



Will Massachusetts Finally Pass Reforms to Make Voting Easier and More Equal?

Erin O'Brien, University of Massachusetts Boston

Often considered a hotbed of liberalism, the Commonwealth of Massachusetts – surprisingly – ranks near the bottom of the fifty U.S. states when it comes to how easy it is for citizens to cast a ballot. The Justice Department is challenging North Carolina for eliminating same-day voter registration and reducing early voting times. But neither of these reforms known to enlarge and equalize the electorate has ever been instituted in Massachusetts. The Bay State is one of only fifteen states with no form of early voting whatsoever. Residents cannot register to vote online, and absentee voting rules are among the most rigid in the nation.

For years, Democrats have controlled the Massachusetts legislature, giving office holders little incentive to alter the status quo to make voting easier for more people. Now, a potentially game-changing bill including all reforms well-known to enlarge the electorate and ensure accurate elections has passed the state Senate, setting the stage for Massachusetts to leap to the forefront.

Near the Back of the Pack

Massachusetts ranks toward the bottom on ratings of voting laws and rules compiled by nonpartisan think tanks and nonprofits interested in promoting civic inclusion.

- “Rock the Vote” looks to rates of voter registration, ballots cast, and participation by young adults. On registration, Massachusetts ranks 42nd – behind well-known restrictive states like Florida, Georgia, and Mississippi. For young voters, Massachusetts is a dismal 48th.
- The Election Performance Index from the Pew Charitable Trusts synthesizes fifteen indicators of matters such as problems with registration or absentee balloting, the accuracy of voting technologies, and rejected or returned military ballots. In 2008, Massachusetts ranked 35th among the 50 states, and in 2010 it was 34th.

High Voter Turnout Masks Dramatic Inequalities

Defenders of the voting rules status quo often point to the relatively high voter turnout rates in Massachusetts. This indicator refers to the proportion of voting eligible citizens who actually cast ballots. According to the U.S. Elections Project, Massachusetts turnout ranked eighth in the nation in 2012, when a highly contested Senate race occurred, and sixteenth in 2008. Yet Massachusetts is the most educated state and enjoys the fifth highest median income. Because socio-economic status is the best predictor of whether or not people cast ballots, Massachusetts ought to rank at or near the top in voter turnout. That the Commonwealth falls short of its potential can be attributed, in part, to its arcane and cumbersome election procedures – which especially depress turnout in non-presidential years and in special elections (like the one called in early 2010 to pick a replacement for the late Senator Edward Kennedy).

It is also important to keep in mind that **above average overall voter turnout is not synonymous with racially equitable voter turnout**. Although there is controversy over the exact estimate, the gap between white and African-American turnout in Massachusetts rivals or exceeds the gaps in some states of the Deep South. In the recent Supreme Court case that removed Justice Department oversight of voting rules in states that had formal racial barriers as late as the 1960s, Chief Justice Roberts took note of the large Massachusetts racial gap in voting, arguing southern states are no longer more racially discriminatory than others. From the perspective of the voting rights advocates who are now trying to convince Congress to restore Voting Rights protections to some of their former strength, the racial disparities in Massachusetts voting are a significant liability. Racial gaps in this liberal state buoy the conservative claim that, if Massachusetts does not merit federal oversight then neither do Mississippi or Texas.

Ill-advised voting rules are surely contributing to racial voting disparities in Massachusetts. According to the nonpartisan group “Project Vote,” since the 2008 election, African-Americans nationwide have been more likely than whites to make use of early voting, an option denied to citizens of Massachusetts. And restrictive registration rules likely matter even more. As political scientist Elizabeth Rigby and other researchers have demonstrated, same-day voter registration – where voters can register right at the polls before casting their ballots – eases voting for all citizens, yet is especially correlated with increases in voting among low-income citizens, youth, and people of color. This important convenience has been instituted across much of New England, in New Hampshire, Maine, and Connecticut, but not in Massachusetts.

A Window of Opportunity

Partisan bickering and discord between Democrats in the Massachusetts House and Senate have, in the past, prevented final action on bills to enlarge voter access. What is more, previous efforts have been too timid. In 2013, the House passed a bill that would have allowed online voter registration and some early voting – but not for all elections, just in presidential election years. This bill would not have mandated early voting times on weekends and would have required just one early voting site per community, no matter how large the city. Entirely absent from this legislation were crucial steps such as same-day voter registration, absentee voting without a special excuse, and automatic audits to ensure an accurate vote count.

This year, legislative timidity and wheel-spinning could finally come to an end. The new bill passed by the state Senate has the potential to make Massachusetts into a model of full voter access and civic participation. The bill provides for early voting – in all primaries and general elections – over ten business days, plus the Saturday and Sunday before Election Day. It would also institute Election Day registration, online voter registration, and pre-registration for 16 and 17-year-old young people on the verge of being able to vote. Post-election audits are included, and the bill facilitates the automatic updating of voter addresses when people deal with the Department of Motor Vehicles or the U.S. Post Office.

The final push will depend on negotiations between House and Senate leaders. Massachusetts should not miss this opportunity. History remembers those who expand the right to vote, and Bay State lawmakers can act this very year to put their state in the vanguard, no longer dragging up the rear.

This brief was co-authored with Avi Green, Scholars Strategy Network.