



BOSTON CITY COUNCIL

Committee on Government Operations
Ricardo Arroyo, Chair

One City Hall Square ♦ 5th Floor ♦ Boston, MA 02201 ♦ Phone: (617) 635-3040 ♦ Fax: (617) 635-4203

REPORT OF COMMITTEE CHAIR

December 13, 2023

Dear Councilors:

Docket #1721, Petition for a Special Law re: An Act Relative To Voting For All Legal Residents in the City of Boston, was referred to the Committee on November 15, 2023, and sponsored by Councilor Kendra Lara. The Committee held a hearing on December 5, 2023 where public comment was taken and a working session on December 12, 2023.

Summary of Legislation As Filed:

Docket #1721 is a home rule petition that would allow legal residents 18 years of age or older who reside in Boston to vote in elections for local offices and local ballot questions. The proposal defines “local voters” as anyone authorized to vote under this legislation. The proposal gives the election commissioners the authority to promulgate regulations to implement the provisions of this act. For legal residents to qualify to vote under this legislation, the individual must be a legal resident of Boston and the United States; the individual must intend to become a United States citizen in good faith and intend to begin that process. They would remain eligible to vote as long as they remain a legal resident in the City of Boston. The Election Department would be required to maintain a list of these voters and print out a separate ballot for them should a local ballot question appear on a state election ballot. This separate ballot would be printed at the Election Department’s expense. The proposal also requires that the voter registration form include a declaration signed under the pains and penalties of perjury.

Information Gathered at the December 5, 2023 Hearing:

Commissioner Eneida Tavares and Sabino Piemonte, Head Assistant Registrar of Voters, from the Election Department participated. The following individuals also participated: Jessie Carpenter, City Clerk, Tacoma Park, Maryland; Eny Lovo, Lead Coordinator, NUBE East Boston; and, Mirian Albert, Senior Attorney, Lawyers for Civil Rights (LCR). The Chair provided opening remarks and reviewed the provisions of the legislation. Councilor Lara, the lead sponsor, offered comments in support explaining that all residents should have a voice. Attorney Albert explained that immigrants are deeply involved in the City and that LCR supports this proposal for enfranchising this community. City Clerk Carpenter discussed the process in Tacoma Park where legal residents have been voting in local elections for 30 years. The Councilors discussed the process for implementation. The Committee also discussed barriers to becoming citizens. Commissioner Tavares discussed operational challenges because the City uses the State’s database. In order to implement this proposal, the City will need to

have a separate database for these individuals. Commissioner Tavares also stated that there needs to be a way to determine how long an individual is eligible to be an active voter. The Committee heard public comments both in support and against the proposal.

Information Gathered at the December 12, 2023 Working Session:

Commissioner Eneida Tavares participated in the working session. The Chair provided opening remarks and explained that the purpose of the working session is to review the specific language of the docket. The Chair summarized a legal memorandum submitted by LCR that stated that MGL c. 51, section 1 allows local cities and towns to expand the electorate for local elections. The memorandum also reviewed legal obstacles and recent legal challenges and pointed to Vermont as an example where the Superior Court upheld similar legislation.

Commissioner Tavares discussed issues that need to be addressed in the proposal. Commissioner Tavares stated that qualified voters are defined by the Massachusetts Constitution so that individuals voting under this legislation would not be able to be referred to as voters. Commissioner Tavares also explained that the state database, VRIS, cannot be used so there will be no mechanism to track if an individual moves. Commissioner Tavares explained that the election Department will have to maintain two separate systems. Commissioner Tavares stated that anything involving regular voters such as registration deadlines and voting by mail should also be included in this legislation. The committee also discussed allowing the legislature to make changes within the intent of the petition, civic engagement, education, and costs to the City of Boston.

Summary and Language of Amendments:

Based upon information gathered at the hearing and discussion at the working session the docket is amended as follows: changes have been made to allow the legislature to make substantive changes to the act within the meaning of the act's original intent; references to "voters" and "local voters" has been removed and replaced with legal voting age residents in order to avoid conflict with state law and the Massachusetts Constitution; language is added regarding voter registration deadlines and mal in voting procedures; and effective date is amended to one voting cycle after passage.

Rationale and Recommended Action:

The amended language

By the Chair of the Committee on Government Operations, to which the following was referred:

Docket #1721, Petition for a Special Law re: An Act Relative To Voting For All Legal Residents in the City of Boston,

submits a report recommending that this docket ought to pass in a new draft.

For the Chair:



Ricardo Arroyo, Chair

Committee on Government Operations

A handwritten signature in black ink, consisting of a stylized, cursive 'R' followed by a horizontal line extending to the right.