

SENATE No. 410

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone 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 making voting administrative changes to create equitable systemic solutions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/9/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/9/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/10/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/27/2023</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>2/14/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/27/2023</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>3/2/2023</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>3/6/2023</i>
<i>Robyn K. Kennedy</i>	<i>First Worcester</i>	<i>2/27/2023</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>3/6/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/7/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/8/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/10/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/27/2023</i>

SENATE No. 410

By Ms. Creem, a petition (accompanied by bill, Senate, No. 410) of Cynthia Stone Creem, Sal N. DiDomenico, Jason M. Lewis, John F. Keenan and other members of the Senate for legislation to make voting administrative changes to create equitable systemic solutions. Election Laws.

The Commonwealth of Massachusetts

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

An Act making voting administrative changes to create equitable systemic solutions.

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. Chapter 51 of the General Laws is hereby amended by inserting after
2 section 34 the following section:-

3 Section 34A. (a) An individual who is eligible to vote may register as a voter by
4 appearing in person at the polling place for the precinct in which the individual resides, or by
5 appearing in person at an early voting site for the city or town in which the individual resides,
6 during the hours it is open for voting, by presenting proof of residence and by completing and
7 signing an affidavit of registration in the form prescribed by the state secretary, which shall
8 include substantially this oath: I certify that I am a citizen of the United States; am at least 18
9 years old; am not under guardianship that prohibits me from voting; am not temporarily or
10 permanently disqualified by law because of corrupt practices in respect to elections; have not and
11 will not vote in any other location within the commonwealth or elsewhere; and understand that
12 giving false information is punishable by not more than 5 years imprisonment or a fine of not

13 more than \$5,000, or both. The right to assistance in voting under section 79 of chapter 54 shall
14 apply to individuals registering as voters under this section.

15 (b) As used in this section, the term “proof of residence” means one of the following, so
16 long as it includes the name of the registrant and the address from which the registrant is
17 registering:

18 (i) a valid photo identification including, but not limited to, a Massachusetts driver’s
19 license or other state-issued identification card; or

20 (ii) other documentation demonstrating the name and address where the registrant resides
21 and seeks to register including, but not limited to, a copy of a current utility bill, bank statement,
22 government check, residential lease agreement, wireless telephone statement, paycheck, other
23 government document or correspondence, a current student fee statement or other document
24 from a post-secondary educational institution that verifies the student’s current address.

25 (c) Upon compliance with subsection (a), an election officer shall permit the registrant to
26 vote at that primary or election. Any person who registers to vote under this section shall be
27 registered as a voter at all later primaries and elections, subject to this chapter.

28 (d) A registrant who fails to present proof of residence shall be permitted to deposit a
29 provisional ballot under section 76C of chapter 54, but shall within 2 business days after the
30 primary or within 6 days after the election present proof of residence to the city or town clerk.

31 (e) The registrars may correct information supplied by the registrant to the extent
32 necessary to maintain the integrity of their records. If an affidavit is incomplete or if it appears

33 from the facts set forth in the affidavit that the registrant is not qualified to register as a voter, the
34 registrars shall proceed in accordance with section 47.

35 (f) As soon as practicable after the primary or election, the registrars shall add the
36 registrant's name, address and effective date of registration to the register of voters.

37 (g) A voter shall not change party enrollment at a primary under this section.

38 (h) Upon credible information or allegation of illegal voter registration, or credible
39 information or allegation of illegal multiple voting, the registrars shall proceed under section 48,
40 and the attorney general or the appropriate district attorney shall investigate the information or
41 allegation. Nothing in this subsection shall exclude enforcement by any means otherwise
42 provided by law.

43 (i) Violations of this section shall be punished under sections 8, 26 and 27 of chapter 56.

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

46 Section 37. (a) The registrars shall maintain a register of voters, in this chapter sometimes
47 called the register or the annual register, which shall contain the names and addresses of all
48 registered voters in their city or town, and which the state secretary shall reflect in the central
49 registry of voters under section 47C. The registrars shall add to the register the name and
50 address of every person registering to vote under section 33A or 42 or automatically registered
51 under sections 42G½ and 65. They shall correct any error in the register after due investigation,
52 but they shall not remove any name from the register except as subsection (c) provides.

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

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

58 (1) the voter so requests in writing;

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

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

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

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

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

70 Section 38. (a) The registrars shall maintain an inactive voters list under this section.

71 Except during the 90 days immediately before a presidential or regular state primary or biennial
72 state election, the registrars shall remove a voter's name and address from the register of voters

73 and add it to the inactive voters list, if and only if they receive information that the voter no
74 longer resides in their city or town from:

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

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

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

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

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

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

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

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

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

107 SECTION 4. Section 42 of said chapter 51, as so appearing, is hereby amended by
108 striking out the second sentence.

109 SECTION 5. Whenever the term “annual register of voters” or “annual register,”
110 meaning the annual register of voters, appears in any statute, charter, regulation, contract, or
111 other document, that term means the register of voters established in section 37 of chapter 51 of
112 the General Laws.

113 SECTION 6. Chapter 54 of the General Laws is hereby amended by inserting after
114 section 24 the following section:-

115 Section 24A. To ensure compliance with federal and state laws concerning accessibility
116 for voters with disabilities including the state secretary’s polling place accessibility regulations,
117 an agent of the state secretary shall inspect, at least once every four years, each polling place
118 most recently designated under section 24 and each early voting site most recently designated
119 under subsection (b) of section 25B. The inspecting agent shall promptly and specifically report
120 in writing to the state secretary and the city or town clerk every failure to comply with state and
121 federal accessibility laws, and the responsible officials of the city or town shall take immediate
122 action to ensure access for voters with disabilities and within 5 days submit to the state secretary
123 a written plan to comply. If the city or town fails to take such immediate action or to submit a
124 written plan to provide access to voters with disabilities, the state secretary may order the city or
125 town to comply with the law. Not later than December 31 each year, the state secretary shall
126 report in writing to the clerks of the senate and house of representatives on all activities under
127 this section. The attorney general may bring a civil action in the superior court to enforce
128 compliance with those accessibility laws, with a written plan, or with the state secretary’s order.
129 The actions provided in this section shall not limit the availability of judicial remedies to any
130 person, official, commission or board.

131 SECTION 7. Section 25B of said chapter 54, as appearing in section 10 of chapter 92 of
132 the acts of 2022, is hereby amended by adding the following paragraph:-

133 (l) The state secretary shall prepare uniform applications, instructions, ballot styles,
134 envelopes, and other papers and electronic documents without distinguishing early voting by
135 mail from absent voting under this chapter.