffolk</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Brian Murray</i>	<i>10th Worcester</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 2091

By Mr. Kocot of Northampton, a petition (accompanied by bill, House, No. 2091) of Peter V. Kocot and others relative to voter registration. 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, as appearing in the 2014 Official Edition, is
2 hereby amended by striking out the words “section forty-two A”, in line 13, and inserting in
3 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) All registration agencies shall provide assistance with voter registration
7 as required by 52 U.S.C. section 20506. Registration agencies shall transmit each completed
8 affidavit of voter registration and the information required below and in section 65 of this
9 chapter to the board of registrars or election commission of the city or town where the registrant
10 resides not later than 5 days after receipt of the affidavit or information. The state secretary shall
11 adopt regulations governing such transmission, which shall include, but not be limited to,

12 provisions requiring electronic transmission, data security protocols, and integration with the
13 online portals established by sections, 33A and 60.

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

20 Voter registration agencies shall transmit electronic records containing the legal name,
21 age, residence, and attestation of citizenship, if any, and citizenship information, if any, and the
22 electronic signature of, each person who meets qualifications to register to vote as set forth by
23 section 1, or to pre-register to vote as set forth in section 47A, within 5 calendar days after
24 receipt of this information, to the board of registrars of the city or town in which the person
25 resides in a manner prescribed by the secretary.

26 Any registration agency that does not collect reliable citizenship information in the
27 regular course of business for applicants shall, in addition to the above, provide i) an opportunity
28 at the point of service for each person to decline to register to vote; (ii) notice to each person at
29 the point of service advising them that non-citizens are ineligible to register and must decline; (iii)
30 an opportunity for those who register to attest to their citizenship and other eligibility; and (iii)
31 transmit voter registration information only when the person is provided the opportunity, at the
32 time the information is collected, to decline to register, does not so decline, and attests to the
33 qualifications in section 1. Each person who meets the qualifications to register to vote and does

34 not decline to do so shall be registered as a voter under section 65 as of the date that the
35 registration agency collects this information.

36 The state secretary shall adopt regulations governing the collection and transmission of
37 personal information under this subsection, which shall include, but not be limited to, provisions
38 requiring registration agencies to (i) employ the most cost-effective forms of transmission; (ii)
39 implement measures to secure information such as encryption and prevent security breaches and
40 the unauthorized use of personal information as required under section 3 of chapter 93H; and (iii)
41 implement measures for reporting known security breaches or the unauthorized use of personal
42 information as required under section 3 of chapter 93H . The person qualified under section 1
43 shall be registered as a voter under section 65 as of the date that the registration agency collects
44 that individual's personal information.

45 Nothing in this subsection shall prevent a source agency from establishing and enforcing
46 additional security measures to protect the confidentiality and integrity of inter-agency data
47 transfers.

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

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

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

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

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

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

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

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

78 (2) If the registrars determine that the person whose name appears in the electronic
79 records does not meet the qualifications of a voter under section 1, the registrars shall notify the
80 person of the determination at the address included in the electronic record.

81 (3) If not otherwise receiving the same information for a qualified applicant, the registrars
82 shall notify each person under paragraph (1) an opportunity to (i) decline being registered to
83 vote; or (ii) adopt a political party affiliation, in which case the person must also sign an
84 eligibility requirement acknowledgement, attestation, and signature.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

125 (h) Any person who is not eligible to vote and who becomes registered under this
126 provision shall not be found on that basis to have made a false claim to citizenship or to have
127 committed an act involving moral turpitude, unless such person affirmatively asserts that he or
128 she is a U.S. citizen. Where a person who is not eligible to vote becomes registered under this
129 provision without affirmatively accepting registration, that person's voter registration shall be
130 considered to have been effected with official authorization and at no fault of the person so
131 registered. Where an ineligible person who becomes registered under this provision casts a ballot
132 in an election, that person shall not be held criminally liable absent a showing beyond a
133 reasonable doubt that the person knowingly and willfully intended to commit fraud, nor to the
134 extent practicable, shall such ballot be counted.

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

141 SECTION 5. Section 8 of chapter 56 of the General Laws, as appearing in the 2014
142 Official Edition, is hereby amended by inserting after the word "register", in line 10, the

143 following words:- ; whoever knowingly provides false information in connection with automatic
144 voter registration under section 65 of chapter 51.

145 SECTION 6. This act shall take effect on January 1, 2019.