



A Short Guide to Helping Voters Register Under Massachusetts Law

WHO IS ELIGIBLE TO VOTE?

In Massachusetts, an individual may register to vote if he or she is:¹

- A U.S. Citizen;
- A legal resident of Massachusetts in the city or town where the person claims the right to vote at the time of registration; and
- Will be at least 18 years of age on or before the next election or town meeting².

A person otherwise qualified to vote for national or state officers is not, by reason of a change of residence within Massachusetts, disqualified from voting for such national or state officers in the city or town from which he has moved for six months after the move.

An individual is not eligible to register or vote in Massachusetts if he or she:

- Is under guardianship;
- Is incarcerated in a correctional facility due to a felony conviction; or
- Is temporarily or permanently disqualified by law because of corrupt practices in respect to elections.

WHAT CONSTITUTES A COMPLETE VOTER REGISTRATION APPLICATION?

Federal law³ requires that voter registration applications include:

- The applicant's Driver's License or State ID number, or, if none,
- Last four digits of Social Security Number, or, if none
- The state will assign the applicant a number, and
- Check boxes for the applicant to indicate U.S. citizenship and age of eligibility to vote.

Federal law authorizes states to require only such identifying information as "is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process."⁴

Massachusetts state voter registration forms include the following information fields not designated as optional⁵:

- Full Name
- Former name, if applicable
- Residential address (and not a PO Box)
 - A map on Massachusetts's Mail-In Registration Form allows an individual to demonstrate his or her physical residence location without a street address or rural route using landmarks
- Mailing address, if different
- Date of Birth
- Checkmark affirming Citizenship Status
- Checkmark affirming age
- Massachusetts driver's license number, or if none, the last four digits of applicant's Social Security number, or if none, the applicant must write "NONE"
- Party affiliation (if any)



- Applicants who do not list a party affiliation will be listed as “unenrolled” if the application is otherwise complete⁶
- Previous registration information⁷
- Signature of applicant under penalty of perjury⁸ and date

WHAT IS THE DEADLINE FOR SUBMITTING REGISTRATION APPLICATIONS?

Applications must be submitted by 20 days before all primaries and elections, or by 10 days before a special town meeting. Mailed applications postmarked by midnight on the final day to register before an election are effective for that election. If a postmark is unclear or illegible, mailed applications are accepted until the fifth day after the final day to register.⁹ If the final day for registration of voters falls on Sunday or on a holiday, the preceding day is the final day for such registration.¹⁰

WHAT ARE THE STATE RULES GOVERNING VOTER REGISTRATION DRIVES?

BEFORE THE DRIVE

A. Does the state require organizations conducting voter registration drives to register or file other information detailing its voter registration activities or other rules specific to voter registration forms?

Massachusetts law does not address this issue. However, cities may have specific requirements. For example, the Boston Elections department states that organizations will be asked to provide a name and contact information for blank (new) registration forms requested, and are asked to return any unused forms to the Elections office.¹¹ However, the state secretary must provide nongovernmental and private entities with sufficient quantities of forms free of charge. The secretary must make such forms widely available for distribution through governmental, nongovernmental and private entities, with particular emphasis on making them available for organized voter registration programs.¹²

Original Massachusetts mail-in affidavits of voter registration may not be photocopied or otherwise reproduced; provided however, that any person or organization may apply, in writing, to the state secretary for written permission to print such mail-in affidavits.¹³ The only form that will be accepted by the State of Massachusetts when it is downloaded and printed from a personal computer is the National Mail Voter Registration Application.¹⁴

National voter registration forms are accepted provided that the form itself is identical to that as prescribed by the federal agency and that no federal forms will be accepted if it contains any additional verbiage or graphics, such as commercial logos, organizational or contact information, other than those contained on the official form.¹⁵

B. Does the state require any training in order to conduct voter registration drives?

Massachusetts law does not address this issue.

C. Does the state have restrictions on who may help others register to vote?

Massachusetts law does not address this issue.

D. Does the state have restrictions on whether workers may be paid?

Massachusetts law does not address this issue.



E. *Can canvassers or the voter registration drive offer something of value to a person in exchange for completing a voter registration application?*

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."¹⁶ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."¹⁷

Another example is California's Secretary of State's interpretation of the federal law to mean that "Any type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."¹⁸

DURING THE DRIVE

A. *Are there special rules requiring the registration drive worker to sign her name to the completed voter registration application?*

If the registrant is prevented by physical disability from completing or signing the mail-in affidavit, the registrant may authorize another person to complete and sign the affidavit on his or her behalf. The assisting person shall then sign the mail-in affidavit in the designated area.¹⁹

B. *Are voter registration groups prohibited from putting identifying marks on completed voter registration applications?*

Massachusetts law does not address this issue. However, regulation states that federal voter registration forms will not be accepted if the forms contain any additional verbiage or graphics, such as commercial logos, organizational or contact information, other than those contained on the official form.²⁰

C. *Are there restrictions on copying completed voter registration applications prior to submitting them to the registrar?*

Massachusetts law does not address copying of completed forms.

D. *Are voter registration groups subject to time limits for submitting the voter registration applications they have collected?*

Yes. Massachusetts law does not provide a specific rule for drives but provides that a completed affidavit of voter registration must be mailed, transmitted, or otherwise delivered within five calendar days to the board of registrars of the city or town where of the applicant resides.²¹ Organizations should review procedures with election officials.

E. *What are the consequences for failing to submit voter registration applications on time?*

Massachusetts law does not directly address this issue, however, whoever refuses to obey the lawful orders or directions of an election commissioner, a registrar or assistant registrar, or interrupts or disturbs the proceedings at any registration shall be punished by a fine of not more than one hundred dollars.²²

F. *How are completed voter registration forms tracked?*

On receipt of each completed voter registration application, the registrars must certify the receipt of the applications and must notify the registrant of the disposition of the affidavit. Registrars must add the registrant's name, address and effective date of registration to the annual register of voters.²³

G. *Who is responsible for investigating and enforcing the state rules?*

The state secretary has oversight responsibility to insure proper compliance with applicable provisions of federal and state law.²⁴



The supreme judicial court and the superior court department of the trial court have jurisdiction of civil actions to enforce the state elections laws, Chapters 50-56.²⁵ In addition, when the state secretary determines, after consulting with the local official involved, that a pattern of conduct, or a standard, practice, or procedure of a city or town clerk, board of registrars of voters, or any other municipal or district officer or board upon whom a duty is imposed is contrary to Chapters 50-54 of the election laws, or any general or special law concerning administration of elections, the state secretary may order such local official to comply with law. The attorney general may enforce the order by civil action. However, that remedy shall not in any way limit the availability of judicial remedies to any person, official, commission or board.²⁶

WHAT ARE THE RULES FOR CORRECTING INCOMPLETE APPLICATIONS?

A. *If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?*

The registrant must complete all information on the mail-in affidavit of voter registration, and sign the affidavit. If the registrant is prevented by physical disability from completing or signing the form, the registrant may authorize another person to complete and sign the affidavit on his or her behalf. The assisting person must then sign the mail-in affidavit in the designated area.²⁷

B. *How may an applicant correct an incomplete application after it has been submitted to county election officials?*

The registrars may correct information supplied by the registrant to the extent necessary to maintain the integrity of their records.²⁸

If the mail-in affidavit of voter registration is incomplete, the registrars must notify the registrant and provide an opportunity to remedy the defect. This notification must be oral or written, and the registrant may supply such information, in writing, or in person. If the mail-in affidavit of voter registration is not signed by the registrant or by a person assisting a registrant, the registrars must return the mail-in affidavit of voter registration to the registrant with a written request that it be so signed and returned to the registrars. If, within 20 days after notification by the registrars, the registrant fails to supply the missing information, other than political designation, or fails to return a completed original mail-in form, the mail-in affidavit of voter registration must be rejected, and the registrant must be notified in writing of the rejection.²⁹

WEB PAGE OF STATUTE

<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleVIII>

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¹ M.G.L.A. c. 51 § 1

² M.G.L.A. c. 51 § 47A

³ Help America Vote Act of 2002 (HAVA), Sections 303(a), 303(b)

⁴ National Voter Registration Act of 1993 (NVRA), 42 U.S.C. § 1973gg-7(b)

⁵ Massachusetts Mail-In Voter Registration Form, *available at* <http://www.sec.state.ma.us/ele/elepdf/2013-Voter-reg-mail-in.pdf>

⁶ *See* Boston Election Department, Guidelines for Conducting a Voter Registration Drive (hereinafter "Boston Registration Drive Guide"), *available at* http://www.cityofboston.gov/images_documents/Guidelines%20for%20Voter%20Registration%20Drives_tcm3-17696.pdf

⁷ According to the Boston Registration Drive Guide, "if applicable, a registrant should complete the section of the form so that the previous registration will be canceled. It is illegal to be registered to vote in more than one place."

⁸ M.G.L.A. c. 51 § 44

⁹ M.G.L.A. c. 51 § 26

¹⁰ M.G.L.A. c. 51 § 31

¹¹ Boston Voter Registration Drive Guide

¹² M.G.L.A. c. 51 § 36

¹³ 950 C.M.R. § 57.04

¹⁴ 950 C.M.R. § 57.04; *see also* Boston Registration Drive Guide.

¹⁵ 950 C.M.R. § 57.04(1)(e)

¹⁶ 42 U.S.C. § 1973i(c).

¹⁷ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

¹⁸ California Secretary of State, *Guide to Voter Registration Drives* 10 (last revised March 2013), *available at* <http://www.sos.ca.gov/elections/guides/guide-to-vr-drives.pdf>.

¹⁹ 950 C.M.R. § 57.04(2)

²⁰ 950 C.M.R. § 57.04(1)(e)

²¹ M.G.L.A. c. 51 § 36

²² M.G.L.A. c. 56 § 9

²³ M.G.L.A. c. 51 § 42H

²⁴ M.G.L.A. c. 51 § 42G

²⁵ M.G.L.A. c. 56 § 59

²⁶ M.G.L.A. c. 56 § 60

²⁷ 950 C.M.R. § 57.04(2)

²⁸ M.G.L.A. c. 51 § 42H

²⁹ 950 C.M.R. § 57.04(3)