

HOUSE No. 707

The Commonwealth of Massachusetts

PRESENTED BY:

Frank A. Moran

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 decoupling the municipal census from voter registration.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/20/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>1/24/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/27/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/6/2023</i>
<i>Estela A. Reyes</i>	<i>4th Essex</i>	<i>2/8/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/15/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/17/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/22/2023</i>

HOUSE No. 707

By Representative Moran of Lawrence, a petition (accompanied by bill, House, No. 707) of Frank A. Moran and others relative to decoupling the municipal census from voter registration. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act decoupling the municipal census from voter registration.

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. Subsection (c) of section 4 of chapter 51 of the General Laws, as appearing
2 in the 2020 Official Edition, is hereby amended by striking out the words “for 2 consecutive
3 years shall result in removal from the active voting list and may result in removal from the voter
4 registration rolls” and inserting in place thereof the following words:- may result in a fine.

5 SECTION 2. Said chapter 51 is hereby further amended by striking out sections 37, 37A,
6 and 38 and inserting in place thereof the following 2 sections:-

7 Section 37.

8 (a) The registrars shall maintain a register of voters, in this chapter sometimes called the
9 register or the annual register, which shall contain the names and addresses of all registered
10 voters in their city or town, and which the state secretary shall reflect in the central registry of
11 voters under section 47C. The registrars shall add to the register the name and address of every
12 person registering to vote under section 33A or 42 or automatically registered under sections

13 42G½ and 65. They shall correct any error in the register after due investigation, but they shall
14 not remove any name from the register except as subsection (c) provides.

15 (b) The register shall not include the name of a voter who provides the registrars with a
16 copy of a court order granting protection, or evidence of residence in a protective shelter, or an
17 affidavit signed by a chief of police or designee that the voter is entitled to have certain
18 information withheld from the public under section 24C of chapter 265.

19 (c) The registrars shall remove a voter's name and address from the register if and only if:

20 (1) the voter so requests in writing;

21 (2) they receive notice from the city or town clerk under section 14 that the voter has
22 died;

23 (3) they receive official written notice that the voter is incarcerated after conviction of a
24 felony, is disqualified by law because of corrupt practices in respect to elections, or is under
25 guardianship that prohibits voting;

26 (4) they find that the voter is illegally or incorrectly registered after complaint, notice,
27 and hearing under sections 48 and 49; or

28 (5) the voter no longer resides in their city or town, as determined under section 38.

29 (d) The state secretary may adopt regulations to carry out this section and section 38. This
30 section and section 38 apply to every city and town, notwithstanding any general or special law
31 to the contrary.

32 Section 38.

33 (a) The registrars shall maintain an inactive voters list under this section. Except during
34 the 90 days immediately before a presidential or regular state primary or biennial state election,
35 the registrars shall remove a voter's name and address from the register of voters and add it to
36 the inactive voters list, if and only if they receive information that the voter no longer resides in
37 their city or town from:

38 (1) change-of-address information supplied by the United States Postal Service or its
39 licensee;

40 (2) the Electronic Registration Information Center, Inc. under section 47C; or

41 (3) official notice that the voter has registered to vote in another jurisdiction.

42 (b) If the registrars receive information under subsection (a) showing that the voter has
43 changed residence within their city or town, they shall update the voter's address in the register
44 accordingly, and shall notify the voter in writing.

45 (c) Whenever the registrars remove a voter's name and address from the register of voters
46 and add it to the inactive voters list under subsection (a), they shall mail to the voter at the
47 address in the register notice that the name of the voter may be removed from the voting list if
48 the voter fails to respond to the notice and does not vote during the period ending with the
49 second biennial state election following the mailing of the notice. The notice shall (1) be postage
50 prepaid; (2) contain a preaddressed and postage prepaid return card; (3) be sent by forwardable
51 mail; (4) instruct the voter to return the card before the last day to register if the voter did not
52 change residence from the city or town; and (5) contain additional information about remaining
53 eligible to vote, as prescribed by the state secretary.

54 (d) A voter whose name is on the inactive voters list may vote on a regular ballot upon
55 the voter's written affirmation of continued residence in the city or town.

56 (e) The registrars shall restore to the register of voters the name and address of a voter on
57 the inactive voters list who notifies them in writing of continued residence in the city or town or
58 who votes in any primary or election, applies for a mail ballot, signs a nomination paper or
59 petition for a ballot question, or performs any other official election-related act, using an address
60 in their city or town

61 (f) After 2 biennial state elections following the mailing of the notice under subsection
62 (c), the registrars shall remove from the inactive voters list the name of a voter that has not been
63 restored to the register under subsection (e). The registrars shall mail forwardable notice to the
64 voter that they have done so, including information about remaining eligible to vote, as
65 prescribed by the state secretary.

66 SECTION 3. Section 42 of said chapter 51, as appearing in the 2020 Official Edition, is
67 hereby amended by striking out the second sentence.

68 SECTION 4. Whenever the term "annual register of voters" or "annual register,"
69 meaning the annual register of voters, appears in any statute, charter, regulation, contract, or
70 other document, that term means the register of voters established in section 37 of chapter 51 of
71 the General Laws.