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Joint Committee on Election Laws
Sen. Barry Finegold & Rep. John Lawn, Chairs

**SUPPORT FOR S. 396, H. 636, and H. 685
ELECTION DAY REGISTRATION**

Dear Senator Finegold, Representative Lawn, and members of the committee:

The American Civil Liberties Union writes in strong support of Election Day Registration. When qualified voters want to participate in our democratic process, outdated administrative barriers should not stand in the way. It is time to modernize our voting laws to allow qualified voters to register and vote at the polls.

Election Day Registration is the gold standard for voter registration, making elections more accurate, accessible, and easier to administer so that all eligible voters can have their voices heard. It's been passed in 21 other states and has a proven, 40-year history.

Today, too many people are disenfranchised by the Commonwealth's arbitrary 20-day voter cutoff. In an exhaustive 2017 ruling in *Chelsea Collaborative v. Galvin*, a case brought by the ACLU of Massachusetts, Superior Court Judge Wilkins found that the existing 20-day registration takes a heavy toll on the right to vote.¹ The court found that nearly 7,000 eligible Massachusetts voters were disenfranchised during each election in 2008, 2012, and 2016 because they registered to vote after the cutoff. Furthermore, 19.9% percent of Massachusetts residents who did not vote in 2014 identified the registration deadline as the reason why. This works out to approximately 118,000 would-be-voters who did not vote because of the deadline.²

There are many reasons why our voter cutoff law results in disenfranchisement. More and more, Americans frequently move. Unfortunately, our registration deadline does not reflect this reality. Instead, it bars eligible and registered voters from being counted and makes elections difficult to administer by forcing voters with out-of-date addresses to cast provisional ballots. Veterans, active military, senior citizens, and people with disabilities may have particular difficulty meeting existing advance registration deadline.

¹ Findings of Fact, Conclusions of Law, and Order of Judgment, *Chelsea Collaborative, et al. v. William Galvin*, Suffolk Superior Court, No. 16-3354-D (7/24/2017) available at <https://aclum.org/wpcontent/uploads/2016/11/Decision-and-Order.pdf>.

² Despite these findings, the existing voter cutoff law was found to be constitutionally permissible on appeal. Just because it is permissible, however, does not make it good policy. No eligible voter who turns out when the polls are open should be turned away.

Anybody can find themselves on the wrong side of the voter registration deadline, especially people working multiple jobs, people experiencing housing instability, people with disabilities, and people with less reliable transportation. But these factors particularly impact historically disenfranchised groups, perpetuating existing economic and racial inequities in voter participation. Election Day Registration levels the playing field so all qualified voters are able to participate fully in our democracy.

Election Day Registration also improves election administration. It allows people to update their names and addresses on Election Day, makes it easier to maintain up-to-date voter registration rolls, and reduces the administrative work of local election officials who currently spend a significant amount of their time verifying addresses. In several states, election officials have indicated that up to two thirds of voters who benefit from Election Day Registration were already registered but needed to update their information in order to be able to vote, rather than individuals registering for the first time. States with EDR have experienced a sharp decline in cumbersome provisional ballots, have seen no increase in wait time, and have had the fewest problems with voter registration.³

It is time to pass Election Day Registration in Massachusetts. The Commonwealth has a proud history of expanding ballot access. Yet today we face both political and constitutional imperatives to do even more to ensure that all eligible voters who wish to cast a ballot are able to do so. Election Day Registration will fulfill the promise of our state constitution and establish Massachusetts as a bulwark for freedom and democratic values.

We urge you to report these bills favorably out of committee and advocate for the legislature to pass Election Day Registration this session. We would welcome the opportunity to be a resource to the Committee as you consider these important proposals. Thank you.

³ In the Chelsea Collaborative case, the court specifically found that EDR “has been adopted in ways that do not create significant problems with security, fraud, accuracy of assessing voter qualifications, or orderly administration of elections.”