

950 CMR 57.00: VOTER REGISTRATION

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57.01: Purpose

950 CMR 57.00 implements the federal National Voter Registration Act, 52 U.S.C. §§ 20501 *et seq.*, and M.G.L. c. 51. It applies to voter registration for all federal, state, and municipal elections. The purposes of 52 U.S.C. §§ 20501 *et seq.*, M.G.L. c. 51 and 950 CMR 57.00 is to increase the number of eligible citizens who register to vote; to protect the integrity of the electoral process; and to ensure that accurate and current voter registration lists are maintained.

57.02: General Provisions

(1) Definitions. Terms used in 950 CMR 57.00 shall have the meanings provided in M.G.L. c. 50, § 1. In addition:

Acknowledgment Notice means a written notice required by M.G.L. c. 51, § 42H, sent by a registrar to a registrant notifying the registrant of the disposition of the affidavit of voter registration.

Active Voter means a voter whose name and address are in the current annual register of voters.

Agency Form means an affidavit of voter registration that is completed at a registration agency. Such form is designed to provide the applicant with a copy thereof at the time of registration at a registration agency.

Applicant means an individual, either a registrant or pre-registrant, who has completed an affidavit of voter registration.

Confirmation Notice means a notice, required by M.G.L. c. 51, § 37, sent by forwardable mail to a voter who is believed to have changed his residence to another city or town, by the registrars, which is:

- (a) postage prepaid;
- (b) contains a postage prepaid and preaddressed return card;
- (c) instructs the voter to return the card if he or she did not change his or her residence from the city or town; and
- (d) contains additional information about remaining eligible to vote.

Inactive Voter means a voter whose name and address have not been entered in the annual register of voters but is maintained on an inactive voters list.

Mail-in Agency Form means an affidavit of voter registration that may be completed outside of a voter registration agency, contains the voter registration agency's code and is considered to have originated at an agency.

Mail-in Form means an affidavit of voter registration that may be completed outside of a voter registration agency. Mail-in Form includes mail-in agency forms and online mail-in forms.

Online Mail-in Form means an affidavit of voter registration that may be completed as a result of a voter registration transaction that could not be completed through the online application.

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Pre-register means the registration process by which an applicant who has obtained 16 years of age and who possesses all the qualifications to be registered as a voter, except that of age, may complete a voter registration application to be qualified to vote upon obtaining 18 years of age on or before the next election.

Pre-registrant means an applicant who is 16 years of age or older and has pre-registered to vote but will not be eligible to vote until the election after which he or she turns 18 years of age.

Registrant means a person applying to register as a voter in Massachusetts or a registered voter who is submitting an application to make changes to his or her voter registration.

Registration Agency means a location where eligible citizens may register or pre-register as voters including city or town clerk's offices, military recruitment offices, offices of the Registry, all state agencies that provide public assistance or assistance to people with disabilities, offices that provide state-funded programs primarily engaged in providing services to people with disabilities and any other office which the Secretary shall designate by regulation.

(a) Other offices designated as Registration Agencies shall include Armed Services Recruitment Centers; the Elections Division of the Office of the Secretary of the Commonwealth; the Southeastern Division of the Office of the Secretary of the Commonwealth and the Western of the Office of the Secretary of the Commonwealth.

(b) State Agencies that Provide Public Assistance shall include those agencies that administer or provide services under the Supplemental Nutrition Assistance Program (SNAP), Medicaid, Women, Infants, & Children (WIC), Emergency Aid to Elderly, Disabled and Children (EAEDC), the Aid to Families with Dependent Children (AFDC) programs, and the Health Care Connector.

(c) State Agencies that Provide Assistance to People with Disabilities shall include: the Commission for the Blind; the Commission for the Deaf and Hard of Hearing; the Massachusetts Rehabilitation Commission; the Department of Mental Health; the Department of Developmental Services; and offices that primarily provide disability services at public institutions of higher education.

Registry means the Massachusetts Registry of Motor Vehicles.

Secretary means the Secretary of the Commonwealth of Massachusetts.

57.03: Local Implementation and Agency Coordinators

(1) Designation of Coordinators. Each city or town clerk shall designate a person as the local implementation coordinator who shall be a person in the clerk's office responsible for voter registration. Each city or town clerk shall provide the Secretary with the name, address, telephone number and e-mail address of the person so designated. The city or town clerk may designate himself or herself for this purpose. If the designated local implementation coordinator position becomes vacant, the city or town clerk shall designate a new NVRA coordinator within 15 business days.

Each voter registration agency shall designate an NVRA coordinator who shall be a person in the agency who is responsible for voter registration. Each voter registration agency shall provide the Secretary with the name, address, telephone number and e-mail address of the person so designated. If the designated NVRA coordinator position becomes vacant, the voter registration agency shall designate a new NVRA coordinator within 15 business days.

(2) The local implementation and agency coordinators shall be responsible for maintaining sufficient supplies of voter registration materials and providing information relative to the implementation of the NVRA to any person in their Offices about their responsibilities under the NVRA.

57.04: Voter Registration By Mail

(1) Availability of Mail-in Forms.

(a) The Secretary shall prepare blank mail-in affidavits of voter registration and shall supply such mail-in affidavits to all city and town clerks as the Secretary deems necessary. Mail-in affidavits of voter registration shall be available in English and Spanish and such other languages as the Secretary deems necessary.

(b) The Secretary shall, upon request, provide mail-in affidavits of voter registration in quantities he deems sufficient, to nongovernmental and private entities free of charge.

(c) Only mail-in affidavits of voter registration prepared by or with the approval of the Secretary pursuant to 950 CMR 57.04(1)(d) shall be used for any voter registration.

(d) The Secretary shall publish on the internet, in a manner accessible to the public, an affidavit of voter registration in a printable electronic document format. This document shall be a valid affidavit of voter registration under M.G.L. c. 51. The Secretary shall post the electronic document in every language provided for in M.G.L. c. 51, § 36. The electronic affidavit of voter registration shall give applicants the option to enter data directly into the form prior to printing out the affidavit or to print a blank form and manually enter information. The applicant shall personally sign and mail, or deliver personally, or deliver by an authorized person the completed affidavit of voter registration form to the appropriate city elections department or town clerk's office.

(e) National Voter Registration Forms as prescribed by the Election Assistance Commission shall be accepted for purposes of registering to vote in Massachusetts. A National Voter Registration Form shall be accepted on regular paper, provided, however, that the form itself is identical to that as prescribed by the Election Assistance Commission. No National Voter Registration form shall be accepted if it contains any additional verbiage or graphics other than those contained on the official form such as commercial logos, organizational or contact information.

(2) Responsibilities of Applicant.

(a) The applicant shall complete all information on the mail-in affidavit of voter registration, and sign the affidavit. If the applicant is prevented by physical disability from completing or signing the mail-in affidavit, the applicant 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.

(b) The applicant may return the mail-in affidavit of voter registration to the registrars of the city or town where he or she resides:

1. by mail;
2. by personal delivery; or
3. by delivery to a third person who delivers the affidavit of voter registration to the registrars on behalf of the applicant.

(3) Responsibilities of Registrars.

(a) The registrars of voters must accept mail-in affidavits of voter registration from registration agencies, from individuals, and from organizations conducting voter registration.

(b) Upon receipt of a completed mail-in affidavit of voter registration, the registrars shall add the person's name, residential address and effective date of registration to the annual register of voters, except as provided in 950 CMR 57.03(3)(c).

(c) If, after examination of an affidavit of registration, it appears to the registrars that the person has all the qualifications to be registered as a voter except that of age and the person has obtained 16 years of age, then they shall enter the person's name in the current annual register of voters with the designation "pre-registrant" or other term or code as specified by the Secretary. The designation shall be removed when the person becomes eligible to vote in next preliminary, primary, special or general election or town meeting.

(d) If the mail-in affidavit of voter registration is incomplete, the registrars shall 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.

(e) If the mail-in affidavit of voter registration is not signed by the registrant or by a person assisting a registrant, the registrars shall 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.

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(f) If the Massachusetts mail-in affidavit of voter registration or National Voter Registration form is on an unauthorized form, the registrars shall notify the applicant that the form is unacceptable, and send the applicant an original mail-in affidavit.

(g) If, within 20 days after notification by the registrars, the registrant fails to supply the missing information, other than political party or designation, or fails to return a completed original mail-in form, the mail-in affidavit of voter registration shall be rejected, and the registrant shall be notified in writing of the rejection.

(h) If the mail-in affidavit of voter registration for a pre-registrant is incomplete or not signed by the pre-registrant, the registrars shall reject the form and notify the pre-registrant in writing.

(i) If the applicant fails to supply a political party or designation, the applicant shall be registered as "unenrolled."

(j) The registrars shall send an acknowledgment notice to each registrant upon final disposition of a mail-in affidavit of voter registration.

(k) The registrars shall send a notice of receipt to each pre-registrant upon final disposition of the mail-in affidavit of voter registration.

The registrars shall send an acknowledgement notice to each pre-registrant upon the pre-registrant becoming eligible to vote.

(l) If the acknowledgment notice, other than a notice rejecting the affidavit of voter registration, is returned as undeliverable, the registrars shall designate the voter as inactive, send the registrant a confirmation notice, and remove the registrant from the voting list if he or she fails to respond to the confirmation notice and does not either:

1. vote in at least one of the next two biennial state elections following the mailing of such confirmation notice; or
2. take any other action that restores the voter to "active" status, including but not limited to signing a nomination paper or petition at the same address, or voting or attempting to vote at a municipal election, or town meeting.

(m) If the printed name on the mail-in affidavit of voter registration is not identical to the signed name, the voter shall be registered in accordance with the printed name.

(4) Effective Date for Mail-in Registration.

(a) A registrant is deemed to be a registered voter as of the date the completed mail-in affidavit of voter registration is postmarked or on the day that it is hand delivered to the registrars.

A pre-registrant is deemed to be a registered voter as of the date he or she becomes eligible to vote.

(b) Mail-in affidavits of voter registration postmarked before midnight on the last day to register for an election shall be effective for such election.

(c) If a postmark is unclear or illegible, a mail-in affidavit of voter registration received by the registrars no later than five days after the final day to register shall be effective for that election.

(d) If a mail-in affidavit of voter registration is postmarked after the deadline to register for an election, the registrant's name shall be added to the annual register for all subsequent elections and the registrars shall so notify the registrant in the acknowledgment notice.

(e) If a mail-in affidavit of voter registration is missing any information, other than a signature, when received by the registrars, or is on an otherwise unauthorized form, the registrant is deemed to be a registered voter as of the time the mail-in affidavit of voter registration is postmarked or hand delivered to the registrars, provided the registrant supplies the missing information, other than political party or designation, or returns an original mail-in affidavit, within 20 days after notification pursuant to 950 CMR 57.04(3)(f).

(f) If a mail-in affidavit of voter registration is missing a signature, and that signature is supplied by the registrant within 20 days after notification by the registrars pursuant to 950 CMR 57.04(3)(f), the registrant is deemed to be a registered voter as of the date the new mail-in affidavit is postmarked or hand delivered to the registrars.

57.05: Voter Registration at Registration Agencies

950 CMR 57.00 applies to city and town clerk's offices, military recruitment offices, those state agencies that provide public assistance or assistance to people with disabilities and offices that provide state funded programs primarily engaged in providing services to people with disabilities.

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(1) Agency Assistance.

- (a) At each voter registration agency, a form shall be distributed, as prescribed in 52 U.S.C. 205065(a)(6)(B), with each application for service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance. This form shall be called a voter preference form or a declination form.
- (b) During an in person transaction, if the applicant declines to register to vote, the voter preference form shall be signed by the applicant, and retained by the registration agency.
- (c) If the applicant chooses to register to vote, the voter preference form shall be signed by the applicant, and retained by the agency. The applicant shall then be provided with an affidavit of voter registration.
- (d) If the applicant declines to sign the voter preference form during an in person transaction, they must be provided with a mail-in voter registration form.
- (e) Each voter registration agency shall provide the applicant with the same level of assistance in filling out the voter registration form as is provided by the agency in completing its own form, unless the applicant refuses such assistance.
- (f) Each voter registration agency must accept the completed affidavit of voter registration for transmittal pursuant to 950 CMR 57.05(3).
- (g) When a voter registration agency distributes its application for service, recertification, renewal, or change of address form by mail, it shall include in such mailing a mail-in voter registration form, supplied by the Secretary.

(2) Voter Registration Affidavit.

- (a) The Secretary shall prepare blank forms for affidavits of voter registration and shall supply sufficient quantities of such forms to each voter registration agency listed in 950 CMR 57.02.
- (b) The Secretary shall prepare voter registration preference forms and shall supply such forms in quantities requested to each voter registration agency. Agencies should request forms through the NVRA coordinator and allow for at least ten business days to receive them.
- (c) Each registration agency shall use only the affidavit of voter registration form and the voter preference form prescribed or approved by the Secretary. Each agency is encouraged to combine said forms with the agency's own application, renewal, recertification or change of address form, subject to review and approval by the Secretary.
- (d) Every applicant who registers to vote at a registration agency shall be provided with a copy of the completed voter registration affidavit.
- (e) For each in person transaction conducted at an agency, the voter registration agency shall retain an applicant's completed voter preference form. The voter preference form shall not be a public record.

(3) Transmission of Voter Registration Affidavits.

- (a) The voter registration agency shall mail or deliver the original completed affidavit of voter registration to the board of registrars of voters of the city or town where the applicant resides within five days after it is completed by the applicant at the agency.
- (b) The Secretary may, at his or her discretion, accept voter registration applications electronically from voter registration agencies for transmission within five days to the board of registrars of voters of the city or town where the applicant resides. This shall only apply to voter registration applications submitted electronically through an integrated system approved by the Secretary.

(4) Receipt of Agency Voter Registration Affidavit by Registrars.

- (a) The registrars of voters shall accept completed affidavits of voter registration from registration agencies.
- (b) Upon receipt of each completed affidavit of voter registration, the registrars shall add the applicant's name, address, and effective date of registration to the annual register of voters. The registrars shall send an acknowledgment notice to the registrant and a notice of receipt to a pre-registrant.

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(c) If, after examination of an affidavit of registration, it appears to the registrars that the person has all the qualifications to be registered as a voter, except that of age, and the person has obtained 16 years of age, then they shall enter the person's name in the current annual register of voters with the designation "pre-registrant" or other term or code as specified by the Secretary. The designation shall be removed when the person becomes eligible to vote in the next preliminary, primary, special or general election or town meeting.

1. The registrars shall send a notice of receipt to each pre-registrant upon final disposition of the affidavit of voter registration.

2. The registrars shall send an acknowledgement notice to each pre-registrant upon the pre-registrant becoming eligible to vote.

(d) If the affidavit of voter registration is incomplete, or is on an unauthorized form, the registrars shall follow the provisions of 950 CMR 57.04(3).

(e) The registrars may correct information supplied by the applicant to the extent necessary to maintain the integrity of their records.

(f) Subject to 950 CMR 57.05(4)(c), the registrant is deemed to be a registered voter at the time of completion of a signed affidavit of registration at a registration agency. If the registrant submits a mail-in agency form, the registrant is deemed to be a registered voter as of the date of the postmark on the form or on the date on which the mail-in agency form is hand-delivered to the registrars.

A pre-registrant is deemed to be a registered voter as of the date he or she becomes eligible to vote.

57.06: Voter Registration at the Registry of Motor Vehicles(1) Voter Registration Affidavit.

(a) The Secretary shall prepare blank forms for affidavits of voter registration and shall supply sufficient quantities of such forms to the Registry. Said forms shall contain the information and the statements required in 52 USCS § 20504(c)(2).

(b) The Registry shall use the affidavit of voter registration form prescribed by the Secretary; provided however, that the Registry may combine said form with its own application, renewal, or change of address form, subject to review and approval by the Secretary.

(c) Every applicant who registers to vote at the Registry shall be provided with a receipt confirming the completion of a voter registration affidavit.

(d) When the Registry electronically transmits voter registration information, a copy of the applicant's completed voter registration affidavit shall be maintained electronically at the central voter registry, but shall be available for inspection and copying by the registrars of the applicant's city or town or by summons in a legal proceeding.

(2) Registering at the Registry of Motor Vehicles.

(a) Each motor vehicle driver's license application, renewal application, or change of address shall serve as an affidavit of voter registration unless the applicant fails to sign the voter registration portion of the application.

(b) Any change of address form submitted by a registered voter to the Registry shall automatically serve as notification of change of address for voter registration purposes unless the registrant states on the form that the change of address is not for voter registration purposes.

(c) The Registry shall accept the completed voter registration affidavit for transmittal pursuant to 950 CMR 57.06(3).

(3) Transmission of Voter Registration Affidavits.

(a) The Registry shall electronically transmit the completed affidavit of voter registration to the registrars of voters in the applicant's city or town within five days after it is completed by the applicant.

(b) The Registry shall electronically transmit a change of address notification to the registrars of voters of the registrant's former city or town within five days after it is received by the Registry.

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(4) Receipt of Registry Voter Registration Affidavit and Change of Address Notification by Registrars.

- (a) The registrars of voters shall accept completed affidavits of voter registration from the Registry.
- (b) Upon receipt of each completed affidavit of registration, the registrars shall add the registrant's name, address, and effective date of registration to the annual register of voters. The registrars shall send an acknowledgment notice to the registrant.
- (c) If, after examination of an affidavit of registration, it appears to the registrars that the person has all the qualifications to be registered as a voter except that of age and the person has obtained 16 years of age, then they shall enter the person's name in the current annual register of voters with the designation "pre-registrant" or other term or code as specified by the Secretary. The designation shall be removed when the person becomes eligible to vote in the next preliminary, primary, special or general election or town meeting.
 - 1. The registrars shall send a notice of receipt to each pre-registrant upon final disposition of the affidavit of voter registration.
 - 2. The registrars shall send an acknowledgement notice to each pre-registrant upon the pre-registrant becoming eligible to vote.
- (d) If the affidavit of registration is incomplete, the registrars shall follow the provisions of 950 CMR 57.04(3).
- (e) The registrars may correct information supplied by the applicant to the extent necessary to maintain the integrity of their records.
- (f) Subject to the provisions of 950 CMR 57.06(4)(c), the registrant is deemed to be a registered voter at the time of completion of a signed affidavit of registration at the Registry.

A pre-registrant is deemed to be a registered voter as of the date he or she becomes eligible to vote.
- (g) If the registrars receive a change of address notification from the Registry showing that a voter has moved within the same city or town, the registrars shall change the voter's registration address accordingly.
- (h) If the registrars receive a change of address notification from the Registry showing that a voter has moved to another city or town, the registrars shall remove the voter from the voting list.

57.07: Online Voter Registration

Provision 950 CMR 57.07 is the implementation of M.G.L. c. 51, § 33A, which requires the Secretary to create and maintain a secure online portal allowing a person to complete an affidavit of registration online.

(1) Voter Registration Affidavit.

- (a) The Secretary shall prepare a form for affidavit of voter registration that shall be available online. Said form shall contain the information and the statements required in 52 USCS § 20504(c)(2).
- (b) In order to use the online application process, an applicant must consent to use of their signature from the Registry. The registrar of motor vehicles shall make appropriate provisions to facilitate the electronic transfer of the image of the signature to the central voter registry. If the applicant's signature cannot be found using the online affidavit of registration form, the applicant shall be so informed and given the option to print the online mail-in affidavit of registration, append the applicant's signature and mail or hand deliver the signed affidavit directly to the appropriate registrar of voters.
- (c) Every applicant who registers to vote online shall be provided with a confirmation of the submission of their completed voter registration application.
- (d) When the Secretary electronically transmits voter registration information submitted online, the applicant's voter registration information including image of their signature shall be maintained electronically at the central voter registry, but shall be available for inspection by the registrars of the applicant's city or town or by summons in a legal proceeding.

(2) Registering Online at the Registry of Motor Vehicles.

- (a) Each motor vehicle driver's license application, or renewal application, completed online shall provide the applicant with the opportunity to register to vote.

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(b) Any change of address submitted to the Registry online shall automatically serve as notification of change of address for voter registration purposes unless the registrant states that the change of address is not for voter registration purposes.

(c) The Registry shall accept the completed voter registration affidavit for transmittal pursuant to 950 CMR 57.06(3).

(3) Transmission of Voter Registration Affidavits. Voter registration applications and changes of address submitted online through the Registry shall be transmitted electronically by the Registry to the central voter registry within five days. The central voter registry shall thereafter make the electronic record available to the appropriate local registrar for processing.

(4) Receipt of Online Voter Registration Affidavit and Change of Address Notification by Registrars.

(a) The registrars of voters shall accept completed online applications of voter registration from the Secretary.

(b) Upon receipt of each completed application of registration, the registrars shall add the applicant's name, address, and effective date of registration to the annual register of voters. The registrars shall send an acknowledgment notice to the registrant. The registrars shall certify the receipt of each completed affidavit of registration and shall notify the person of the disposition of the affidavit.

(c) If, after examination of an affidavit of registration, it appears to the registrars that the person has all the qualifications to be registered as a voter except that of age and the person has obtained 16 years of age, then they shall enter the person's name in the current annual register of voters with the designation "pre-registrant" or other term or code as specified by the Secretary. The designation shall be removed when the person, becomes eligible to vote in the next preliminary, primary, special or general election or town meeting.

1. The registrars shall send a notice of receipt to each pre-registrant upon final disposition of the affidavit of voter registration.

2. The registrars shall send an acknowledgement notice to each pre-registrant upon the pre-registrant becoming eligible to vote.

(d) If the affidavit of registration is incomplete, the registrars shall follow the provisions of 950 CMR 57.04(3).

(e) The registrars may correct information supplied by the applicant to the extent necessary to maintain the integrity of their records.

(f) Subject to the provisions of 950 CMR 57.06(4)(c), the registrant is deemed to be a registered voter at the time of completion of the online voter registration application.

A pre-registrant is deemed to be a registered voter as of the date he or she becomes eligible to vote.

(g) If the registrars receive a change of address notification from the Registry showing that a registered voter has moved within the same city or town, the registrars shall change the voter's registration address accordingly.

(h) If the registrars receive a change of address notification from the Registry showing that a voter has moved to another city or town, the registrars shall remove the voter from the voting list.

REGULATORY AUTHORITY

950 CMR 57.00: M.G.L. c. 50, § 1; c. 51, § 42H.