



Dear Chairman Murphy,

Last fall Massachusetts voters in cities across the Commonwealth waited in lines of up to two hours to cast their votes. Others understandably could not wait that long and went home. Still others were turned away because of issues around inactive voting lists, registration glitches, and their inability to legally obtain an absentee ballot. Massachusetts should be a leader in dealing with these and other problems that put unnecessary roadblocks in front of legitimate voters. Indeed, Massachusetts lags behind much of the country in election modernization—even those states that recently rolled back their laws often have advances that have never been law here.

The bill recently released by the Joint Committee on Election Laws (H.3647) does not meet the goal of modernizing our elections. Only a comprehensive election reform package that also includes, at a minimum, the provisions passed by the House last year (post-election audits and pre-registration) would do that. The bill does contain one provision we enthusiastically support: online voter registration. This is an important step forward for the Commonwealth and we are pleased that the Committee has approved it. We are also glad that the Committee recognized a need for early voting. However, the early voting provisions in H.3647 do not meet the goal of improving voting access for voters who find it difficult to get to the polls on a weekday during business hours. H.3647 employs none of the best practices established in other states. Our specific concerns are detailed below.

Because the bill contains only online voter registration and an unacceptable early voting provision, we cannot support it in its current form. We hope that you will consider adding back into the bill the two provisions that the House passed last year—audits of election equipment and pre-registration. These provisions are important reforms that will make voting more secure and will encourage young people to register to vote. The House is already on record supporting them and our conversations with members show they retain widespread support. Not including audits and pre-registration seems to be a retreat from a positive stance the House took last year. With these two provisions plus online voter registration and appropriate changes to the early voting sections of H.3647, we will be enthusiastic supporters. Of course, Election Day Voter Registration is the most impactful reform that could be included in the bill, and we hope that you will consider either adding it to this package or passing it at another time.

Massachusetts trails much of the country in voting modernization laws and we need to catch up. The current bill is an inadequately small step when what we need is a big leap, and we hope that you will work to rectify that before the bill leaves the House.

Post- election audits are a top priority that should be added back into the bill.

Post-election audits ensure that vote counts are accurate and that voting machines are working properly. Twenty-six other states perform post-election audits and California has conducted audits for more than 30 years. This reform is a common-sense business practice that will instill greater voter confidence in the integrity of our elections and can uncover important information about voting machine malfunctions and other voting inaccuracies. Audits can be funded with federal dollars through the Help America Vote Act that have already been allocated to Massachusetts. As Charles Stewart, a voting technology expert at MIT, says: “Post-election audits of voting machines are best-practice among states who are interested in making sure that the machines remain in good shape and that election procedures were followed. Process audits are part of any good business practice, and I’m puzzled why they haven’t been adopted everywhere.”

The current bill provides for a study of audits, which is tantamount to killing it outright.

Pre-registration of 16- and 17-year-olds is another priority that should be added to the bill.

Pre-registration will increase voter participation among young voters, a demographic bloc with historically low voter participation. Based on the experience of other states, pre-registration would result in approximately 21,000 additional voter registrations per year, and increase voter turnout of 18- and 19-year-olds by 5 to 10%. Studies also show this increase in participation endures into adulthood. Pre-registration has been enacted in Alaska, California, Delaware, Florida, Hawaii, Maryland, North Carolina, Oregon and Rhode Island. The program is easy to administer and is not costly. Here in Massachusetts, the current “pending” category for 17-year-olds who will turn 18 by Election Day would need to be reprogrammed. Young people 18-23 only move slightly more frequently than the general population and not as frequently as young adults aged 24-30, who are the most mobile demographic. In any given year, only 14% of young people 18-23 move, and those who go to college often vote in their hometowns. Amongst the general population the mobility percentage is only slightly lower, at 10%.

Early voting fixes are needed.

We all support early voting, but the provisions in the current bill are inadequate. The bill limits communities to providing only one early voting site at city or town hall, or two sites if city or town hall is inaccessible or inconvenient. But why should Boston or Worcester or Springfield, or any community for that matter, be limited to two polling locations? This makes no sense and is inadequate to accommodate any serious early voting activity in our biggest cities. Even more problematically, early voting hours are required to be (and limited to) 9 a.m. to 5. p.m. The whole point of early voting is to give voters more choices, and evening and weekend hours are essential for it to succeed. The bill also makes no provision for very small towns where town offices are not

open from 9-5. For them, the required early voting hours are much more than is necessary and would be burdensome. For our biggest cities, the hours are woefully inadequate.

Additional reforms should be considered.

Other reforms would make a huge difference in voting in Massachusetts. These include:

Election Day Voter Registration— No other reform would be as effective in fixing administrative problems or in increasing voter participation. On average, states with Election Day Registration have turnout rates that are 10-12% higher than the national average. According to a 2009 report, Massachusetts would see approximately a 4.9% increase in turnout if it was enacted here. States that have passed Election Day Registration include: California, Colorado, Connecticut, Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin, Wyoming, and Washington DC.

Reform of inactive voting procedures— Massachusetts is the only state that makes a voter “inactive” after a one-time failure to return a city or town census form, regardless of how often the voter goes to the polls. Inactive voting procedures are confusing, slow down voting, and can wrongly disenfranchise voters.

Permanent (Portable) Voter Registration— Permanent Registration ensures that once voters register in Massachusetts, they remain registered. Voters can move to a new address within the state without having to re-register. Voter registration records are updated using information from the Registry of Motor Vehicles and the US Postal Service as citizens change their address or other information.

Thank you for your consideration. We would appreciate any efforts to strengthen the bill and look forward to working with you to that end. A similar letter was sent to Speaker DeLeo.

Sincerely,

Carol Rose	ACLU of Massachusetts
Pam Wilmot	Common Cause Massachusetts
Anne Borg and Marilyn Peterson	League of Women Voters MA
Shannon Erwin	Massachusetts Immigrant and Refugee Advocacy Coalition
Janet Domenitz	MASSPIRG
Cheryl Crawford	MassVOTE
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