

The VOTES Act

H.805 (Rep. John Lawn) S.459 (Sen. Cindy Creem)

All eligible citizens who want to vote should be able and encouraged to participate. However, barriers to the ballot and unequal voter participation keep us from being a truly representative democracy. The VOTES Act will remove those barriers, strengthen security and trust in our elections, and protect the right to vote.

When we remove barriers, more people participate and we all win. Vote-by-mail, expanded early voting, and a reduced registration deadline allowed a record number of Massachusetts citizens to make their voice heard in our democracy in 2020. With that lesson in mind, this bill is calling for:

- ✓ Vote-by-Mail & Early In-Person Voting
- ✓ Same Day Voter Registration
- ✓ Jail-Based Voting Reforms
- ✓ Risk Limiting Audits
- ✓ Automatic Voter Registration Fix
- ✓ Implement ERIC

MAIL-IN & EARLY VOTING

Elections should be accessible for everyone. Expanded voting options do just that- and in the 2020 elections, helped Massachusetts citizens set record voter participation. This increased access to voting was extremely popular - let's not go backwards.

Key Facts --

- A record 3.7 million votes were cast in Massachusetts 2020 Election. Over half were early or mail ballots.
- 43 States and D.C. have universal vote by mail.
- 45 states made expanded mail voting available in 2020.

SAME DAY REGISTRATION

No eligible voter should be turned away at the polls due to an error in or out- of-date voter registration. Same Day Voter Registration allows all eligible voters to register or update their registration in-person on Election Day.

- SDR is used in 21 states and D.C.
- Maine, Minnesota, Wisconsin, and New Hampshire have used SDR for decades.
- SDR is mostly used by voters who need to update their registration, who would otherwise be excluded from participating on Election Day.

JAIL-BASED VOTING REFORMS

Many incarcerated people are eligible voters who must have meaningful access to the ballot. Massachusetts sheriffs must be responsible for ensuring those citizens serving misdemeanor convictions or held pre-trial who maintain the right to vote can access ballot applications, eligibility information, and materials.

- Every year, 7-9,000 MA residents are held pre-trial or on misdemeanor convictions, and face barriers to voting though they maintain the right to vote.
- At one county jail, 13 out of an estimated 300-400 eligible voters cast a ballot this fall. That's between 3.2-4.2% of eligible voters.
- The absence of reporting requirements for jails and the Department of Corrections hides the exact estimate of the scale of the problem.

RISK LIMITING AUDITS

Risk limiting audits are an efficient, effective, and straightforward way to enhance public confidence in our elections. Massachusetts currently conducts a 3% audit. An RLA would expand the audit when necessary to confirm results, or shorten it if confidence is established before the 3% -- reducing costs and improving trust in our elections.

Key Facts --

- RLA's are the gold-standard reform and significantly better than traditional audits.
- RLA's were used to confirm the 2020 election results in Georgia and Pennsylvania and are now used in Colorado, Virginia, Rhode Island and Washington.



AUTOMATIC VOTER REGISTRATION

In 2018, Governor Baker signed Automatic Voter Registration into law -- specifying that voters must be given the option to opt-out of registering after their AVR transaction. This is what's known as "back-end" AVR, and it is a more effective system of registering voters. However, the Secretary of the Commonwealth ignored the law and implemented a "front-end" system, where voters have the option of opting out at the point of service (like a transaction at the RMV), which encourages voters to opt-out of registering at higher rates. We must fix that and ensure the law is implemented as it was passed.

- Back-end AVR is the gold standard.
- Our research shows that back-end AVR increases voter registration by at least three percentage points more than front-end AVR.
- Like Same Day Registration, AVR mostly updates existing voter registrations. But with front-end AVR, people may reflexively "opt-out" at the point of service if they're frustrated or rushed - for instance, after waiting in line at the RMV.
- Back-end opt-out is more secure than front-end because it places the responsibility confirming voter eligibility on government officials, rather than individuals.

ERIC

The Electronic Registration Information Center (ERIC) will bring Massachusetts voter rolls up-to-date, and make the implementation of all the above reforms easier for election officials. What's more, it was already passed in 2018 - the Secretary of the Commonwealth just needs to implement it.

- ERIC is used in 30 states and Washington, D.C.
- Nationwide, 1 in every 8 voter registrations is inaccurate.
- ERIC communicates between states, ensuring that Massachusetts' voter rolls are updated as voters move to and from the Commonwealth.
- Improving Massachusetts' voter registration system is critical for ensuring that reforms like Same Day Registration work for voters and elections officials alike.

ACLU of MA; Common Cause MA; Lawyers for Civil Rights; League of Women Voters of MA; MassPIRG; MassVOTE; Massachusetts Voter Table; Massachusetts Affordable Housing Alliance, Mass. Assoc. of Community Development Corporations, Worcester Interfaith, MASSCreative, Neighbor to Neighbor Massachusetts, American Federation of Teachers Massachusetts, Jetpac Resource Center, Progressives for Democracy in America, Small Planet Institute, Community Action Works Campaigns, Reclaim Our Democracy, Lift Every Vote, Rosie's Place, La Comunidad, Inc., The Good Governance Project - BC Law, VOTE New Bedford, Indivisible Martha's Vineyard, Edgartown Democratic Town Committee, YWCA Southeastern Massachusetts, Cambodian Mutual Assistance Association, Jewish Alliance for Law and Social Action, Amplify Latinx, Generation Citizen, ForwardMA, Indivisible Mass Coalition, Mass NOW, Unitarian Universalist Mass Action, Indivisible Outer Cape, Progressive Massachusetts, Immigrants' Assistance Center, Inc. (IAC), JCRC, The Real Cost of Prisons Project, Environmental League of Massachusetts, Public Higher Education Network of Massachusetts (PHENOM), Massachusetts Law Reform Institute, Union of Minority Neighborhoods, MASSPIRG Students, ADL New England, Massachusetts Communities Action Network, Coalition for a Better Acre, La Colaborativa, Inc., City Life / Vida Urbana, Coalition for Social Justice, Dudley Street Neighborhood Initiative