

# SUPPLEMENT

## 2022 Ballot Question 4

### Massachusetts INFORMATION FOR VOTERS



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**William Francis Galvin**  
Secretary of the Commonwealth

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## QUESTION 4: Referendum on an Existing Law

# Eligibility for Driver's Licenses

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on May 26, 2022?

### SUMMARY ▶

As required by law, summaries are written by the State Attorney General.

This law allows Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a standard driver's license or learner's permit if they meet all the other qualifications for a standard license or learner's permit, including a road test and insurance, and provide proof of their identity, date of birth, and residency. The law provides that, when processing an application for such a license or learner's permit or motor vehicle registration, the registrar of motor vehicles may not ask about or create a record of the citizenship or immigration status of the applicant, except as otherwise required by law. This law does not allow people who cannot provide proof of lawful presence in the United States to obtain a REAL ID.

To prove identity and date of birth, the law requires an applicant to present at least two documents, one from each of the following categories: (1) a valid unexpired foreign passport or a valid unexpired Consular Identification document; and (2) a valid unexpired driver's license from any United States state or territory, an original or certified copy of a birth certificate, a valid unexpired foreign national identification card, a valid unexpired foreign driver's license, or a marriage certificate or divorce decree issued by any state or territory of the United States. One of the documents presented by an applicant must include a photograph and one must include a date of birth. Any documents not in English must

be accompanied by a certified translation. The registrar may review any documents issued by another country to determine whether they may be used as proof of identity or date of birth.

The law requires that applicants for a driver's license or learner's permit shall attest, under the pains and penalties of perjury, that their license has not been suspended or revoked in any other state, country, or jurisdiction.

The law specifies that information provided by or relating to any applicant or license-holder will not be a public record and shall not be disclosed, except as required by federal law or as authorized by Attorney General regulations, and except for purposes of motor vehicle insurance.

The law directs the registrar of motor vehicles to make regulations regarding the documents required of United States citizens and others who provide proof of lawful presence with their license application.

The law also requires the registrar and the Secretary of the Commonwealth to establish procedures and regulations to ensure that an applicant for a standard driver's license or learner's permit who does not provide proof of lawful presence will not be automatically registered to vote.

The law takes effect on July 1, 2023.

### WHAT YOUR VOTE WILL DO ▶

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

**A YES VOTE** would keep in place the law, which would allow Massachusetts residents who cannot provide proof of lawful presence in the United States to obtain a driver's license or permit if they meet the other requirements for doing so.

**A NO VOTE** would repeal this law.

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### ARGUMENTS ►

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. **The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments.** The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

**IN FAVOR:** A YES vote will keep in place a law that allows all drivers in Massachusetts to be properly vetted for licenses (by providing proof of identity, date of birth, and residency), pass required tests and buy insurance, regardless of immigration status.

A YES vote means safer roads and better tools for law enforcement to do their jobs. In 17 states with similar laws, passage led to declines in uninsured drivers and hit-and-run crashes. That's why this measure is endorsed by over 60 law enforcement officials statewide—including most sheriffs, district attorneys, and all 42 police chiefs in the Massachusetts Major Cities Chief of Police Association.

Voting YES helps families and workers by ensuring they can drive legally to school and work. It makes sense for all of us.

That is what Massachusetts law provides and a YES vote will keep in place.

**Franklin Soultz**  
**Yes on 4 for Safer Roads**  
**P.O. Box 15 Readville, MA 02137**  
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**AGAINST:** In his veto message of this bill, Governor Charlie Baker made it known that the Registry of Motor Vehicles does not have the capability or expertise necessary to verify documents from other countries and notes that, if this bill becomes law, Massachusetts drivers' licenses will no longer confirm that a person is who they say they are.

Additionally, Governor Baker states the bill specifically restricts the Registry's ability to share citizenship information with entities responsible for ensuring only citizens register to vote and vote in our elections, significantly increasing the likelihood that noncitizens will register to vote.

This bill is patently unfair to those who have taken the time to immigrate to our great country via legal means and significantly diminishes the public safety of all residents of the Commonwealth.

We urge a no vote on this issue.

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### FULL TEXT OF EXISTING LAW

SECTION 1. Section 8 of chapter 90 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out, in lines 275 to 277, inclusive, the words "No license of any type may be issued to any person who does not have lawful presence in the United States." and inserting in place thereof the following words:- An applicant for a license under this section who does not provide proof of lawful presence, including an applicant who is ineligible for a social security number, shall be eligible for a Massachusetts license to operate a motor vehicle if the applicant meets all other qualifications for licensure and provides satisfactory proof to the registrar of their identity, date of birth and Massachusetts residency. When processing an application for a Massachusetts license pursuant to this section or a learner's permit pursuant to section 8B, the registrar shall not inquire about or create a record of an applicant's citizenship or immigration status except as may be required under title 52 of the United States Code or chapter 51 of the General Laws. When processing an application for registration of a motor vehicle, or a renewal thereof, submitted by an applicant who holds a Massachusetts license the registrar shall not inquire about or create a record of an applicant's citizenship or immigration status.

SECTION 2. Said section 8 of said chapter 90, as so

appearing, is hereby further amended by striking out, in lines 278 to 279, inclusive, the words "or a Massachusetts license".

SECTION 3. Said section 8 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "a", in line 287, the following words:- REAL ID-compliant.

SECTION 4. Said section 8 of said chapter 90, as so appearing, is hereby further amended by inserting after the word "temporary.", in line 295, the following words:- If, at the expiration of the term of a REAL ID-compliant license, the licensee does not provide proof of lawful presence, the licensee shall remain eligible to apply for a Massachusetts license.

SECTION 5. Said section 8 of said chapter 90, as so appearing, is hereby further amended by adding the following 3 paragraphs:-

If an applicant for a license under this section or an applicant for a learner's permit under section 8B does not provide proof of lawful presence, the applicant shall submit to the registrar and the registrar shall accept as proof of their identity and date of birth 2 documents. One document shall be: (1) a valid unexpired foreign passport;

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### FULL TEXT OF EXISTING LAW (continued)

or (2) a valid unexpired Consular Identification document. The other document shall be: (1) a valid unexpired driver's license from any United States state or territory; (2) an original or certified copy of a birth certificate; (3) a valid unexpired foreign national identification card; (4) a valid unexpired foreign driver's license; or (5) a marriage certificate or divorce decree issued by any state or territory of the United States. One document submitted as proof of an applicant's identity pursuant to this paragraph shall include a photograph and one document submitted as proof of an applicant's identity pursuant to this paragraph shall include a date of birth. Any documents submitted as proof of an applicant's identity pursuant to this paragraph that are in any language other than English shall be accompanied by a certified translation translating the document to English.

In addition to the powers and authority conferred upon the registrar pursuant to section 10 with respect to standards of fitness for operation of a motor vehicle, the registrar may conduct a review of any documents issued by another country that are submitted by an applicant for a license under this section or an applicant for a learner's permit under section 8B who does not provide proof of lawful presence, including those who are ineligible for a social security number, to determine whether reasonable cause exists to exclude the document as proof of identity or date of birth.

Each applicant for a license under this section or learner's permit under section 8B shall attest, under the pains and penalties of perjury, that their license or right to operate has not been suspended or revoked in another state, country or jurisdiction.

SECTION 6. Section 8B of said chapter 90, as so appearing, is hereby amended by striking out, in lines 42 to 44, inclusive, the words “, except that no permit shall be issued to an applicant for a period of time longer than the registrar determines the applicant is legally authorized to remain in the United States”.

SECTION 7. (a) Notwithstanding any general or special law to the contrary, any information provided by or relating to an applicant for a Massachusetts license under section 8 of chapter 90 of the General Laws or a learner's permit under section 8B of said chapter 90, including failure to provide proof of lawful presence as defined in section 1 of said chapter 90, including, but not limited to, personally identifying information and communications between the applicant and the registrar of motor vehicles pursuant to said sections 8 or 8B of said chapter 90, shall neither be a public record nor be disclosed by the registrar, except as required by federal law or as authorized by regulations promulgated by the attorney general; provided, however,

that information maintained by the motor vehicle insurance merit rating board pursuant to section 57A of chapter 6C of the General Laws may be disseminated for motor vehicle insurance purposes; and provided further, that any information disseminated for motor vehicle insurance purposes shall remain confidential and be used solely for the purpose of motor vehicle insurance.

(b) Notwithstanding any general or special law to the contrary, any information provided by or relating to the holder of a Massachusetts license issued under said section 8 of said chapter 90 or the holder of a learner's permit issued under said section 8B of said chapter 90, including failure to provide proof of lawful presence as defined in said section 1 of said chapter 90, including, but not limited to, personally identifying information and communications between the holder and the registrar of motor vehicles pursuant to said sections 8 or 8B of said chapter 90, shall neither be a public record nor be disclosed by the registrar, except as required by federal law or as authorized by regulations promulgated by the attorney general; provided, however, that information maintained by the motor vehicle insurance merit rating board pursuant to said section 57A of said chapter 6C may be disseminated for motor vehicle insurance purposes; and provided further, that any information disseminated for motor vehicle insurance purposes shall remain confidential and be used solely for the purpose of motor vehicle insurance.

SECTION 8. Notwithstanding any general or special law to the contrary, the registrar of motor vehicles shall promulgate rules and regulations regarding proof of identity, date of birth and Massachusetts residency applicable to United States citizens and other persons who provide proof of lawful presence as defined in section 1 of chapter 90 of the General Laws who elect to apply for a Massachusetts license pursuant to section 8 of said chapter 90.

SECTION 9. Notwithstanding any general or special law to the contrary, the registrar of motor vehicles, in consultation with the state secretary, shall establish procedures, and may promulgate regulations, to ensure that an applicant for a Massachusetts license pursuant to section 8 of chapter 90 of the General Laws or a learner's permit pursuant to section 8B of said chapter 90 who does not provide proof of lawful presence as defined in section 1 of said chapter 90 shall not be automatically registered to vote pursuant to the National Voter Registration Act of 1993, as codified in 52 U.S.C. chapter 205, or any general or special law.

SECTION 10. This act shall take effect on July 1, 2023.