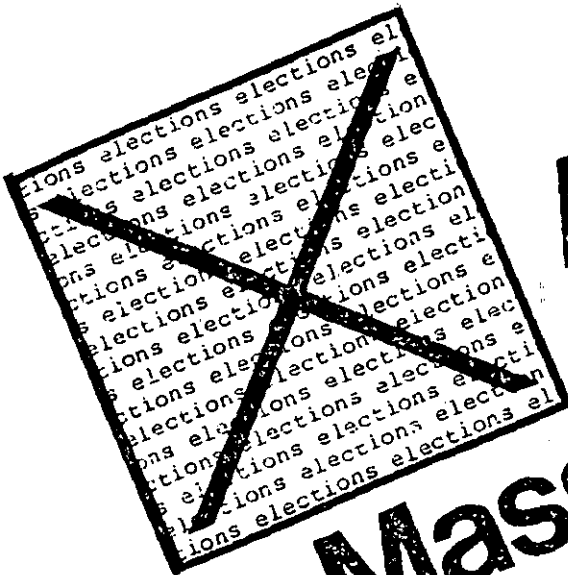


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Access To Voting In Massachusetts

ELECTIONS DIVISION

Department of the State Secretary
 Michael Joseph Connolly, Secretary

Prepared and Published by

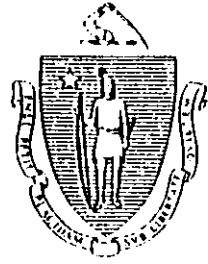
Michael Joseph Connolly
Secretary of State

For further information:

Elections Division
Office of the State Secretary
One Ashburton Place
Boston, Massachusetts 02108

617-727-2828

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Michael Joseph Connolly
Secretary of State

Dear Citizen,

This brochure answers questions Massachusetts voters and election officials frequently ask. The first sections describe who can vote and how to register. The second sections deal with registration questions and problems.

The purpose of this brochure is to increase understanding of registration and voting laws, to encourage uniform procedures, and to assist voters in overcoming obstacles encountered in pursuit of voting rights. The information in this brochure should increase your access to registration and voting and help you participate in the election process.

If you have any further questions, please call the Elections Division:
(617) 727-2828.

A handwritten signature in cursive script that reads "Michael Joseph Connolly".

MICHAEL JOSEPH CONNOLLY
Secretary of State

ACCESS TO VOTING IN MASSACHUSETTS

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Chapter and section numbers cited at the end of paragraphs refer to the Massachusetts General Laws.

ACCESS TO VOTING IN MASSACHUSETTS

WHO CAN VOTE?

In order to vote in any election you must be registered. The only exceptions are federal service personnel and citizens living outside the country voting absentee. (C51 s1, C54 s103C)

WHO CAN REGISTER IN MASSACHUSETTS?

If you are a citizen of the United States, a resident of Massachusetts, and 18 years old on or before election day, you may register to vote in your community. You may not register if you are under guardianship by decree of the probate court or disqualified for having violated the election laws. (C51 ss1, 36; Amend. Arts. III, XL, Ma. Const.)

WHEN AND WHERE TO REGISTER

You may register to vote as soon as you become a resident in a community. There is no waiting period to qualify for registration. If you have a residence in more than one community, you may register to vote in only one of them. You must live in that community at least part of the time and swear under the pains and penalties of perjury that you consider it to be your home.

For example, Jill Doe from Pittsfield is going to college in Boston and living in Cambridge. She may register to vote in either Pittsfield or Cambridge, whichever she considers here home. She may not register in Boston.

HOW TO REGISTER

To register, you must appear before the registrars in your community on any business day during registration hours or whenever special registration sessions are held. You must fill out an affidavit of registration, answering, under the pains and penalties of

perjury, the questions which appear on it. (Some communities may request additional information but the questions listed below are the only ones you are required to answer for registration.) (C51 s36)

Name

Residence

Residence as of January 1 (if different)

Last previous residence in another municipality

Date and place of birth

Citizenship

Occupation

Party enrollment choice (if any)

Registration deadlines allow election officials time to prepare the voting lists prior to each election. To vote in an upcoming election, you must register at least 28 days before a regular state primary or election and 20 days before a city or town election or special state primary or election. Although citizens may register after these deadlines, they will only be qualified to vote in later elections. (C51 s26)

Voter registration is permanent in Massachusetts. You need register again only if you move, change you name or fail to reply to a notice from your community that your name is being removed from the list of eligible voters because you were not included in the annual local street listing. (C51 ss37,38)

SPECIAL REGISTRATION QUESTIONS

How Can I Register Outside the Registrars' Office?

At home A physically disabled person who is unable to register in person may arrange to be registered at home. No later than three days before the registration deadline, a written request for home registration of the disabled person must be received by the registrars. If the registrars are satisfied that the person is truly disabled, two registration officers representing the two political parties must visit him and register him to vote. (C51 s42A)

In the community At least 40 days before a primary or election, ten or more voters of a community may petition the registrars to hold a special registration session in a place other than the registrars' office. In such cases the registrars must arrange for the session in "any factory, mill, school, college, university, hospital, nursing or rest home, or any other place" where people regularly gather because of employment or other principal activity.

The petitioners must either obtain written permission from the tenant or owner if the session is to be held on private property or must make appropriate arrangements with the custodians if the session is on public property. (C51 s42B)

Twenty-five or more unregistered, eligible students may request a session, once a school year, at a public high school or vocational school. Their request should be forwarded to the registrars by their school principal. (C51 s42C)

Outside the community Registrars may hold registration sessions in any regional high school, college or university in any city or town in Massachusetts where people who are entitled to be registered in their communities, regularly work or attend classes. (C51 s42D)

May Anyone Register and Vote After the Registration Deadlines?

Members of the United States Armed Forces or Merchant Marine, their spouses and dependents, and United States citizens temporarily residing outside the territorial limits of the United States who were absent during the registration period may register after the deadlines.

They must register by 4:00 P.M. on the day before the primary or election and must be qualified to register to vote in that city or town. (C51 ss50, 51)

How Do I Re-register If I Move?

a. If you move from one address to another within your community you should register and vote from the new address by submitting your new address in writing to the registrars as soon as possible.

If you do not re-register before the close of registration for an upcoming election held before June 1, you may vote from the address where you were registered as of January 1 of the preceding year. If the election is held after June 1, and you

have not registered at your new address, you may vote from the address where you were registered as of January 1 of the current year. (C51 s3)

b. If you move within Massachusetts from one community to another you must re-register, in person, as soon as possible, to vote in the new community.

If you do not register before the close of registration for an upcoming state primary or election, you may vote in your former community for at least six months after moving. (C51 s1)

How Do I Re-register If I Marry? If you are a married woman and wish to vote under a new name, you must register again, in person, as soon as possible.

You may retain your maiden name on the voting list if you care to do so. If so, it is very important that you also record your maiden name on the local street listing taken every January or February in your community. If you are listed under your husband's last name on the street list and in your maiden name on the voting list, you may be accidentally dropped from the voting list. (C51 s2)

For example: Mary Smith marries Robert Jones. Mary Smith is the name that appears on the list of eligible voters. When the street listing is compiled in January or February, Mary Smith should not identify herself as Mary Jones if she wishes to continue voting under her maiden name.

REGISTRATION PROBLEMS

What Can I Do If My Name Has Been Removed From the Voter List?

Names can be removed from the voter list without notice to the voter only if a death notice or notice of registration in another community has been received. In any other case, before removing your name from the list, the registrars must send you a notice announcing they are planning to drop your name from the list. (C51 ss 14,37,38)

A name is dropped from a voting list in the following manner: A street list of all residents is compiled annually in each city and town. This new street list is then compared to the voting list. If your name has been dropped from the street list, you will be sent a non-forwardable, first-class letter at your last address. This letter announces that your name is going to be removed from the voting list if you do not respond to the notice. If they drop you,

the registrars must give you an opportunity to contest their decision at a hearing (See Appendix.) If you are dissatisfied with the registrars' decision you may file a complaint in the Superior Court (C51 ss4,6,14,27,38).

Sometimes voters' names have been removed from the voting lists in error. If, when you appear to vote at the polls, your name is not on the voting list or a clerical error has been made in the listing, you will require the assistance of the presiding officer at the polls to verify your right to vote.

The presiding officer will try to identify you by contacting the registrars who will check their registration records and prior voting lists. If the presiding officer is satisfied that you are entitled to vote, he will issue and sign a certificate, stating your name, residence and party enrollment, if any. This certificate is attached to the voting list and you are then allowed to vote.

If you cannot be satisfactorily identified by the presiding officer, you may go to the city or town hall and if you are satisfactorily identified, the registrars will issue a certificate to be attached to the voting list. You may then either vote at the clerk's office on an absentee ballot or return to the polls with your certificate and vote there. (C51 s59)

What Can I Do If the Registrars Refuse to Register Me?

You may not be denied registration or be stricken from the annual register without being given the opportunity for a hearing, before the entire Board of Registrars, unless you have registered to vote in another community or the registrars have reason to believe that the facts in your affidavit show that you are not qualified to vote. (C51 ss47,38)

For example, a birthdate indicating you are too young to vote, or an address not listed in that community would be reasons to reject the registration. (C51 ss47,47A)

Also the registrars may decline to register you if the affidavit is incomplete. The registrars must tell you why the affidavit is being rejected and give you a reasonable opportunity to correct the defects or complete the affidavit. (C51 s47)

If the registrars are still not satisfied, you must immediately be notified that the affidavit will not be accepted. (C51 s47)

However, if a single registrar fails to register you, the registrar's actions may be reviewed by the entire Board of Registrars of the city or town. (C51 s33)

Can My Registration Be Challenged?

If, after you are registered, the registrars have probable cause to believe that you have made a false statement in the affidavit, they may prepare a complaint stating their reasons. (C51 s47B)

In addition, any other registered voter who believes that you have been illegally or incorrectly registered may file a sworn complaint, listing reasons with the registrars. Such a filing must be made at least 14 days in a city, or at least 4 days in a town, before a primary, election, or town meeting. (C51 s48)

Are There Penalties for Registration Violations?

Yes, both registrars and individuals are subject to fines and imprisonment for registration violations involving misconduct, fraud, perjury or other illegal behavior. (C56 ss2,5,7,8,9)

Appendix

What Happens at a Board of Registrars' Hearing? The registrars examine each complaint they receive. If they are satisfied that there are sufficient grounds against you for a hearing, they will summon you to appear before them at a certain time and place before the next primary, election or town meeting. (C51 s 48)

The summons must explain the complaint which was made against you and must include a copy of the sections of the Massachusetts General Laws describing the hearing procedure. (C51 ss48,49)

A qualified officer must serve the summons not more than 14, days but at least 2 days before the day named for you to appear. He must either serve it to you personally or leave it at your residence. If the officer cannot determine your current residence, he will serve the summons to your last known address.

In any case, before the day of your hearing, the officer must have presented a written statement to the registrars explaining how the summons was delivered. (C51 s48)

When you appear before the registrars at the hearing, you will be examined under oath. The registrars must receive any evidence that may be offered. All parties may be represented by counsel.

If you fail to appear at the hearing, your name will be removed from the register if the complainant produces enough evidence to show the registrars that you should not be registered.

However, the hearing must be reopened if you appear before the registrars prior to the next election or town meeting and make an acceptable explanation of why you did not appear.

On the other hand, if, at the hearing, the registrars are satisfied that you are properly registered as a qualified voter, they will enter a statement of their findings in the register. If they are satisfied that you are a qualified voter in the city or town, but are illegally or incorrectly registered in a ward or precinct, they will correct the register. (C51 s49)

What If I Am Dissatisfied with the Board of Registrars' Decision? Any aggrieved person may appeal to the courts. It is advisable to seek professional legal assistance first. A brief explanation of court jurisdiction follows:

Superior Court

Most election cases are heard in Superior Court. The Superior Court has jurisdiction over decisions by registrars and other election officials regarding registration and voting rights. That court has the power to order the registrars' decisions changed. (C56 s59)

Election Inquest

In addition, where criminal violations are concerned, such as a registrar's refusal to register a person he knows to be eligible, a district court has the power to order an election inquest on a complaint by any person, and then refer a prosecution to superior court. (C55 ss35-41) (See Penalties, p. 6.)

